

## CHAPTER 1160

### TITLE, PURPOSE, INTERPRETATION, & JURISDICTION

<b>1160.01</b>	<b>Title, Citation, and Reference</b>	<b>1160.03</b>	<b>Applicability</b>
<b>1160.02</b>	<b>Purpose</b>	<b>1160.04</b>	<b>Interpretation &amp; Conflicts</b>
		<b>1160.05</b>	<b>Separability</b>

---

#### **1160.01 TITLE, CITATION, AND REFERENCE**

This Zoning Code shall be known and cited as the Zoning Code of the Village of Lisbon, Ohio. Within this document, it shall also be known and cited as the Code or the Zoning Code.

#### **1160.02 PURPOSE**

This Zoning Code is adopted for the following purposes:

- (a) Protecting and promoting public health, safety, and general welfare;
- (b) Conserving property values;
- (c) Facilitating the economical provision of water, sewers, schools, and other public requirements;
- (d) Lessening or avoiding congestion on public streets and highways;
- (e) Protecting and enhancing of the attractiveness of the Village for residents, tourists, and visitors;
- (f) Serving to support economic development to strengthen the Village and its residents;
- (g) Create development standards for signs, landscaping, parking and lighting that reflect and enhance the Village's commercial corridors and Historic Downtown and promote, protect and buffer adjacent land uses, as necessary; and
- (h) Advance projects through the review process efficiently and effectively without compromising the quality of life in the community.

#### **1160.03 APPLICABILITY**

- (a) The regulations set forth in this Code shall be applicable to all buildings, structures, uses, and lands owned or controlled by any individual, organization, political subdivisions, district, taxing unit, or bond-issuing authority located within the jurisdiction boundaries, and any additional lands under future zoning or subdivision plans for the jurisdiction.
- (b) Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of the Ohio Revised Code (ORC).

#### **1160.04 INTERPRETATION & CONFLICTS**

- (a) The provisions of this Code shall be held as the minimum requirements, adopted for the promotion of public health, safety, and general welfare. It is not intended that the Code

shall repeal, annul, or interfere with any easements, covenants, or other agreements between parties, unless they violate this Code.

- (b) When a provision of this Code conflicts with any other lawfully adopted rules, regulations, ordinances, or Ordinances, the most restrictive, or that imposing the higher standards, shall apply.

#### **1160.05 SEPARABILITY**

The invalidation of any clause, sentence, paragraph, or section of this Code by a court of competent jurisdiction shall not affect the validity of the remainder of this Code either in whole or in part.

*This area is intentionally left blank*

**CHAPTER 1162**  
**DEFINITIONS**

<b>1162.01</b>	<b>Interpretation</b>	<b>1162.02</b>	<b>Definitions</b>
----------------	-----------------------	----------------	--------------------

---

**1162.01**      **INTERPRETATION**

For the purpose of this Code, certain terms and words are to be defined as found in this Chapter. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include the plural, and the plural shall include the singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied.”

Terms related to specific Chapters or sections may be defined within the specific portions of the Ordinance where these general requirements are found.

**1162.02**      **DEFINITIONS**

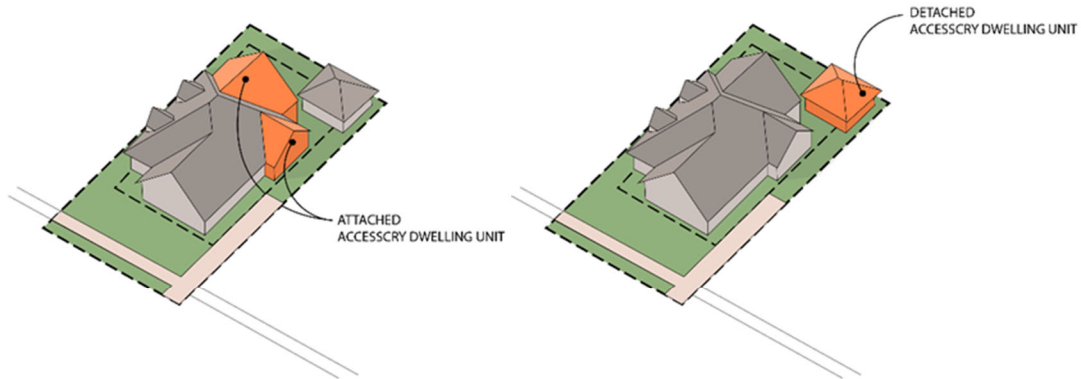
**ACCESS POINT** – The connecting area of a lot where a vehicle gains egress and ingress from a driveway to a public roadway.

**ACCESSORY DWELLING UNIT (ADU)** – A smaller, secondary Dwelling Unit on the same lot or within a primary Dwelling Unit. An ADU is an independent Dwelling Unit that provides for the basic requirements of shelter, heating, cooking, and sanitation.

**ADU, ACCESSORY SUITE** – An ADU that is adjacent and connected to or located completely within the primary dwelling unit, including, but not limited to, the basement, attic, attached garages, or an addition to the primary structure.

**ADU, DETACHED** – An ADU located in a structure that is detached from the primary dwelling unit, including, but not limited to, a detached garage or a newly constructed structure.

*This area is intentionally left blank*



**ACCESSORY STRUCTURE, OR USE** – A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, hot tubs, and other similar type buildings. This definition does not include gardens, patios, uncovered porches, and decks that are less than three-and-one-half (3.5) feet above the average finished Grade. Private swimming pools are regulated by Section 1186.16.

**ACCESS ROAD** – A minor Street parallel to a thoroughfare to afford abutting property owners access to the thoroughfare at limited points.

**ACRE, GROSS** – The total acreage of a property or parcel.

**ACRE, NET** – The total acreage of a property or parcel minus any wetlands, water bodies, public parks, open spaces, roads, or other public rights-of-way.

**ADULT BOOKSTORE** – A commercial establishment where at least fifty-one percent (51%) of its interior floor area or retail merchandise is devoted to the sale, rent, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, other periodicals or digital presentations whose dominant theme is the actual or simulated Specified Sexual Activities, display, or exhibition of specified anatomical areas, removal of articles of clothing, or total nudity.

**ADULT CABARET** – A restaurant, coffee house, bar, or cabaret that features dancers, strippers, impersonators, or similar entertainers who provide live adult entertainment for commercial purposes.

**ADULT ENTERTAINMENT BUSINESS** – Any adult bookstore, adult cabaret, or adult motion picture theater.

**ADULT ENTERTAINMENT** – Any motion picture, live performance, display, or dance of any type whose dominant theme is actual or simulated Specified Sexual Activities, display or exhibition of anatomical areas, removal of articles of clothing, or total nudity offered for commercial purposes.

**ADULT MOTION PICTURE THEATER** – A movie theater used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

**ADVANCED MANUFACTURING** – A use that involves computer technology, robotics, or other innovation to improve a product or process.

**AGRICULTURE** – The use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- (a) Maintenance and operation of commercial greenhouses or hydroponic farms;
- (b) Wholesale or retail sales as an accessory use, unless specifically permitted in a specific zoning District;
- (c) Feeding, grazing, or sheltering of animals in pens or confined areas within 200 feet of any residential use;
- (d) The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feedlot; and
- (e) Raising fur-bearing animals as a principal use.

**AGRICULTURAL BUILDING** – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick-up or delivery of agricultural produce or products grown or raised on the premises.

**AGRICULTURAL ENTERTAINMENT (AGRITOURISM)** – An enterprise at a working farm, ranch, or agricultural plant conducted for the enjoyment of visitors that generates income for the owner. Agritourism refers to the act of visiting a working farm or any agricultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or

operation that also adds to the economic viability of the site. Agritourism may include country-themed stores for the sale of goods and souvenirs, dining, tours (self-guided or guided), wagon rides, trail rides, corn mazes, pick yourself operations, classes (gardening, cooking, crafts, etc.), fishing, bed and breakfast, in addition to guests partaking in other farm activities.

**AGRICULTURAL RELATED BUSINESS** – Feed mills, dairy supplies, poultry processing, creameries, auction yards (for livestock, farm implements, and other farm-related goods; this does not include commercial auction yards for automobiles, furniture, antiques, and other non-agricultural goods), veterinarians, and other businesses supporting local Agriculture.

**AIRPORT** – The Columbiana County Airport, including any complex of runways and buildings for the takeoff, landing, and maintenance of civil aircraft that is approved and/or properly licensed by the Federal Aviation Authority or applicable agency.

**ALLEY** – A secondary access way that is a public right-of-way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

**ALTERATION** – Any change or rearrangement in the supporting members of an existing structure; enlargement, addition, relocation, repair, remodeling; change in the number of living units; development of or change in an open area; development of or change in a sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for signs; ordinary maintenance for which no building permit is required; and demolition or removal.

**ANIMAL SERVICE FACILITY** – A facility devoted to the medical care and treatment of small animals, including household pets, but does not allow for the overnight stay of animals and pets unless deemed necessary by a licensed veterinarian. Animal care facilities may also include animal grooming establishments.

**APPEAL** – A request by an aggrieved party for a review of any adverse decision by the Zoning Inspector, Board of Zoning Appeals, or Planning Commission.

**ARCHEOLOGY** – The scientific study of material remains (such as tools, pottery, jewelry, stone walls, and monuments) of past human life and activities.

**ARCHITECTURAL AND HISTORIC BOARD OF REVIEW** – The municipal entity that is established by the Village Council and has the authorities listed in Sections 1164.07-08.

**AREA OF SPECIAL FLOOD HAZARD** – The land in the Flood plain adopted by the Village of Lisbon, including that identified by the Federal Emergency Management Agency (FEMA), which is subject to a one percent (1%) or greater chance of Flooding in any given year.

**ASSISTED LIVING FACILITY** – A residential facility designed to meet housing and care needs of older persons and individuals with disabilities in a residential rather than institutional environment, while maximizing independence, choice, and privacy. Assisted living programs provide personal care for persons with needs for assistance in the activities of daily living and can respond to unscheduled needs for assistance. Services typically provided include meals, housekeeping, laundry and linen service, medication monitoring, transportation, and activities. Assisted living settings also typically provide features that enhance resident autonomy, such as lockable doors, full bathrooms, temperature control, and single occupancy, and may provide limited cooking facilities in individual units. Assisted Living Centers exclude nursing homes and other special housing facilities as elsewhere defined.

**AUTOMOBILE-ORIENTED USE** – A use that includes services rendered directly on, to, or for vehicles or where the patron does not exit the vehicle. Such uses include but are not limited to car washes (all types), gas stations (including convenience market), Automobile Oil Changing Facilities, Automobile Oil Changing Facilities, and other similar auto service facilities. The sale of vehicles (new and used) is not included in this definition. Any facility that provides a fixed parcel pick-up location is not included within this definition. It also does not include Drive-Thrus or Pick-Up Banking Windows.

**AUTOMOBILE OIL CHANGING FACILITY** – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services being provided to the vehicle.

**AUTOMOBILE REPAIR** – Any building or portion of a building used for the servicing and minor repair of automobiles, including, but not limited to, the installation of exhaust systems, repair of the electrical system, transmission repair, brake repair, radiator repair, and tire repair.

**AVERAGE DAILY TRAFFIC, OR “ADT”** – The average number of motor vehicles per day that pass over a given point in a street or thoroughfare.

**AWNING** – A hood or cover that projects from the wall of a building and which can be retracted, folded, or collapsed against the face of the supporting building.

**AQUIFER** – An underground area with a large concentration of groundwater. Most often, Aquifers are found in underground areas of porous rock or sand. Many rural well systems draw from Aquifers. For planning purposes, an Aquifer is often evaluated on its recharging rate and cleanliness.

**BAKERY, COMMERCIAL** – A business operation specializing in the large-scale production of pastry confections to be sold primarily at other local business establishments, such as restaurants, retailers, and food service companies, instead of selling directly to the consumer.

**BAKERY, RETAIL** – A business establishment specializing in the retail production and sale of pastry confections to be sold primarily on-site.

**BANK** – A financial institution licensed to receive deposits and make loans. Such use may also include financial services including, but not limited to, wealth management, currency exchange, and safe deposit boxes.

**BASE FLOOD** – A Flood having a one percent (1%) chance of being equaled or exceeded in any given year. The Base Flood may also be referred to as the 100-year Flood.

**BASEMENT** – The portion of a building where the floor is not less than two (2) feet below and the ceiling is not more than four-and-a-half (4.5) feet, above the average Grade.

**BED AND BREAKFAST** – A residential use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

**BEVERAGE SALES, ALCOHOLIC** – A facility that is primarily devoted to the serving of alcoholic beverages. Food can be served but is incidental to the sale of beverages. Also known as a bar, pub, or tavern.

**BEVERAGE PRODUCTION, LARGE** – A facility focused on the large-scale production of beer, cider, and/or spirits, brewing or distilling and primarily selling for regional distribution. Also known as a brewery.

**BEVERAGE PRODUCTION, SMALL** – A facility focused on the production of beer, cider, and/or spirits, brewing, distilling, or producing specialty beers or spirits and primarily selling them on-site or for local distribution. The facility may also offer food. Also known as a microbrewery.

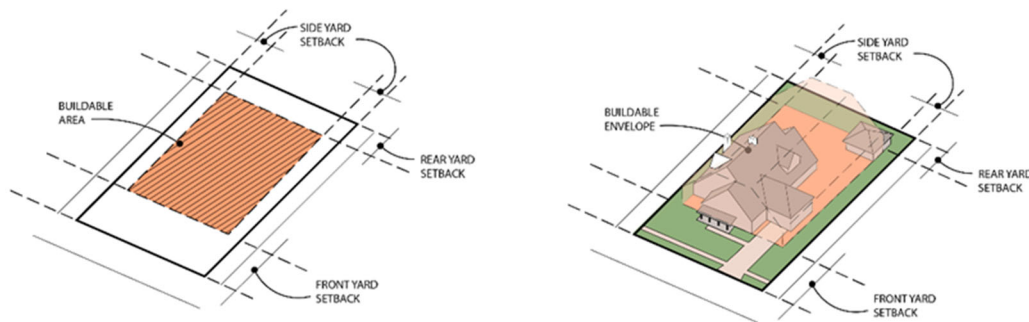
**BIO-TECHNOLOGY FACILITY** – A facility designed to manipulate living organisms or their components to produce useful, common commercial products such as, but not limited to, pest resistant crops, new bacterial strains, and novel pharmaceuticals. This type of use is typically fully enclosed by four solid walls and a roof.

**BOARD OF ZONING APPEALS** – The municipal entity that is established by the Village Council and has the authorities listed in Sections 1164.03-04.

**BODY ART ESTABLISHMENT** – A building or portion of a building in which a practitioner performs body piercing, tattooing, branding, or application of permanent cosmetics and typically considered a small business retail use.

**BUILDING** – A combination of materials to form a safe and stable construction adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

**BUILDING ENVELOPE** – A term to describe the area of a lot that is demarcated within the Front, Side, and Rear Setback Lines.



**BUILDING LINE** – A line parallel to the right-of-way line and at a distance there from equal to the required depth of the front setback (as determined by the applicable zoning district) and extending across the full width of the lot.

**BURIAL** – The act of placing a deceased human or animal or their remains in a final resting place such as a cemetery, mausoleum, or columbaria.

**BUSINESS** – Any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

**BUSINESS, RETAIL** – A use primarily engaged in the selling of merchandise including, but not limited to, clothes, food, furniture, guns, household goods, gifts, specialty items, and other similar goods, and the rendering of services that are incidental to the sale of the goods.

**BUSINESS, LARGE RETAIL** – A Retail or Wholesale business that is up to 20,000 square feet or larger.

**BUSINESS, MEDIUM RETAIL** – A Retail or Wholesale business that is up to 20,000 feet in area.

**BUSINESS, SMALL RETAIL** – A Retail or Wholesale business that is less than 5,000 +square feet in area and typically services nearby neighborhoods.

**BUSINESS, WHOLESALE** – A use that generally sells commodities in large quantities or by single items to the general public, business members, retailers, or other wholesale establishments.

**CANNABIS STORES, MEDICAL** – A business that is licensed under the state laws of Ohio to sell cannabis and marijuana products for medical purposes.

**CANNABIS STORES, RECREATIONAL** – A business that is licensed under the state laws of Ohio to sell cannabis and marijuana products for recreational purposes.

**CAMPGROUND** – Any tract of land upon which two or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such camp. A tract of land that is subdivided for lease or other contract of the individual lots is a campground if two or more portable camping units are placed thereon for temporary habitation. “Campground” does not include any tract of land used solely for the storage or display for the sale of portable camping units.

**CEMETERY** – Land used for or intended to be used for the outside burial of human or animal remains and dedicated for said cemetery purposes, including columbaria, mausoleums, and funeral service facilities if operated in connection with and within the boundaries of the cemetery.

**CERTIFICATE OF ZONING COMPLIANCE** – A certificate issued by the Zoning Inspector confirming that the requirements of this Code have been met and the building can be occupied.

**CHICKEN** – The species of fowl commonly known as domesticated fowl, typically kept for its eggs or meat and referred to as *gallus domesticus*. “Chicken” does not include roosters or cockerels that crow.

**COLOCATION** – The use of a telecommunication tower by more than one (1) telecommunications provider.

**COLUMBARIUM** – A building, or part thereof, used as a holding place for cremated remains.

**COMMUNITY GARDEN** – An area for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family, generally organized and managed by a public or not-for-profit organization.

**COMMENCEMENT OF WORK** – The time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the zoning permit.

**COMMERCIAL RECREATIONAL FACILITY, LARGE** – A facility that is full enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user in a sport -related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Large Commercial Recreational Facilities are greater than 5,000 square feet.

**COMMERCIAL RECREATIONAL FACILITY, OUTDOOR** – A facility that is not fully enclosed by four solid walls for the provision of athletic and amusement facilities involving the active participation of the user in a sports-related activity and includes but is not limited to fields for soccer fields, football, baseball, lacrosse or other related sports, racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades.

**COMMERCIAL RECREATIONAL FACILITY, SMALL** – A facility that is fully enclosed by four solid walls and a roof for the provision of athletic and amusement facilities involving the active participation of the user in a sport -related activity and includes but is not limited to racquet courts, billiards, bowling alleys, ax throwing, miniature golf courses and arcades. Small Commercial Recreational Facilities are smaller than 5,000 square feet.

**COMMUNICATION FACILITIES** – A lot or an area of a lot that includes a telecommunication tower, radio tower, or other similar communication tools, including any associated appurtenances.

**COMMUNITY SERVICES** – Institutional uses that include but are not limited to community centers, museums, galleries, libraries, and other similar facilities.

**CONDOMINIUM** – A building in which each individual unit is held in separate private ownership, and all floor space, facilities, and outdoor areas used in common by all tenants are owned, administered, and maintained by a corporation created pursuant to the provisions of the appropriate statute.

**CONDITIONAL USE(S)** – A desirable use within a Zoning District that may more intensely affect the surrounding area than would a permitted use in said District. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

**CONNECTIVITY** – The idea of connections or thoroughways between examples of the same use, such as connecting parks, trails, landscaping buffers, etc.

**CONTRACTOR OFFICE** – A facility or area for the storage of materials, equipment, and commercial vehicles utilized by building and construction contractors, craftsmen, and tradesmen, and may include accessory offices related to such activities.

**CONVICT PRE-RELEASE CENTERS/CORRECTIONAL COMMUNITY** – Secure facilities designed to facilitate an individual’s transition back into the community from prison.

**COUNTY** – Columbiana County, Ohio.

**COUNTY ENGINEER** – The Professional Engineer who is employed by the County and authorized by the County to act within the specifications of this Code.

**CREMATORIUM** – A building [or part thereof] used for cremating human remains.

**DATA PROCESSING CENTER** – A facility that houses computer systems and associated data and is focused on the mass storage of data.

**DAY-CARE CENTER** – Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator. In counting children for purposes of this Code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

**DAY-CARE HOME, FAMILY LARGE** – A permanent residence of the administrator in which childcare or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. “Type A Family Day-Care Home” and “Type A home” do not include any child day camp (ORC Section 5104.01(RR)). This definition does not include a residence in which the needs of children are administered to if all the children whose needs are

being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

**DAY-CARE HOME, FAMILY SMALL** – A permanent residence of the provider in which childcare is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. “Type B Family Day-Care Home” and “Type B home” do not include any child day camp (ORC Section 5104.01(SS)). This definition does not include a residence in which the needs of children are administered to if all the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

**DEATH CARE** – The industry of caring for human and animal deceased through funeral services, burial, and their associated land uses.

**DENSITY, GROSS** – The number of dwelling units permitted to be developed on a gross acre of land.

**DENSITY, NET** – The number of dwelling units permitted to be developed on a net acre of land.

**DEVELOPMENT** – Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving excavations, drilling operations, or storage of equipment or materials located within the area of special Flood hazard.

**DRIVEWAY (ACCESS POINT)** – A private drive giving access from a public way to a detached single-family dwelling on abutting ground or to a group of multifamily, commercial, or industrial Buildings, which is not dedicated to the Village and for the maintenance of which the Village shall not be responsible.

**DRIVE-THRU** – A use where a patron places an order on site or in advance and waits for a product to be prepared without the need to exit his/her vehicle. Such uses include but are not limited to drive-through or drive-in restaurants with ordering areas, drive-in movie theaters. A drive-through facility does not include any vehicle repair facility, gas station, fixed parcel pick up, and pick up banking window.

**DWELLING, DUPLEX** – A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

**DWELLING, MULTI-UNIT** – A building designed or used primarily as a residence with four (4) or more dwellings units.

**DWELLING, ONE UNIT** – A building designed exclusively for one detached Dwelling Unit that is situated on a parcel with no other principal structures and having a Front, Side, and Rear Yard.

**DWELLING, TRI-PLEX** – A building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

**DWELLING UNIT** – Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking, and eating, which is designed or used for residential purposes. This definition does not include a cabin, hotel, or motel.

**DWELLING UNIT, ACCESSORY** – See Accessory Dwelling Unit.

**DWELLING UNIT, ONE BEDROOM UNIT** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains only one bedroom.

**DWELLING UNIT, STUDIO** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that combines several different types of rooms, such as living room, bedroom and kitchen, into a single room.

**DWELLING UNIT, THREE BEDROOM UNIT** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains three bedrooms.

**DWELLING UNIT, TWO BEDROOM UNIT** – A Dwelling Unit that is contained within a Multi-Unit Dwelling or Mixed-Use Building as defined herein that contains two bedrooms.

**EARLY CHILDHOOD LEARNING CENTER** – An education establishment that provides learning space to children prior to beginning their compulsory education. This facility may also provide for the extended care of infants and young children.

**ELDERLY/RETIREMENT HOUSING** – A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

**EMERGENCY AND PROTECTIVE SHELTER** – A facility which provides room and board for the protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

**ENCROACHMENT** – The intrusion on another person’s property or public right-of-way, intentional or unintentional.

**ENVIRONMENTALLY SIGNIFICANT RESOURCES** – The naturally occurring substances that are considered valuable in their relatively unmodified (natural) form. These may include but are not limited to sources of water, timber, geological formations, mineral deposits, and wildlife.

**EQUESTRIAN CENTER** – An establishment primarily engaged in the operation of a riding academy or riding stables.

**EQUIPMENT REPAIR, LARGE** – A facility that is fully enclosed by four solid walls and a roof that is used for the repair of contactor’s equipment, heavy machinery, repair equipment, motor vehicles or trucks.

**EQUIPMENT REPAIR, SMALL** – A facility that is fully enclosed by four solid walls and a roof that is used to repair small tools and equipment such as lawn mowers, small tractors, and other small equipment.

**FAÇADE** – The face of a building, especially the principal front that looks onto a street or open space.

**FAIR MARKET VALUE** – The price a property owner could sell their property for under current market conditions.

**FARM MARKET** – Markets from which fifty percent (50%) or more of the gross income received is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

**FEATHERED FLAG** – A vertical, portable, and temporary sign that contains a harpoon style pole or staff driven into the ground for support or supported by an individual stand.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency with the overall responsibility for administering the National Flood Insurance Program.

**FENCE** – Any structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a lot.

**FENCE, OPEN** – A fence constructed for its functional, ornamental or decorative effect and, when viewed at right angles, has at least fifty percent (50%) of its vertical surface area open to light and air.

**FENCE, PICKET** – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

**FENCE, SOLID** – Any fence that is designed to inhibit public view and provide seclusion, when viewed at right angles, and having more than fifty percent (50%) of its vertical surface area closed to light and air.

**FENCE, WROUGHT IRON** – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes, or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

**FIRE DEPARTMENT** – Refers to the Village of Lisbon Fire Department.

**FIRE LANE** – Locations determined by the Fire Department; shall be a minimum of twenty-five (25) feet in width; and shall be properly signed and striped.

**FITNESS CENTER** – A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**FLEA MARKET** – An outdoor commercial activity, not including shopping centers, individual retail operations, or sales conducted by a non-profit or charitable organization, that is open to the public and composed of five or more semi-enclosed or outdoor stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

**FLEX OFFICE, LABORATORIES** – A space for a combination of office and laboratory uses that has built out capabilities to meet individual needs.

**FLEX OFFICE, RETAIL** – A space with store fronts with small rear warehousing that has built out capabilities to meet individual needs.

**FLEX OFFICE, WAREHOUSES** – A space for a combination of office and warehouse uses that has built out capabilities to meet individual needs.

**FLOOD OR FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface water from any source.

**FLOODWAY FRINGE** – The portion of the regulatory floodplain outside the floodway.

**FLOOD INSURANCE RATE MAP (FIRM)** – An official map on which the Federal Emergency Management Agency has delineated both the areas of special Flood hazards and the risk premium zones applicable to the Choose an item.

**FLOOD INSURANCE STUDY (FIS)** – The official report provided by the Federal Emergency Management Agency that includes Flood profiles, Floodway boundaries, and the water surface elevation of the Base Flood.

**FLOOD PROTECTION ELEVATION** – The elevation not less than one-and one-half (1.5) feet above the Base Flood elevation to which uses regulated by the Special Flood Hazard Regulations are required to be elevated or flood proofed to compensate for the many unknown factors that could contribute to flood elevations greater than that calculated for a Base Flood. In areas where no Base Flood elevations exist from any authoritative source, the Flood Protection Elevation can be historical flood elevations, of Base Flood elevations determined and/or approved by the Floodplain Administrator.

**FLOODPLAIN ENCROACHMENT** – Any Floodplain development that could obstruct Flood flows, such as fill, a bridge, or other development.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that have been reserved to pass the Base Flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the Base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The Floodway is an extremely hazardous area and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**FLOOR AREA** – The sum of the gross horizontal areas of one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include

basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

**FLOOR AREA, LIVABLE** – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, basements, or rooms used exclusively for utilities or storage shall not be considered as livable floor area. In no case shall an area less than six (6) feet in height be considered livable floor area.

**FOOD CART** – A small, wheeled vehicle typically pushed by hand, bicycle or propelled in some similar muscular manner to move it from place to place to offer already prepared or prepackaged food or ice cream for sale to the public. Any vehicle that is capable of preparing food within it shall not be included in the definition of a Food Cart.

**FOOD TENT** – An open-aided, temporary structure with four legs and a canvas top used to prepare and sell food at special events where large groups of people are situated in a park, parade, fraternal organization, or other similar venue.

**FOOD TRUCK** – A vehicle from which food for human consumption is sold and dispensed. Said food can be prepackaged or prepared within the vehicle. Such vehicle may be self-propelled or towed by another vehicle and must be licensed in the state of Ohio.

**FRONTAGE** – The portion of a lot that directly abuts a public street or street right-of-way and provides primary access to the property. If a lot has two (2) or more segments that abut a public street or street right-of-way that are not continuous or abuts two (2) or more separate and distinct rights-of-way, the segments shall not be totaled together when calculating lot frontage. Rather each side of the lot abutting a public right-of-way shall be considered to the front of a lot and both must comply with the minimum frontage and front setback requirements in the applicable zoning district. Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

**FUNERAL SERVICES FACILITY** – A Building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming, and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles. Funeral services facilities exclude mausoleums and crematoria. Also known as funeral homes or mortuaries.

**GARAGE, PRIVATE** – An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory.

**GARAGE, PUBLIC** – A building or portion of a building in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried out.

**GOVERNMENTAL SERVICES** – Any service provided by a governmental agency including, but not limited to, fire and safety protection services and other administrative services associated with a governmental agency. This does not include “Municipal Services.”

**GRADE** – The elevation of the ground at any given point.

**GRADE, FINISHED** – The elevation of the finished surface of the ground adjoining the base of all exterior walls of a building or the elevation of the finished surface of the ground at the base of a structure, *exclusive of any artificial embankment at the base of such building or structure*. If the ground is not entirely level, the finished grade shall be determined by averaging the grade of the ground at each corner of the building or structure.



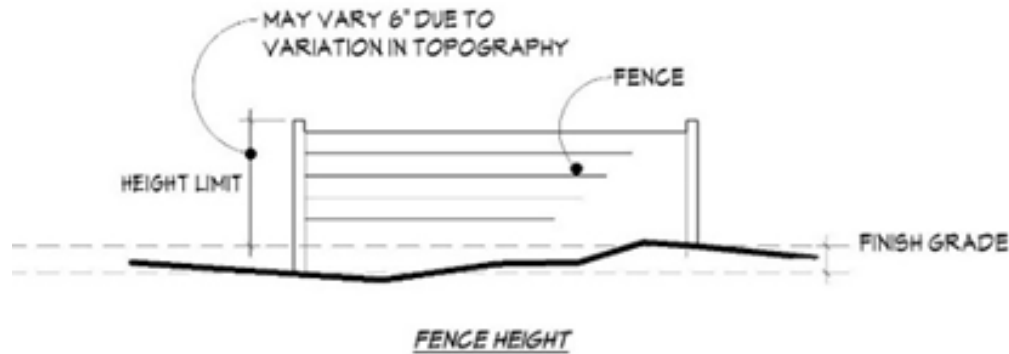
**HABITABLE** – Any room designed and used for living, sleeping, eating, cooking, or combinations thereof. The following are not to be considered habitable: bathrooms, toilet compartments, closets, halls, storage rooms, unfinished basements, laundry and utility rooms, garages, and similar areas.

**HEALTH CARE FACILITIES** – General and specialized hospitals and associated clinics providing health related services and involving the overnight or long-term stay of patients.

**HEALTH/FITNESS CENTER** – A business establishment where members or nonmembers use equipment or space for the purpose of physical exercise.

**HEIGHT, BUILDING** – The vertical distance between the finished grade of the building and the highest point of the roof.

**HEIGHT, FENCE** – The vertical distance between the highest point of the fence and the finished grade.



**HEIGHT, SIGN** – See Chapter 1190.

**HOME DAY-CARE FAMILY, LARGE** – See **DAY-CARE HOME, FAMILY LARGE**

**HOME DAY-CARE FAMILY, SMALL** – See **DAY-CARE HOME, FAMILY SMALL**

**HOME OCCUPATION** – An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to the use of the premises for residential purposes. Home occupations may include, but not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music, dance lessons, or tutoring, or other similar uses that do not change the character of the residential neighborhood. Family Day Care Homes, Types A and B shall not be considered home occupations and shall be treated as permitted and conditional use as listed in the applicable zoning district.

**HOME OCCUPATION, MAJOR** – See, Section 1186.10.

**HOME OCCUPATION, MINOR** – See, Section 1186.10.

**HOTEL** – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A hotel furnishes customary services such as housekeeper service and laundering of linens, telephone, secretarial or desk service and the use of furniture. Ingress and egress to and from all rooms is made through an inside lobby. Sleeping accommodations are available only for a temporary, rental occupancy by transient persons for no more than thirty (30) days at one time.

**HOTEL, BOUTIQUE** – A Hotel with less than fifty (50) rooms that is located in a pedestrian oriented business area. These Hotels typically have a strong artisan sense and focus on the design of the building and rooms.

**IMPERVIOUS SURFACE** – All areas of a lot that have been or are proposed to be paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

**IMPROVEMENTS** – Any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, landscaping, street lighting, street trees, public utilities, paved parking areas, and other appropriate items.

**IMPROVEMENTS, SITE** – The Improvements made to the land outside the exterior limits of a structure or structures.

**IMPROVEMENTS, PUBLIC** – All Improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.

**INDUSTRIALIZED UNIT** – A building unit or assembly of closed construction fabrication in an off-site facility, which is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity but does not include a permanently sited manufactured home or mobile home as defined in this Code.

**INSTITUTIONAL USES** – Those uses organized, established, used, or intended to be used for the promotion of public, civic, educational, charitable, cultural, or social or philanthropic activity and include but are not limited to art galleries, art studios, libraries, etc.

**JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES** – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed building.

**KENNEL** – Any enclosure, premises, building, structure, lot, area of one ownership where six (6) or more dogs, cats, or other animals are kept. These facilities also consist of services open to the public that include, but not limited to, boarding, training, and selling of animals.

**LANDSCAPE/HARDSCAPE BUSINESS** – A place where employees are housed and/or vehicles, machinery, and materials such as trees, shrubs, flowers, or other living vegetation, as well as irrigation systems, stone, brick pavers or other non-living components of a landscape design are stored. Typically, workers are dispatched from this site and said materials are transported to another location for installation.

**LANDSCAPE PLAN** – A plan that demonstrates how a proposal will adequately enhance the principal building and site; maintain existing trees and natural markings to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate.

**LANDSCAPING** – The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

**LEGAL DESCRIPTION** – The geographical description of real estate that identifies the precise location, boundaries, and easements for the purpose of a legal transaction, such as a transfer of ownership. A legal description can include either a metes and bounds description or a subdivision plat.

**LIFE CARE RETIREMENT CENTER** – A Residential Facility containing dwellings designed for and principally occupied by senior citizens in a planned retirement community which includes a residential complex, an activity or community center, and a medical or nursing facility which is licensed by the State of Ohio as an Intermediate Care Facility or a Skilled Nursing Center.

**LOADING SPACE, OFF-STREET** – An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**LOGISTICS** – A large building where material, products, or other manufactured goods are acquired, stored, and transported to their final destination. There is no production, processing, assembling, or packaging of products or materials in these buildings.

**LOT** – A division of land separated from other divisions for purposes of sale, lease, or separate use, described on a recorded subdivision plat, recorded map or by metes and bounds.

**LOT, CORNER** – A lot situated at the intersection of two streets, or which fronts a street on two or more sides forming an interior angle of less than 135 degrees. (Also see LOT LINE, FRONT)

**LOT, COVERAGE** – The total area of those portions of a lot that are covered by a building or structures, paved areas, and other impervious surfaces.

**LOT, INTERIOR** – A lot that abuts no more than one street and that fronts a street on not more than one side.

**LOT, MINIMUM AREA** – The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**LOT LINE** – A line bounding or demarcating a plot of land or ground. May also be referred to as a Property Line.

**LOT LINE, FRONT** – The property line fronting a public roadway right-of-way. For purposes of a corner lot, both property lines abutting a public right-of-way shall be considered a front lot line (See Section 1172.05).

**LOT LINE, REAR** – The lot line that is opposite the front lot line and farthest from it.

**LOT LINE, SIDE** – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

**LOT OF RECORD** – Any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office prior to the effective date of this Ordinance.

**LOT WIDTH** – The width of a lot at the building line measured at right angles to its depth.

**LUMBERYARD** – A building where bulk supplies of lumber and other building materials are stored, offered, or kept for retail sale and may include storage inside of the building. Any components of this use that include the outdoor storage of said materials shall all within the definition of an outdoor service facility.

**MACHINE SHOP** – A facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

*This area is intentionally left blank*

**MAKER SPACE, LARGE** – A facility that is 5,000 square feet or larger and serves as shared co-working space for independent craftsmen to produce woodworking, furniture, pottery, glass, or other related items. It may also provide tools, equipment, and materials for shared use. The facility can also have shared office space. The facility may be used to hold classes or workshops as a secondary function.



**MAKER SPACE, SMALL** – A facility that does not exceed 5,000 square feet that is utilized for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, glass, woodworking, or other related items. It may also provide tools, equipment, and materials for shared use. No odor, fumes or excess noise may be produced at the facility. The facility may be used to hold classes or workshops as a secondary function.



**MANEUVERING AISLE** – A paved area in an off-street parking lot or loading area which provides access to parking, stacking, or loading spaces, exclusive of driveways and is used for and/or is necessary for turning, backing, or driving forward a motor vehicle into such parking space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

**MANUFACTURED HOME** – A building unit or assembly of closed construction fabricated in an off-site facility, which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURED HOME COMMUNITY** – Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided, and the individual lots are not for rent or rented but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

**MANUFACTURED HOME, PERMANENTLY SITED** – A manufactured home, as defined herein, that meets all the following criteria:

- (a) The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities;
- (b) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments;
- (c) The structure has a minimum three to twelve (3:12) roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
- (d) The structure was manufactured after January 1, 1995;
- (e) The structure is not located within a manufactured home park; and
- (f) Otherwise complies with the Manufactured Housing Construction and Safety Standards Act of 1974 and has a label or tag permanently affixed to it, certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURING** – Any industry that makes products from raw materials using manual labor or machinery. This definition also includes the compounding, processing, assembling, and packaging of goods.

**MAUSOLOEUM** – A holding place for embalmed human remains.

**MEDICAL MARIJUANA** – Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**MIXED-USED BUILDING** – A building with two (2) or more stories that contains retail, office or entertainment uses on the ground floor and residential units on the upper floors.

**MIXED-USED BUILDING, VILLAGE** – A building that contains no more the two (2) stories and contains at least one (1) residential unit and retail or office uses. Uses may be on the same floor.

**MOBILE HOME** – A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, which is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a permanently sited manufactured home or industrialized unit as defined in this Code. A mobile home shall not be considered as a single-family detached dwelling for the purposes of this Code.

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

**MOTEL** – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as housekeeper service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

**MOTOR VEHICLE** – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

**MUNICIPAL SERVICES** – Any building, area and appurtenances owned and operated by the Village for the purposes of road and maintenance services, providing water, wastewater, or transportation services.

**MURAL** – See Sign, Wall Display, Mural

**MURAL, GHOST** – A type of sign that has a primary purpose of displaying an historical advertisement painted directly on the exterior of a structure.

**MURAL, ORIGINAL ART** – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that is tiled or painted directly upon directly to an exterior wall of a structure. Original Art Mural does not include:

- (a) Mechanically produced or computer-generated prints or images, including, but not limited to, digitally printed vinyl;
- (b) Murals containing electronical or mechanical components; or
- (c) Changing mural images.

**MURAL, VINTAGE ART** – A type of wall display that has a primary purpose of displaying an original work of visual art produced by hand that was tiled, painted directly upon, or affixed directly to an exterior wall of a structure prior to the date of adoption of this Code.

**MULTI-FAMILY BUILDING** – A building that is designed for and used exclusively for four or more dwelling units.

**NATURAL/TRADITIONAL CEMETERY** – A cemetery that does not accept embalmed human remains.

**NEW RESIDENTIAL MAJOR SUBDIVISION** – The new construction of an individual single-family home through a subdivision.

**NEW SITE** – The new construction of any building, structure, or parking lot. This definition excludes individual single-family home lots except for the maintenance of any landscaping installed by the developer on these lots.

**NONCONFORMING STRUCTURE** – Any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standards of the district in which it is located.

**NONCONFORMING USE** – Any use that was lawfully conducted within any building or on any land on the effective date of these regulations or amendment thereto but is not listed as a permitted use of the district in which it is located.

**NURSING HOME** – A residential health care facility, licensed by the State of Ohio, which provides institutional lodging, nursing care, personal care, and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

**ODOT** – The Ohio Department of Transportation.

**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, LARGE** – A building that is 5,000 gross square feet or larger in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

**OFFICE, ADMINISTRATIVE, BUSINESS, MEDICAL OR PROFESSION, SMALL** – A building that is less than 5,000 gross square feet in area and includes a set of rooms or tenant spaces used for commercial, professional, medical, or bureaucratic work.

**OFF-STREET PARKING GARAGE** – A public or private structure that is principally utilized for the parking or storage of motor vehicles to meet the minimum parking requirements in this Zoning Code.

**OPEN SPACE** – An area required to be reserved under this Code for passive or active recreational purposes, an area for conservation of natural resources, reserved space for future school buildings, or some other similar green space. Such open space may include any required central green space utilized for the community. That part of a zoned property, including courts or yards, which are open and unobstructed from its lowest level to the sky, is accessible to all tenants upon the zoning property. Open Space shall be limited to terrestrial features and shall not include ponds, stormwater retention facilities, or other water features.

**ORDINANCE** – A reference to a specific Chapter of this Code.

**OUTDOOR BICYCLE STORAGE SPACE** – Any parking space for a bicycle located within a property and wholly off any street, alley, or sidewalk.

**OUTDOOR BICYCLE STORAGE SPACE, BICYCLE RACK** – An object that houses multiple Outdoor Bicycle Storage Spaces. Each individual Bicycle Rack cannot have a height greater than three (3) feet and cannot have a length greater than six (6) feet.

**OUTDOOR RECREATION FACILITY** – An area that is not fully enclosed by walls and a roof which includes, but not limited to, uses such as athletic fields, parks, (excluding neighborhood parks) court sports, tracks, swimming pools, golf related activities, and similar outdoor recreation uses.

**SMALL, OUTDOOR RECREATIONAL FACILITY** – Less than 5,000 square feet.

**LARGE, OUTDOOR RECREATIONAL FACILITY** – 5,000 square feet or larger.

**OUTDOOR SEASONAL BUSINESS** – A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

**OUTDOOR SERVICE FACILITY** – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold, or stored. For the purposes of this Code, outdoor service facilities include, but not limited to, restaurant patios, outdoor storage areas, and garden stores. This definition shall not include any use classified as an outdoor seasonal business as defined herein.

**OWNER** – Owner of record according to records contained in the County Recorder's Offices.

**OVERLAY DISTRICT** – Zoning Districts that extend on top of more than one base Zoning District and are intended to protect certain critical features and resources. Where the standards of the Overlay District and base Zoning District are different, the more restrictive standards shall apply.

**PARCEL** – A piece of real estate described by metes and bounds in the deed of the land and recorded in the office the county recorder.

**PARK, COMMUNITY OR REGIONAL** – A park that is twenty (20) acres or larger and designed to service a larger region beyond a specific neighborhood and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.

**PARK, NEIGHBORHOOD** – A park that is up to twenty (20) acres in size, serving an area one to two miles in diameter and serving a population of less than 5,000 persons. Neighborhood parks are typically designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use.



*Lisbon Dog Park*

**PARKING AISLE** – The traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.

**PARKING BAY** – A row of parking spaces typically separated by a parking island, or some other feature used to break up large spans of asphalt used for the parking surface.

**PARKING AREA** – An open area other than a street or other public way that is used for the parking of motor vehicles.

**PARKING SPACE, OFF-STREET** – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Code.

**PENNANT** – A flag or banner longer in the fly than in the hoist, usually tapering to a point.

**PERMANENT SUPPORTIVE HOUSING** – Community-based, long-term housing, and supportive services, as appropriate, for homeless individuals with disabilities.

**PERMITTED USE** – A use that is permitted within a District that is allowable by a matter of right when designated as such in a District, provided said use complies with all applicable setback and development standards and is issued a Zoning Permit from the Zoning Inspector, or their designee.

**PERSONAL SERVICE** – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such uses include, but not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This includes laundry or dry cleaning drop off/pick up services, but the process of dry cleaning is not included in this definition.

**PICK-UP OR BANKING WINDOW** – A window used to pick up food, a prescription or other another similar product, parcel pick up, or where banking or financial services are conducted without a patron needing to exit his/her vehicle. Food orders and prescriptions are typically placed ahead of time online via the web or mobile device, and these windows are typically not utilized for placing and waiting for orders on site.

**PLACES OF ASSEMBLY, LARGE** – Any facility or business where 300 or more individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theaters, worship facilities, and other similar meeting facilities.

**PLACES OF ASSEMBLY, SMALL** – Any facility or business where less than 300 individuals gather to participate or observe programs or services or assemble for social purposes. This includes public halls, theaters, worship facilities, and other similar meeting facilities.

**PLANNING COMMISSION** – The municipal entity that is established by the Village Council and has the authorities listed in Sections 1164.05-06.

**PLANTS, ASPHALT** – A stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements. This includes any combination of the following:

- (a) Dryers;
- (b) Systems for screening;
- (c) Handling;
- (d) Storing and weighing dried aggregate;
- (e) Systems for loading, transferring, and storing mineral filler;
- (f) Systems for mixing;
- (g) Transferring and storing asphalt concrete; and
- (h) Emission control systems within a stational source.

**PLANTS, CONCRETE** – The production of concrete that uses a manufacturing process involving the mixing of aggregates, sand, water, cement, and/or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

**PORCH, ENCLOSED** – An indoor patio with walls and a roof for shelter.

**PORCH, OPEN-AIR** – An outdoor patio that is not enclosed with either a wall or roof.

**PORTABLE HOME STORAGE UNIT** – Any assembly of materials which is designed, constructed, or reconstructed to make it portable and capable of movement from one site to another and designed to be used without a permanent foundation. Such structures are typically utilized for temporarily storing household goods or other such materials on a residential property.

**PRACTICAL DIFFICULTY** – A standard utilized to determine whether an area variance should be granted. It is based on several criteria that are weighed against one another to determine if granting the variance will provide a reasonable use of the land without altering the essential character of the area. See Section 1166.10(d).

**PRESERVE OR PRESERVATION** – The process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure, and provide structural safety without changing or adversely affecting the character or appearance of the structure.

**PRIVATE CLUB OR LODGE** – A nonprofit association of persons, who are bona-fide members paying annual dues, which owns, hires, or leases a building or portion thereof, and the use of such premises is restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room, for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with applicable local, state, and federal laws.

**PRIVATE LANDING STRIP** – A long flat piece of land from which private aircraft can take off and land that is properly licensed by the Federal Aviation Authority or applicable agency. It can be constructed of either grass or pavement.

**PRIVATE FAMILY SWIMMING POOL** – See, *Swimming Pool, Private Family*.

**PROPERTY LINE** – A line bounding or demarcating a plot of land or ground. May also be referred to as a Lot Line.

**PUBLIC PROTECTION FACILITY** – A facility operated by a public agency for the purposes of public safety including, but not limited to, fire stations, police stations, public safety dispatch facilities, civil defense, storm shelters, and other similar uses.

**RECONSTRUCTION** – The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**REHABILITATION** – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**RESEARCH AND DEVELOPMENT** – A use where individuals are employed to search for knowledge and test processes that might be used to create new technologies, products, services, or systems.

**RESIDENTIAL FACILITY** – A publicly or privately operated home or facility that is further categorized as:

**RESIDENTIAL FACILITY CLASS 1** – A facility that provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults within mental illness or one or more unrelated children with adolescents with severe emotional1166.03

disturbances.

**RESIDENTIAL FACILITY CLASS 2** – A facility that provides accommodations, supervision, and personal care services to any of the following:

- (a) One (1) or two (2) unrelated persons with mental illness;
- (b) One (1) or two (2) unrelated adults who are receiving payments under the residential state supplement program; or
- (c) Three (3) to sixteen (16) unrelated adults.

Residential facilities exclude hospitals, facilities licensed under ORC Section 5123.19, an institution subject to certification under ORC Section 5103.03, hospice care programs, nursing homes, residential care facilities, homes for the aging, a facility operating an opioid treatment program, a terminal care facility for the homeless, a facility approved exclusively for the placement and care of the veterans per Section 104(a) of the Veterans Health Care Amendments of 1983, or the residence of a relative or guardian of a person with mental illness.

**RESIDENTIAL FACILITY, LARGE** – Any facility licensed as a Class 2 Residential Facility per ORC Section 5119.34 and provides accommodations and personal care services to six to sixteen unrelated persons (See ORC Section 5119.341).

**RESIDENTIAL FACILITY, SMALL** – Any facility licensed as a Class 2 Residential Facility per ORC Section 5119.34 and provides accommodations and personal care services to one to five unrelated persons (See ORC Section 5119.341).

**RESIDENTIAL-OFFICE, ADMINISTRATION, BUSINESS, AND MEDICAL** – A small office for administrative, business, or medical services as defined in this section but located within a structure that was existing at the time of the effective date of this Code.

**RESIDENTIAL-RETAIL** – A small business retail as defined in this section but located within a structure that existed at the time of the effective date of this Code.

**RESIDENTIAL TREATMENT FACILITY** – A Residential Facility – Class 1 (ORC Section 5119.34) providing diagnostic or therapeutic services, counseling, or treatment and long-term room and board in a highly structured environment for its residents for alcoholism, drug abuse, or behavioral and/or mental disorders.

**RESPONSIBLE PARTY** – The owner of the property as determined by the County Auditor’s Tax List, the agent of the property owner authorized to be responsible for the premises, or the occupant of the property.

**RESTAURANT** – An establishment which offers food and/or drinks to the public, guests, or employees. The food may be prepared and consumed either on or off site.

**RIGHT-OF-WAY** – A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

**SCHOOL, HIGH SCHOOL** – A public or private institution providing secondary education prior to students starting college or obtaining a job. It typically includes grades nine through twelve (9-12).

**SCHOOL, POST-SECONDARY** – A public or private institution providing educational or training services to individuals who have completed high school.

**SCHOOL, PRIMARY, INTERMEDIATE, OR MIDDLE** – A public or private institution providing educational services to children in kindergarten through the eighth grade.

**SCHOOL, TECHNICAL** – A secondary or post-secondary school that provides designed training to students for a specific job or skilled trade.

**SELF SERVICE STORAGE FACILITY** – An individual compartment or stall used for the storage of customer’s goods or wares.

**ACCESS ROAD** – A minor Street parallel to a thoroughfare to afford abutting property owners access to the thoroughfare at limited points.

**SETBACK** – A required distance between a lot line and a principal structure established by the Zoning District in which the principal structure is located.

**SETBACK, AVERAGE FRONT** – The distance between a front lot line and principal building that is established by averaging the front setbacks of two existing structures on adjacent lots. In no case shall an average front setback exceed any applicable maximum setback requirement.

**SETBACK, MAXIMUM** – The largest distance permitted between a lot line and a principal structure. The Zoning Inspector shall not administratively approve the location of a principal structure that is more than this required distance.

**SETBACK, MINIMUM** – The smallest distance permitted between a lot line and a principal structure established by the Zoning District in which the principal structure is located. The Zoning Inspector may not administratively approve the location of a principal structure that is less than this required distance but may administratively approve the location of a principal structure that is more than this required distance. In such cases, the area between the required minimum setback and the principal structure is a “yard” space as defined in this Code.

**SEXUAL CONDUCT** – Acts of sexual intercourse and masturbation within their ordinary meanings; erotic touching of oneself or another.

**SHORT-TERM RENTAL** – Renting a home, or a space in a home, with five guestrooms or less that is reserved or rented wholly or partly for compensatory fee for less than thirty (30) consecutive days.

**SHORT-TERM RENTAL, HOSTED** – A short-term rental where an owner of the home, or space in a home, shares the premises with the tenant(s).

**SHORT-TERM RENTAL, UNHOSTED** – A short-term rental where an owner of the home, or space in a home, does not share the premises with the tenant(s).

**SHOOTING RANGE, INDOOR** – The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**SHOOTING RANGE, OUTDOOR** – The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

**SIGHT TRIANGLE** – The triangular area formed by a diagonal line connecting two points located on intersecting street rights-of-way or a right-of-way and the edge/curb of a driveway (See Section 1186.24).

**SIGN** – Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform, or otherwise direct attention to a person, institution, organization, activity, business, place, object, or product. Signs erected by the local, state, or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Chapter. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior façade of any Building or structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization, or business.

**SIGN, ANIMATED** – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

**SIGN, BILLBOARD** – A type of free-standing sign that is mechanically produced or computer-generated prints or images, including, but not limited to, digitally printed vinyl and/or 3D printed elements, which are typically attached or affixed to a pole or other type of free-standing support. Said signs are greater than 200 square feet.

**SIGN, DIRECTIONAL** – Any sign which provides direction or guidance to help navigate a person to a specific location of an institution, organization or business, or property.

**SIGN, ENTRY FEATURE** – A sign intended to provide the identity of a residential development or commercial development with more than one lot or tenant.

**SIGN, FLASHING** – A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

**SIGN, FREESTANDING** – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

**SIGN, GAS INFLATABLE** – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event, or business.

**SIGN, GROUND MOUNTED** – A type of free-standing sign that is supported by a monument style base and does not include any poles, pillars, or posts.

**SIGN, PERMANENT** – A sign intended to be erected, displayed, or used, or in fact which is used for time period in excess of thirty (30) days within any 180-day period.

**SIGN, PROJECTING** – A sign which extends outward perpendicular to the building face.

**SIGN, PYLON** – A type of free-standing sign that is supported by pole(s), pillars, posts, or other free-standing support and is less than 200 square feet.

**SIGN, ROOF** – Any sign erected upon or completely over the roof of any building.

**SIGN, TEMPORARY** – A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including, but not limited to, portable signs, feathered flags, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

**SIGN, TRAILER** – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

**SIGN, WALL** – A wall display that is less than 125 square feet.

**SIGN, WALL DISPLAY** – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings or awnings.

**SIGN, WINDOW** – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

**SOLAR, ARRAY** – A mechanically integrated assembly of modules or panels with a support structure and foundation, tracker and other components as required to form a direct-current power producing unit.

**SOLAR ENERGY** – Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

**SOLAR ENERGY SYSTEM (SES)** – An energy system that consists of one or more solar collection devices, solar energy-related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. An SES may generate energy exceeding the energy requirements of a property if it is to be sold back to a public utility under the law.

**SOLAR ENERGY SYSTEM, INTEGRATED** – An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light, or parking meter.

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED** – An SES where an array is mounted on a rack or pole that is ballasted on, or is attached to, the ground.

**INTERMEDIATE-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (INTERMEDIATE SCALE SES)** – A ground mounted SES with a footprint of between five (5) and fifteen (15) acres.

**LARGE SCALE GROUND MOUNTED SOLAR ENERGY SYSTEM (LARGE SCALE SES)** – A ground mounted SES with a footprint of more than fifteen (15) acres.

**SMALL-SCALE GROUND-MOUNTED SOLAR ENERGY SYSTEM (SMALL SCALE SES)** – A ground mounted SES with a footprint of between one (1) and five (5) acres.

**SOLAR ENERGY SYSTEM, ROOF MOUNTED** – An SES mounted to the roof of a building or structure. Roof-mount systems are accessory to the primary use of a property.

**SPECIFIED SEXUAL ACTIVITIES** – Simulated or actual display of human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sadomasochistic acts, fellatio or cunnilingus, and fondling or erotic touching of oneself or of one person by another.

**START OF CONSTRUCTION** – The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**STREET** – A paved public vehicular right-of-way which provides access to abutting properties from the front.

**STREET, ARTERIAL** – A Street connecting the Village with outside activity centers and serving as the primary routes through and within the Village. Arterial Streets carry the largest volume of traffic – over 5,000 vehicles per day ADT – usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on Arterial Streets.

**STREET, MAJOR COLLECTOR** – A thoroughfare which carries vehicular traffic from Local Streets to Arterial Streets and is designed to accommodate 1,000-5,000 vehicles per day ADT.

**STREET, MINOR COLLECTOR** – A thoroughfare which primarily carries vehicular traffic from local street to Major Collector Streets and Arterial Streets and is designed to accommodate 500-1,000 vehicles per day ADT.

**STREET, LOCAL** – A street on which the majority of the traffic originates or terminates in the abutting properties. These Streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.

**STREET, PRIVATE** – A strip of privately-owned land providing access to abutting properties.

**STREET, PUBLIC** – A strip of land providing public access to abutting property, as dedicated to the Village or Columbiana County upon a plat which has been duly approved, filed, and recorded in the Columbiana County Recorder’s Office.

**STRUCTURAL ALTERATION** – Any change in the supporting members of a Building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

**STRUCTURE** – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs, (billboards), and farmers’ street-side stands.

**SUBSTANTIAL IMPROVEMENT/ALTERATION** – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety Code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the structure’s designation as a historic structure.

**SUBSTANTIALLY COMPLETE** – The stage in which the work, described in the Zoning Permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

**SWIMMING POOL, COMMERCIAL** – A body of water in an artificial or natural receptacle or another container, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults and/or children whether any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment,

appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also, all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

**SWIMMING POOL, PRIVATE FAMILY** – A swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

**SWIMMING POOL, TEMPORARY** – A pool capable of holding water to a maximum depth of forty-two (42) inches and is constructed of non-metallic, molded polymeric or fabric walls supported on a rigid frame or by an inflatable ring and entirely on or above ground, and is designed and constructed to be readily disassembled for storage and re-assembled to its original integrity.

**TELECOMMUNICATION TOWER** – A structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition.

**TELECOMMUNICATION TOWER, ATTACHED** – Any structure that will be attached to a Building or other structure that meets the criteria for a telecommunication tower, as defined herein.

**TELECOMMUNICATIONS TOWER, FREE STANDING** – Any free-standing structure that meets the criteria for a telecommunication tower, as defined herein.

**TEMPORARY STRUCTURE, CONSTRUCTION TRAILER/OFFICE** – Any structure that is not permanent and is located on a construction site for purposes of storing materials and tools or for offices for construction management.

**TEMPORARY TENT** – See, Section 1186.22.

**THOROUGHFARE PLAN** – The document now or hereafter adopted, which may be considered a component of the Village of Lisbon Comprehensive Land Use Plan, which sets forth the location, alignment, and/or classification of existing and proposed Streets.

**TINY HOME** – A small residential unit constructed on a frame or chassis. Does not include trailers, semi-trailers, camp trailers, recreational vehicles, mobile homes, or manufactured homes, or any other vehicle.

**TINY HOME, PERMANENT** – A tiny home that is connected to a permanent foundation.

**PORTABLE TINY HOME** – A tiny home that is not connected to a permanent foundation and can be attached to an automobile for relocation.

**TINY HOME VILLAGE** – A planned development that acts as a community or neighborhood for tiny homes as the sole type of residential unit.

**TRANSITIONAL LIVING CENTER** – A facility that provides short-term room and board in a supervised living environment utilizing counseling and rehabilitation services for persons with a history of juvenile delinquency, behavioral disorders, alcoholism, or drug abuse.

**TREE, LARGE** – Any tree species which normally attains a full-grown height above sixty (60) feet.

**TREE, MEDIUM** – Any tree species which normally attains a full-grown height between thirty (30) and sixty (60) feet.

**TREE, SMALL** – Any tree species which normally attains a full-grown height of under thirty (30) feet.

**TRUCK SERVICE CENTER** – A commercial facility which provides refueling, parking, and often ready-made food for motorists and truck drivers. These facilities sometimes also include showers for truck drivers.

**USE** – The purpose for which a building or land may be arranged, designed, or intended to be occupied or maintained.

**VACANT** – Any structure, building, or unit thereof, within the Village in which no person nor persons currently conduct a lawfully licensed use in said space, or in the case of a lawfully licensed business use or at which substantially all lawful business operations have ceased. Structures, buildings, or units thereof, with residential occupants on other levels but empty space at the street level will be considered vacant.

**VARIANCE** – A modification of the strict terms of this Code due to the strict enforcement of these regulations resulting in Practical Difficulty and where such modification will not be contrary to the public interest.

**VARIANCE, AREA** – A type of variance that is from a regulation based on the dimensions or physical requirements of applicable zoning regulations such as setbacks, height, or another similar requirement. This type of variance is typically reviewed using Practical Difficulty criteria as listed in Section 1166.10(d).

**VEHICLE, CHARGING STATION** – The design and construction of a parking space with Electric Vehicle Supply Equipment that supplies electric energy for the recharging of electric vehicles.

**VEHICLE, RECREATIONAL** – Any motorized or non-motorized vehicle that is used for recreational purposes including, but not limited to, all-terrain vehicles, dune buggies, motor bikes, recreational vehicle trailers, snowmobiles, trail bikes, and various watercraft including canoes, kayaks, boats, and jet skis.

**VEHICULAR SALES, EQUIPMENT** – An open area or building used for the display, sale or rental of farm, construction, or other similar machinery.

**VEHICULAR SALES, MOTORCYCLES** – An open area or building used for the display, sale, or rental of new or used motorcycles, and where only incidental repair work is done.

**VEHICULAR SALES, NEW AND USED CARS** – An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition, and where only incidental repair work is done.

**VEHICULAR SALES, RECREATIONAL** – An open area or building used for the display, sale, or rental of new or used recreational vehicles and where only incidental repair work is done.

**WALL, DECORATIVE** – An architecturally designed wall that is intended to prohibit public view and provide seclusion, has more than fifty percent (50%) of its vertical surface area closed to light and air, and is not designed for purposes of retaining soil.

**WALL, RETAINING** – An engineered wall that is designed and intended to support soil laterally so that it can be retained at different levels on the two sides.

**WALLSCAPE** – A type of wall display that greater than 125 square feet and is mechanically produced or computer generate prints or images, including, but not limited to, digitally printed vinyl and/or 3D printed elements, which are typically attached to the side of a building.

**WATER AND WASTEWATER SERVICES** – Government services concerning the extraction, transportation, and treatment of water and wastewater within the Village.

**WIND ENERGY CONVERSION SYSTEM** – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

**WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL** – A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated

capacity of not more than 100 kilowatts and is intended to primarily reduce on-site consumption of utility power.

**WIND ENERGY CONVERSION SYSTEM, TOWER** – The support structure to which the nacelle and the rotor are attached.

**WIND ENERGY CONVERSION SYSTEM, TOWER HEIGHT OF** – The distance from the rotor blade at its highest point to the top surface of the tower foundation.

**WIND FARM, SMALL** – A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of 100kW or more, but less than fifty (50) megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is five (5) megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Ordinance.

**YARD** – An open space on a lot with a building that is unoccupied and unobstructed by any portion of a principal structure. Fences and other accessory structures may be permitted within a yard as regulated in this Code.

**FRONT YARD** – The horizontal distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal structure.

**REAR YARD** – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

**SIDE YARD** – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal Building.

**ZONING DISTRICT** – Any section of the Zoning Map and/or legal description in which the zoning regulations are uniform.

**ZONING INSPECTOR** – The authorized representative(s) appointed by the Village Council to issue Zoning Permits and perform other duties as specified in this Code.

**ZONING MAP** – A map of the Village that legally denotes the boundaries of the Zoning Districts as they apply to the properties within the jurisdiction. The official zoning map shall be kept on file in the administrative offices.

**ZONING PERMIT** – A document issued by the zoning inspector authorizing the construction or alteration of a building, structure, or use consistent with this Code.

## CHAPTER 1164

### BOARDS & COMMISSIONS: DUTIES & RESPONSIBILITIES

<b>1164.01</b>	<b>Establishment of Zoning Inspector</b>	<b>1164.06</b>	<b>Planning Commission Duties and Responsibilities</b>
<b>1164.02</b>	<b>Zoning Inspector Duties and Responsibilities</b>	<b>1164.07</b>	<b>Establishment of the Architectural and Historic Board of Review</b>
<b>1164.03</b>	<b>Establishment of the Board of Zoning Appeals</b>	<b>1164.08</b>	<b>Architectural and Historic Board of Review Duties and Responsibilities</b>
<b>1164.04</b>	<b>Board of Zoning Appeals Duties and Responsibilities</b>	<b>1164.09</b>	<b>Removal from Office</b>
<b>1164.05</b>	<b>Establishment of the Planning Commission</b>		

#### **1164.01 ESTABLISHMENT OF ZONING INSPECTOR**

- (a) The Village Council shall appoint a Zoning Inspector who shall be responsible for administering and enforcing this Zoning Code. The Village Council may direct other persons to assist the Zoning Inspector in their duties.
- (b) The Zoning Inspector, acting in good faith and without malice in discharging duties during enforcement of this Zoning Code, is relieved of all personal liability for any damage that may accrue to persons or property because of such acts of alleged failure to act. Further, they shall not be held liable for the costs in any action, suit, or proceeding that may be instituted against them because of the enforcement of this Zoning Code.

#### **1164.02 ZONING INSPECTOR DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Zoning Inspector shall have the following duties and responsibilities:

- (a) Interpret the meaning and application of this Zoning Code;
- (b) Receive, process, and act on applications for a Zoning Permit;
- (c) Review and process all applications for Zoning Amendments, Variances, Conditional Uses, and Certificates of Appropriateness with the appropriate boards and commissions;
- (d) Investigate all written complaints received from residents alleging non-compliant activity;
- (e) Conduct inspections of buildings and uses of lands to determine compliance with this Zoning Code;
- (f) Inspect all structures and/or landmarks within the Historic Overlay District and ensure their compliance with this Zoning Code;

- (g) Prior to issuing a Zoning Permit, ensure a Certificate of Appropriateness has been issued by the Architectural and Historic Board of Review when required under Section 1164.08(a); and
- (h) Determine whether violations of this Zoning Code exist and take all necessary actions to remedy identified violations under the procedures of this code.

### **1164.03 ESTABLISHMENT OF THE BOARD OF ZONING APPEALS**

- (a) The Village Council shall establish a Board of Zoning Appeals of five (5) members, consisting of five (5) residents to be appointed by the Mayor. The residents appointed by the Mayor shall be approved by the Village Council.
- (b) Every member of the Board of Zoning Appeals shall be a resident of the Village.
- (c) The terms for the Board of Zoning Appeals members are six (6) years each, except that the term of one (1) of the members of the first commission shall be for four (4) years and one (1) of the members of the first commission for two (2) years.
- (d) All Board members shall be compensated as per the Payroll Ordinance.
- (e) All Board of Zoning Appeals members are subject to ORC Section 2921.42.
- (f) For the purposes of this Zoning Code, the members of the Board of Zoning Appeals existing on the effective date of this amended Zoning Code shall remain in office. However, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Board shall be filled by the Village Council or Mayor and consistent with the provisions of ORC Chapter 713.

### **1164.04 BOARD OF ZONING APPEALS DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Board of Zoning Appeals shall have the following duties and responsibilities:

- (a) Legislative Duties:
  - (1) To review zoning permit applications, zoning text amendments, and other zoning-related documents and to write reports to summarize their contents; and
  - (2) To offer recommendations to the Village Council regarding the documents reviewed in Section 1164.04(a).
- (b) Administrative Duties:
  - (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector under Section 1164.02 of this Zoning Code;
  - (2) Authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest and when the criteria in Section 1166.10(d) has been met;
  - (3) Authorize extensions of time for completion of work specified in a zoning permit application, under Section 1166.01; and
  - (4) Declare zoning permits void, under Section 1166.02(b) of this Zoning Code.

- (5) The Board shall meet at least once per calendar year regardless of whether there are active matters for the entity to review, discuss, or rule on. This meeting shall be open to the public.
- (6) Meeting minutes for the Board shall be recorded at each meeting held. These meeting minute records shall be maintained at the Village administrative offices.

#### **1164.05 ESTABLISHMENT OF THE PLANNING COMMISSION**

- (a) The Village Council shall establish a Planning Commission of five (5) members, consisting of the Mayor, one (1) member of the Village Council to be elected for the remainder of the individual's term as such member of the legislative authority, two (2) residents of the Village to be appointed by the Village Council, and one (1) resident to be appointed by the Mayor. The resident appointed by the Mayor shall be approved by the Village Council.
- (b) Every member of the Planning Commission shall be a resident of the Village.
- (c) The terms for the Planning Commission members are six (6) years each, except that the term of one (1) of the members of the first commission shall be for four (4) years and one (1) of the members of the first commission for two (2) years.
- (d) All Board members shall be compensated as per the Payroll Ordinance.
- (e) All Planning Commission members are subject to ORC Section 2921.42.
- (f) For the purposes of this Zoning Code, the members of the Planning Commission existing on the effective date of this amended Zoning Code shall remain in office. However, the expiration dates of the terms of such members shall be arranged to comply with the above. Any vacancies on the Commission shall be filled by the Village Council or Mayor and consistent with the provisions of ORC Chapter 713.
- (g) The Planning Commission shall also serve as the Administrative Board as outlined in ORC Section 713.11.

#### **1164.06 PLANNING COMMISSION DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Planning Commission shall have the following duties and responsibilities:

- (a) Legislative Duties:
  - (1) To review zoning permit applications, comprehensive plans, zoning text amendments, and other planning-related documents and to write reports to summarize their contents; and
  - (2) To offer recommendations to the Village Council regarding the documents reviewed in Section 1164.06(a).
- (b) Administrative Duties:
  - (1) Interpret the boundaries of the Official Zoning Map under the provisions of this Zoning Code;

- (2) Permit conditional uses as specified in the Use Tables of Chapter 1174 and under the conditions specified in Section 1166.07(d) of this Zoning Code, and such additional safeguards as will uphold the intent of the Zoning Code;
- (3) Authorize the substitution or extension of non-conforming uses, as specified in Chapter 1168 of this Zoning Code;
- (4) The Commission shall meet at least once per calendar year regardless of whether there are active matters for the entity to review, discuss, or rule on. This meeting shall be open to the public.
- (5) Meeting minutes for the Commission shall be recorded at each meeting held. These meeting minute records shall be maintained at the Village administrative offices.

#### **1164.07 ESTABLISHMENT OF ARCHITECTURAL AND HISTORIC BOARD OF REVIEW**

- (a) Establishment and Purpose. An Architectural and Historic Board of Review is hereby established. The Village of Lisbon contains areas with unique and valuable historic, architectural and cultural resources which are directly linked to the cultural, social and economic well-being of the community. The Architectural and Historic Board of Review seeks to protect and preserve these resources, encourage infill development that respects the existing historic architectural environment, stabilize and enhance property values, and promote economically viable reuse of historic structures. The Board also exists to promote and enhance revitalization of and reinvestment in the Village, foster civic beauty, and maintain and enhance the distinctive character of historic buildings and areas, and safeguard the heritage of the Village by preserving districts and landmarks which reflect elements of its history, architecture, archeology, engineering, or culture.
- (b) Establishment of Historic District and/or Landmarks. A Historic Overlay District shall consist of areas designated by Village Council.
  - (1) The location and boundaries of the Historic Overlay District as defined herein shall be established by ordinance and shall be shown and delineated on the Historic Overlay District Map.
    - i) District boundary lines shall be described by legal description and/or by a map.
      - a) When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be designated on the Historic Overlay District Map.
      - b) When a map is used, District boundary lines shall be established by dimensions, property lines, recorded Lot Lines, or the centerline abutting street, alley, or railroad right-of-way, as the same were of record at the time of adoption.
      - c) In all cases, if there is doubt as to the exact location of District boundary lines, the same shall be determined by the Village Council.

- (2) The Historic Overlay District Map or Description shall be kept in the administrative offices and maintained by the Zoning Inspector of the Village.
- (c) Designated properties may consist of districts with multiple properties, or single landmarks. The process of researching potential new districts and landmarks is defined in Section 1166.14.
- (d) All Board members shall be compensated as per the Payroll Ordinance.
- (e) The Village Council shall appoint five (5) members to the Architectural and Historic Board of Review (AHBR). One member shall also be a member of the Planning Commission, and one member shall be a property owner within the Historic Overlay District. The Village Council shall make a good faith effort to appoint at least two (2) persons with professional training or demonstrated interest and expertise in the fields of historic preservation, architecture, planning, history, or related discipline, to the extent such professionals are available in the community. Members may succeed themselves. The Village Council may direct other persons to assist the Architectural and Historic Board of Review in their duties. The Village Council shall make a good faith effort to appoint residents from the Village.
- (f) The terms of members shall be of such length and so arranged that the term of one (1) member shall expire each year; however, each member shall serve until their successor is appointed. Vacancies shall be filled within sixty (60) days by the Village Council for the unexpired term of the member affected.
- (g) The AHBR may appoint such committees, ad hoc or standing, as may be appropriate to the conduct of its business. The rules of procedure adopted by the AHBR or any committee shall be maintained at the Village Administrative Offices and shall be made available for public inspection.

#### **1164.08 ARCHITECTURAL AND HISTORIC BOARD OF REVIEW DUTIES AND RESPONSIBILITIES**

For the purposes of this Zoning Code, the Architectural and Historic Board of Review (AHBR) shall have the following duties and responsibilities:

- (a) To issue a Certificate of Appropriateness for the demolition, construction, preservation, substantial alteration, restoration, or rehabilitation of any home, commercial establishment, or other structure, or new construction within the Historic Overlay District.
- (b) To make recommendations for the designation of landmarks and the boundaries of the Historic District to the Planning Commission and Village Council.
- (c) To act in an advisory role to the other officials and department of local government regarding the protection of local culture resources.
- (d) To act as a liaison between the Village and individual/organizations concerned with historic preservation.
- (e) To work towards the continuing education of citizens within the Village regarding historic preservation matters.

- (f) To seek expertise when the AHRB considers a National Register nomination and other actions (e.g. archaeological site) which are normally evaluated by a professional in a specific discipline and that discipline is not represented on the AHBR before rendering its decision.
- (g) To keep a detailed inventory of all Listed Properties, structures, and sites within the Historic Overlay Districts as well as other Listed Properties on the National Register of Historic Places on Ohio Historic Inventory, Ohio Archaeological Inventory forms, and/or other forms compatible with the Ohio Historic Preservation Office's computerized inventory system. A copy of all inventory material shall be maintained at the Village Administrative Offices and shall be accessible to the public. This copy shall also be made available to the Village's Zoning Department and the Ohio Historic Preservation Office. This inventory shall be updated periodically to reflect changes, alterations, and demolitions within the Historic Overlay Districts.
- (h) To conduct or cause to be conducted a continuing survey of historic or cultural resources in the Village, according to the guidelines and processes established by the Ohio Historic Preservation Office (OHPO). The AHBR will work with the OHPO to establish a process and schedule for the continuing survey and inventory of historic or cultural resources within the Village.
- (i) The AHBR shall meet at least four (4) times per calendar year regardless of whether there are active matters for the entity to review, discuss, or rule on. These meetings will be held quarterly if there are no active matters for the entity to review during each quarter of the year. Every meeting shall be open to the public, have a previously advertised agenda, and notice of the public hearing shall be of the same method as Section 1166.04(b). All decisions by the AHBR shall be made in a public forum.
- (j) Meeting minutes for the AHBR shall be recorded at each meeting held including all decisions and actions and reasons for the same. These meeting minute records shall be maintained at the Village Administrative Offices and shall be made available to the public for review.
- (k) The AHBR shall prepare an annual report of its activities, cases, decisions, special projects, qualification updates of its members and any other relevant information from the previous year. This report shall be available no later than January 31<sup>st</sup> of the following year. The report shall be maintained at the Village administrative offices and will be available to the public for review.
- (l) To develop written guidelines (in accordance with the , Secretary of the Interior's Standards for Rehabilitation, the Archaeological Guidelines, Ohio Historic Preservation Office, or other local guidelines established for specific preservation districts) concerning the conservation of historic areas, buildings, and resources. Insofar as practicable, such guidelines shall suggest what alterations, demolitions, environmental changes, and new construction may be appropriate for historic structures or sites within preservation districts. (Until such time as the Board establishes its own guidelines, the Secretary of the Interior's Standards shall be used);
  - (1) The Board may, at any time, recommend to Council for consideration any Local Design Guidelines, appendix, amendment, or supplement thereafter it may deem

appropriate. Such recommendations shall be formally recommended in writing to Council for adoption, or by resolution of Council, therefore.

- (m) To conduct or encourage AHBR members to attend educational sessions at least once a year, or in-depth consultation with the Ohio Historic Preservation Office, pertaining to work or functions of the Board, or historic preservation issues.
- (n) To undertake additional responsibilities upon mutual written agreement between the Ohio Historic Preservation Office and the Village. A written agreement will address what duties are to be performed, what staff assistance is needed to perform the work, and what level of activity in each area of responsibility will be maintained. All delegated responsibilities must be complementary.

#### **1164.09 REMOVAL FROM OFFICE**

As an employee or member of a commission or committee of the Village, any person with a title or position established by this Chapter may be removed by the Village Council for non-performance of duty, misconduct in office, or other just cause after notification and a public hearing held no more than sixty (60) days after the charges are filed against the person.

*This area is intentionally left blank*

**CHAPTER 1166  
PROCEDURES FOR TYPES OF APPLICATIONS**

<b>1166.01</b>	<b>Zoning Permit Application</b>	<b>1166.13</b>	<b>Certificate of</b>
<b>1166.02</b>	<b>Zoning Permit Approval</b>		<b>Appropriateness Approval</b>
<b>1166.03</b>	<b>Zoning Amendment</b>	<b>1166.14</b>	<b>Certificate of</b>
	<b>Methods and Application</b>		<b>Appropriateness</b>
<b>1166.04</b>	<b>Zoning Amendment Public</b>		<b>Performance Standards</b>
	<b>Notices</b>	<b>1166.15</b>	<b>Designation of Property or</b>
<b>1166.05</b>	<b>Zoning Amendment Review</b>		<b>Landmark as Historically</b>
	<b>Process</b>		<b>Significant</b>
<b>1166.06</b>	<b>Conditional Use Application</b>	<b>1166.16</b>	<b>PUD Development Plan</b>
<b>1166.07</b>	<b>Conditional Use Approval</b>		<b>Application</b>
<b>1166.08</b>	<b>After Approval of</b>	<b>1166.17</b>	<b>PUD Development Plan</b>
	<b>Conditional Use</b>		<b>Process</b>
<b>1166.09</b>	<b>Appeal/Variance Application</b>	<b>1166.18</b>	<b>PUD Development Plan</b>
<b>1166.10</b>	<b>Approval of Appeal/Variance</b>		<b>Amendment</b>
<b>1166.11</b>	<b>Appeals to the Court of</b>	<b>1166.19</b>	<b>Similar Uses</b>
	<b>Common Pleas</b>	<b>1166.20</b>	<b>Sign Permit Process</b>
<b>1166.12</b>	<b>Certificate of</b>	<b>1166.21</b>	<b>Fences and Walls Permit</b>
	<b>Appropriateness Application</b>		<b>Process</b>

---

**1166.01 ZONING PERMIT APPLICATION**

- (a) A zoning permit is required prior for:
  - (1) Constructing, creating, moving, expanding, converting, or structurally altering any portion of a building or structure;
  - (2) Changing the use of a building, structure, or land;
  - (3) Occupying or using vacant land; and
  - (4) Demolishing of any building or structure.
- (b) The failure to obtain a zoning permit shall be considered a violation of this Zoning Code and shall be punishable under Chapter 1170.
- (c) The applicant shall submit one (1) paper copy of an application for a zoning permit to the Zoning Inspector that contains the following information:
  - (1) Name, address, phone number, and email address of the applicant;
  - (2) Address and parcel number of the property subject to the application;
  - (3) Legal description of the property as recorded in the County Recorder's office (if there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio);
  - (4) Existing and proposed uses;
  - (5) The Zoning District in which the property is located; and

- (6) Plans and/or drawings, to approximate scale, showing:
  - (a) The dimensions of the property;
  - (b) The dimensions of existing and proposed buildings or structures on the property;
  - (c) The distance between the property lines and the existing and proposed structures;
  - (d) The dimensions and number of existing and proposed parking spaces;
  - (e) Any existing or proposed signage (not required for single-unit dwelling permit);
  - (f) Any existing or proposed landscaping (not required for single-unit dwelling permit);
  - (g) The height of existing and proposed buildings;
  - (h) Number of proposed dwelling units, if applicable;
  - (i) The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted;
  - (j) Any other information as determined by the Zoning Inspector to determine compliance with this Code; and
  - (k) A copy of any required approvals including, but not limited to, any necessary variances or conditional use permits; and
- (7) The zoning permit fee as prescribed in the Schedule of Fees found under a separate ordinance.
- (8) Copies of all applicable State of Ohio applications, approvals, or permits for the project referenced on the application as submitted to the Zoning Inspector. This includes, but is not limited to, the following:
  - (a) Building Demolition
  - (b) Building Plan Approval
  - (c) Certificate of Occupancy (Existing Building, Partial, or Change)
  - (d) Inspection without Requiring Sealed Plans
  - (e) Any other application, approval, or permit required by the State of Ohio

Should any applicable approvals or permits, as listed or similar to the above, be contingent upon zoning approvals, or any of Village approvals necessary for the project, then the applicant must forward all necessary approvals or permits to the Zoning Inspector once received or the zoning permit, if approved, will be considered void and the applicant and/or owner of the property will be subject to penalties as established in Chapter 1170 of this Zoning Code.

*This area is intentionally left blank*

## **1166.02 ZONING PERMIT APPROVAL**

- (a) The Zoning Inspector shall approve or not approve the zoning permit application within thirty (30) calendar days after the receipt of the application.
- (b) If the Zoning Inspector approves the zoning permit application:
  - (1) The Zoning Inspector shall mark the permit as approved, signed, and dated and return the approved permit to the applicant.
  - (2) The applicant shall commence work within one (1) year of the date of zoning permit approval unless an extension is granted by the Zoning Inspector. The Zoning Inspector may grant a one-time extension of up to six (6) months due to unexpected delays that are not a result of any action of the applicant, provided there are no changes in area conditions, as determined by the Zoning Inspector. Otherwise, the permit shall be considered null and void, and a new zoning permit must be obtained.
  - (3) The work described in the permit must be completed and a certificate of zoning compliance must be issued within two (2) years of the date of zoning permit approval. Any work described in the permit that has not been completed within this two (2)-year period or as extended by the Zoning Inspector or Board of Zoning Appeals shall not proceed unless and until a new zoning permit is obtained.
- (c) If the Zoning Inspector does not approve the zoning permit:
  - (1) The Zoning Inspector shall mark the permit as denied, sign and date it, provide a reason(s) for denying the permit, and return it to the applicant.
  - (2) The applicant shall have thirty (30) days from the date that the Zoning Inspector denied the zoning permit to file an appeal or variance application to the Board of Zoning Appeals.

## **1166.03 ZONING AMENDMENT METHODS AND APPLICATION**

- (a) Map and Text Amendment to this Zoning Code may be initiated by any of the following methods:
  - (1) By referral of a proposed amendment to the Planning Commission and Board of Zoning Appeals from the Village Council;
  - (2) By adoption of a motion of the Planning Commission or Board of Zoning Appeals; or
  - (3) By filing a completed application by at least one (1) owner or lessee of property or their designated agent within the area proposed to be affected by the amendment.
- (b) For the method of Section 1166.03(a)(3), the applicant shall submit one (1) paper copy and preferably one (1) electronic PDF copy of an application for an amendment to the Zoning Inspector that contains the following information:
  - (1) Name, address, phone number, and email address of the applicant along with a signature of the applicant and date (Submittal Date) submitted to the Zoning Inspector, or their designee;

- (2) Proposed text changes, which shall include the existing text of the section(s) of the code to be revised. Proposed additions shall be shown in bold text and proposed deletions shown with a strikethrough;
- (3) Proposed map changes shall include:
  - (f) A legal description, prepared, signed, and stamped by a surveyor registered in the State of Ohio, of the Tract to be rezoned, including all parcels within said Tract. An existing legal description on file with the County Recorder's office may be utilized to meet this requirement;
  - (g) A map showing the Tract and surrounding properties within 200 feet of that shows property lines of the Tract and surrounding parcels;
  - (h) A list of property owners(s) within 200 feet, contiguous to, and directly across the street from the Tract to be rezoned and their addresses as they appear on the County Auditor's current tax list. This requirement may be waived when the Tract proposed to be rezoned includes more than ten (10) parcels; and
  - (i) Legal description of the property as recorded in the County Recorder's office (if there is not a complete and accurate survey readily available from existing records, the Zoning Inspector may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio);
- (4) Existing and proposed uses;
- (5) Traffic Study. When the uses permitted within a proposed zoning amendment can generate one hundred (100) or more a.m. or p.m. peak hour trips and/or more than five hundred (500) or more daily vehicle trips or when otherwise required by the Village Engineer. A traffic impact study, when required shall be signed and sealed by a Professional Engineer. Vehicle Trips per day shall be determined by utilizing the ITE Trip Generator Book (8<sup>th</sup> Edition or most current edition).
- (6) A narrative statement explaining how the proposed amendment will impact the adjacent neighborhood and the Village;
- (7) Any other information required by the Zoning Inspector, or their designee, to determine compliance with and enforcement of this Zoning Code; and
- (8) The amendment application fee as prescribed in the Schedule of Fees.

#### **1166.04 ZONING AMENDMENT PUBLIC NOTICES**

- (a) Within thirty (30) days of the Submittal Date, as defined in Section 1166.03(b)(1), the Planning Commission and Board of Zoning Appeals shall schedule and hold a public hearing on the proposed amendment.
- (b) The Planning Commission and Board of Zoning Appeals shall give notice of public hearing on any proposed Zoning changes as follows:
  - (1) At least a twenty (20) day notice of the hearing by publication in a newspaper of general circulation in the Village. Said notice shall include the following:
    - A. A map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks;
    - B. The date, time, and place of the public hearing;

- C. The names of the Members of the Planning Commission/Board of Zoning Appeals;
  - D. The present and desired zoning classifications OR a summary of the amendment text; and
  - E. Other information that may be necessary to provide adequate and timely public notice.
- (2) At least a twenty (20) day notice of the hearing by written mail notice to all owners of real property included in the proposed change and all owners contiguous to and directly across the street from the property included in the proposed change. The notice shall contain:
- A. The legal description of the property and the street address or its approximate location in the Village;
  - B. The present District of the property and the District sought by the applicant; and
  - C. The date, time, and place of the public hearing.
- (3) The requirement for written mail notice, as per Section 1166.04(b)(2), is waived if more than ten (10) parcels are to be rezoned as part of the amendment in question.

#### **1166.05 ZONING AMENDMENT REVIEW PROCESS**

- (a) Planning Commission and Board of Zoning Appeals Action on Zoning Amendments. Within thirty (30) days of the closing of the Planning Commission's and Board of Zoning Appeals' public hearings, the Planning Commission and the Board of Zoning Appeals shall vote to:
- (1) Recommend to the Village Council that the application be approved as submitted, or as amended, or be approved subject to modification or;
  - (2) Recommend to the Village Council that the application be denied.
- (b) Transmittal to Village Council. Within fifteen (15) days of the Planning Commission's and Board of Zoning Appeals' action to recommend approval or approval subject to modifications, the Planning Commission and Board of Zoning Appeals shall transmit the application, with the report and recommendations, to the Village Council.
- (c) Village Council Action on Zoning Amendments.
- (1) The Village Council shall hold a hearing on each application transmitted and on any proposed Zoning amendment initiated under Section 1166.03. Notice of said hearing shall follow the same requirements as Section 1166.04(b). The Village Council shall approve the application as submitted or amended, approve the application subject to modification, or deny the application. Under ORC Section 713.12, to adopt the recommendation, a majority vote of the membership of the Village Council is required.
  - (2) In the event the Village Council denies or modifies the recommendation, it must do so by not less than three-fourths ( $\frac{3}{4}$ ) of the membership of the Village Council.

## **1166.06        CONDITIONAL USE APPLICATION**

- (a) A conditional use permit is required for any use listed as a conditional use in Chapter 1174, Use Tables. The failure to obtain a conditional use permit shall be considered a violation of this Zoning Code and shall be punishable under Chapter 1170.
- (b) The applicant shall submit one (1) paper copies and preferably one (1) electronic PDF copy of an application for a conditional use permit to the Planning Commission that contains the following information:
  - (1) All the information required for a Zoning Permit under Section 1166.01(c) ;
  - (2) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic circulation, open spaces, landscaping, trash disposal and service areas, utilities, signs, setbacks, and other information that the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;
  - (3) A narrative statement evaluating the effects on the adjoining property, and a discussion of the general compatibility with adjacent and other properties in the District;
  - (4) The names and addresses of all property owners within 200 feet, contiguous to and directly across the street from the property, as appearing on the County Auditor’s current tax list;
  - (5) The applicable review fee as prescribed in the Schedule Fee; and
  - (6) Such other information regarding the property, proposed use, or surrounding areas as may be pertinent to the deliberations of the Planning Commission.

## **1166.07        CONDITIONAL USE APPROVAL**

- (a) The Planning Commission shall schedule a public hearing within thirty (30) days of receiving a conditional use application.
- (b) The Planning Commission shall hold a public hearing and provide notification of such hearing using the same requirements as Section 1166.04(b).
- (c) The Planning Commission shall send notification of their decision to the applicant within thirty (30) days from the date of closing the hearing.
- (d) The Planning Commission shall use the following considerations to determine whether to approve the conditional use application:
  - (1) Whether it will be harmonious with the existing or intended character of the area or neighborhood and that such use will not change its general character;
  - (2) Whether it will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, trash disposal, water and sewers, and schools, or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
  - (3) Whether it will not create excessive additional requirements for public facilities and services;
  - (4) Whether it will have vehicular approaches to the property that do not interfere with traffic circulation on the surrounding public streets or roads; and

- (5) Whether it complies with any other requirements or standards that are cited under the specific zoning district regulations of this Code.

#### **1166.08 AFTER APPROVAL OF CONDITIONAL USE**

- (a) A Conditional Use which has not been utilized within twenty-four (24) months from the date of the order granting same shall thereafter be void, provided that the Commission has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried out to completion.
- (b) If the application is approved with supplementary conditions, the Planning Commission shall direct the Zoning Inspector, or designee, to issue a zoning permit listing the specific conditions listed by the Planning Commission for approval.
- (c) If the Planning Commission takes no action within the timeframe specified in Section 1166.07(c), the application shall be considered approved.

#### **1166.09 APPEAL/VARIANCE APPLICATION**

The applicant for a Variance or an Appeal shall submit one (1) paper copy and preferably one (1) electronic PDF copy of the application to the Board of Zoning Appeals that includes the following information:

- (a) The name, address, phone number, and email address of the applicant and property owner(s) along with a signature of the applicant and date (Submittal Date) submitted to the Board of Zoning Appeals, or their designee;
- (b) The address and parcel number of the property;
- (c) The Section of the Code from which the variance or appeal is being sought;
- (d) The existing zoning district in which this property is located.
- (e) A legal description of the property;
- (f) A plot plan drawn to an appropriate scale, as determined by the Zoning Inspector, showing at a minimum the following information:
  - (1) The entire lot(s) subject to the application request;
  - (2) All adjacent rights-of-way;
  - (3) The location and height of all existing and proposed buildings and structures with a notation of the setbacks of each from all property lines and rights-of-way;
  - (4) All parking lots, driveways, or other vehicular use areas;
  - (5) All existing and proposed signs;
  - (6) Proposed landscaping;
  - (7) Distances to any residential district if less than 1,000 feet from the lot(s);
  - (8) The existing use of the lots on all adjacent lands; and
  - (9) Building elevations, if determined necessary by the Zoning Inspector, to better understand potential impacts on adjacent properties.
- (g) A narrative statement explaining the following:
  - (1) A description of the existing and proposed uses;
  - (2) For an appeal:

- A. The reasons the applicant believes they have been aggrieved by the Zoning Inspector’s or other applicable reviewing authority’s decision; and
  - B. The reasons why the appeal is justified.
- (3) For an area variance:
  - A. The proposed variance as requested; and
  - B. A response as to how the proposed variance satisfies the Practical Difficulty criteria listed in Section 1166.10(d).
- (h) The appeal/variance fee as prescribed in the Schedule of Fees.

#### **1166.10 APPROVAL OF APPEAL/VARIANCE**

- (a) The Board of Zoning Appeals shall schedule a public hearing within thirty (30) days of the submittal date, as defined in Section 1166.09(a), of a completed application for a variance or appeal.
- (b) Notice of the public hearing shall be of the same method as Section 1166.04(b).
- (c) Any person with interest may appear and testify at the public hearing in person or by attorney.
- (d) Area Variance Criteria. The Board of Zoning Appeals (BZA) may grant an area variance upon a finding by clear and convincing evidence of “Practical Difficulty” in meeting Code requirements. The factors the BZA shall consider when determining whether a property owner has encountered practical difficulties include, but not limited to, the following:
  - (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (2) Whether the variance is substantial;
  - (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - (4) Whether the variance would adversely affect the delivery of governmental services, for example, water, sewer, garbage, etc.;
  - (5) Whether the property owner purchased the property with knowledge of the Zoning restriction;
  - (6) Whether the property owner’s Practical Difficulty can be eliminated through some method other than a variance, and
  - (7) Whether the spirit and intent behind the Zoning requirement can be observed and substantial justice can be done by granting a variance.
- (e) Within thirty (30) days of closing the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or deny the request for appeal or variance.
- (f) If the application is approved or approved with supplementary conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justifying the granting of the variance that will make possible a reasonable use of the land, building, or structure.

## **1166.11 APPEALS TO THE COURT OF COMMON PLEAS**

- (a) Procedure.
  - (1) An appeal from any administrative action, or order of the Planning Commission or Board of Zoning Appeals, may be taken by any person or persons aggrieved, or any taxpayer or any officer, department, board, or committee of the Village to the Common Pleas Court of Columbiana County by filing with the Village Fiscal Officer and with the Chair of the Planning Commission or Board of Zoning Appeals within thirty (30) days from the date of such action, a notice of appeal, which notice shall specify the grounds of such appeal. Such action requires the appropriate application fee.
  - (2) All aspects of the appeal process must comply with ORC Chapter 2506.
  - (3) Upon filing of the notice of appeal, the Planning Commission or Board of Zoning Appeals shall send to the Court Clerk of Columbiana County the original or certified copies of all the papers regarding the record in the case, together with the order, decision, or ruling of the Commission or Board. This case shall be heard and tried anew (i.e., *de novo*) in the Common Pleas Court of Columbiana County, Ohio. An appeal shall be from the action of the Common Pleas Court as in all other civil actions. Costs shall not be allowed against the Commission or Board unless it shall appear to the Court that it acted with gross negligence, malice, or in bad faith in appealing the decision.
- (b) Section 1166.11 applies to all final decisions, rulings, and judgments within this Code.

## **1166.12 CERTIFICATE OF APPROPRIATENESS APPLICATION**

- (a) The applicant shall submit one (1) paper copies and, preferably, one (1) electronic PDF copy of an application, for a Certificate of Appropriateness to the Architectural and Historic Board of Review that contains the following information:
  - (1) Name, address, phone number, and email address of the applicant along with a signature of the applicant and date (Submittal Date) submitted to the Architectural and Historic Board of Review, or their designee;
  - (2) Address and parcel number of the property subject to the application;
  - (3) Legal description of the property as recorded in the County Recorder's office (if there is not a complete and accurate survey readily available from existing records, the Architectural and Historic Board of Review may require the applicant to supply a survey of the property by a Registered Surveyor in the State of Ohio);
  - (4) Existing and proposed uses;
  - (5) Plans and drawings, to approximate scale, showing:
    - A. The dimensions of the property;
    - B. The dimensions of all existing and proposed buildings or structures on the property;
    - C. The distance between the property lines and the existing and proposed structures;
    - D. All existing structures on adjacent parcels that are within fifty (50) feet from the lot line(s);

- E. The height of existing and proposed buildings;
  - F. Number of proposed dwelling units, if applicable;
  - G. A north arrow;
  - H. Location and names of all adjacent streets; and
  - I. The first-floor elevation and existing and finished grade elevations at each corner of new construction and at each corner of the site; and
- (6) Four elevations shall be shown, including a front, rear and two side elevations, together with additional view or cross-sections, if necessary, to completely indicate the exterior appearance of the structures. All elevations shall be drawn to the same scale, which shall be not less than one-quarter of an inch to the foot, except that the front elevation may be drawn to a larger scale. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches and other architectural features, all materials and finishes, and an accurate finished grade line;
  - (7) A description of the aesthetics of existing buildings and structures on the property, including their material composition, and how the proposed uses will complement, affect, or change the current aesthetics;
  - (8) The property owner is required to sign the application, or an affidavit authorizing a representative to sign and serve as the contact on behalf of the owner must be submitted;
  - (9) Any other information as determined by the Architectural and Historic Board of Review to determine compliance with the Design Code; and
  - (10) The Certificate of Appropriateness fee as prescribed in the Schedule of Fees.
- (b) The failure to obtain a Certificate of Appropriateness shall be considered a violation of this Zoning Code and shall be punishable under Chapter 1170.

#### **1166.13 CERTIFICATE OF APPROPRIATENESS APPROVAL**

- (a) The Architectural and Historic Board of Review (AHBR) shall approve or not approve the Certificate of Appropriateness application based on the Design Standards of Chapter 1184 within thirty (30) days after the submittal date, as defined in Section 1166.12(a)(1), of a completed application for a certificate of appropriateness.
  - (1) The AHBR shall schedule a public hearing within thirty (30) days of the submittal date, as defined in Section 1166.12(a)(1), of a completed application for a Certificate of Appropriateness.
  - (2) Notice of the public hearing shall be of the same method as Section 1166.04(b).
  - (3) No member of the Board shall vote on any question in which he or she is engaged as contractor or material dealer or in plans or specifications, or in which he or she has a personal or pecuniary interest. A member shall state his or her reason for not voting and a nonvote will not be considered for or against the question.

- (b) If the Architectural and Historic Board of Review approves the certificate of appropriateness application, they shall mark the application as approved, sign, date, and return the approved application to the applicant and a copy to the Zoning Inspector.
- (c) If the Architectural and Historic Board of Review does not approve the Certificate of Appropriateness:
  - (1) They shall mark the application as denied, sign and date it, provide a reason(s) for denying the permit, and return it to the applicant; and
  - (2) The applicant shall have thirty (30) days from the date that the Architectural and Historic Board of Review denied the Certificate of Appropriateness to file an appeal application to the Board of Zoning Appeals, as defined in Section 1166.09. See Section 1166.11 for further appeals to the Court of Common Pleas.

#### **1166.14 CERTIFICATE OF APPROPRIATENESS PERFORMANCE STANDARDS**

- (a) Application of Criteria. In carrying out its duties with respect to matters which are submitted to or come before it, the Board of Zoning Appeals (BZA) shall be guided, to the extent practical, in the performance of its duties under this chapter, by the Design Standards of Chapter 1184.
- (b) Application of Historical Architectural Record. In carrying out its duties pursuant to divisions (b) and (c) hereof, and in the application of the design standards, the BZA shall give due consideration to the historical architectural record of the Village and may give consideration to such other scholarly and historic material as may be appropriate and useful to the fulfillment of its duties.
- (c) Consultation With Village Council. When requested by Village Council, the BZA shall advise and consult with Village Council concerning construction or improvements authorized or undertaken by Village Council, which construction or improvements may affect the appearance of the Village and its streets and ways, even when such consultation is not required by ordinance.

#### **1166.15 DESIGNATION OF PROPERTY OR LANDMARK AS HISTORICALLY SIGNIFICANT**

- (a) The Architectural and Historic Board of Review may occasionally review and propose additional properties, areas, or landmarks to be included within the Historic Overlay District. The Village Council shall make the final determination after holding a public hearing and obtaining a recommendation from the Planning Commission, who in turn received a recommendation from the Architectural and Historic Board of Review. Prior to that hearing, at least one (1) notification shall be given in a newspaper of general circulation in the Village at least thirty (30) days prior to the hearing.
- (b) Criteria. The property, area, or landmark must comply with at least three of the following criteria in determining that a property is historically significant and should be added to the Historic Overlay District.
  - (1) It has a direct association with a significant historic event or with the historical development of the Village, state, or nation;

- (2) It has direct and substantial association with a recognized person or group of persons who had influence on society;
- (3) It embodies the distinctive visible characteristics of an architectural style or type;
- (4) It is a significant example of the work of a recognized architect or master builder;
- (5) It contains elements of design, engineering, materials, craftsmanship, or artistic merit which represent a significant innovation or technical achievement;
- (6) It represents an established and familiar feature of the neighborhood, community, or contemporary Village, due to its prominent location or physical characteristics;
- (7) It promotes understanding and appreciation of the urban environment by means of distinctive physical characteristics or rarity;
- (8) It represents an era of culture or heritage that allows an understanding of how the site was used by past generations;
- (9) It is a physical attribute of a neighborhood, community, or the Village that is a source of pride or cultural understanding; or
- (10) It is associated with social movements, institutions, or patterns of growth or change that contributed significantly to the culture of the neighborhood, community, Village, state, or nation.

#### **1166.16 PUD DEVELOPMENT PLAN APPLICATION**

- (a) The application shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit one (1) paper copy and preferably one (1) electronic PDF copy. The information submitted should include the following:
- (b) Completed application form. The application shall be signed and notarized;
- (c) Vicinity map showing the relationship of the proposed PD to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site, Zoning District boundaries, and existing land uses and structures;
- (d) A regional context map showing 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 eleven (11) inches by seventeen (17) inches;
- (e) Legal description;
- (f) Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
  - (1) Boundaries of the area proposed for development, dimensions, and total acreage;
  - (2) Existing public rights-of-way, buildings, permanent facilities, access points, and easements on, and adjacent to, the site;
  - (3) Identification of any existing buildings or structures to be removed or demolished;
  - (4) Existing Zoning District boundaries and jurisdictional boundaries;
  - (5) Existing utility systems and providers;

- (6) The location of existing topography showing contour lines at vertical intervals of not more than five (5) feet, highlighting ridges, rock outcroppings, and other significant topographical features and identifying any areas with slopes over five percent (5%);
  - (7) Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health, and quality;
  - (8) Delineation of existing drainage patterns on the property; and
  - (9) Location of wetlands (and potential wetlands) the one hundred (100)-year floodplain, floodway boundary, twenty (20)-foot buffer area beyond the floodway, and flood elevation as delineated by the Federal Emergency Management Agency maps, including rivers and streams and their related river or stream bank, ponds, and water courses.
- (g) Architectural drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character, and general elements in sufficient detail to indicate the proposed visual character of the development;
- (h) A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements, and natural areas;
- (i) Proposed utilities including the proposed provision of water, sanitary sewer, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness, including verification of availability;
- (j) Traffic Study. When the uses permitted within a proposed zoning amendment can generate one hundred (100) or more a.m. or p.m. peak hour trips and/or more than five hundred (500) or more daily vehicle trips or when otherwise required by the Village Engineer. A traffic impact study, when required, shall be signed and sealed by a Professional Engineer. Vehicle Trips per day shall be determined by utilizing the ITE Trip Generator Book (8<sup>th</sup> Edition or most current edition);
- (k) Explanation of the relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, and open space systems, services, and other public improvements;
- (l) The PUD development text identifying the requirements that are to govern the design and layout of the PUD;
  - (1) The development standards text shall include signature and date lines for the applicant certifying the text;
  - (2) Dimensions and/or acreages illustrated on the development plan shall be described in the development standards text;
  - (3) Any dimensions or other provision that departs from any applicable standards set forth in this Code, especially addressing signs, landscaping, appearance, and parking, shall be clearly described; and
  - (4) Adequate provision shall be made to establish a private organization (i.e., homeowners association) with direct responsibility to provide for the operation and maintenance of all common facilities that are part of the planned

development, and, in such instance, legal assurances shall be provided to show that the private organization is self-perpetuating; and

- (m) Application fee paid as prescribed by the Schedule of Fees.

#### **1166.17 PUD DEVELOPMENT PLAN PROCESS**

The Planning Commission shall review a development plan as part of the zoning amendment process and make a recommendation to the Village Council, who would then hold a public hearing and determine whether to approve or not approve the preliminary development plan. Approval of a development plan by the Village Council would rezone the property to PUD after a thirty (30) day referendum period. The preliminary development plan map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The information submitted shall indicate:

- (a) The proposed location, use and size of areas of residential, retail, office, industrial or institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
- (b) The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
- (c) Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
- (d) Natural areas and other natural features to be conserved and any required buffer areas;
- (e) Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
- (f) A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s); and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area;
- (g) Space for signatures of the applicant and the Zoning Inspector, or designee, Planning Commission Chair, and the dates of Planning a Commission and Village Council approvals; and
- (h) A Preliminary plat, if appropriate, designed in compliance with the subdivision requirements set forth in Title One, Subdivision Regulations. The required subdivision information may be included in the preliminary development plan.

See Sections 1166.03-05, Amendments, for further information on the amendment application and approval processes. Also see Chapter 1180, Planned Unit Development, for more information on the regulations for the PUD.

**1166.18 AMENDMENT TO APPROVED PUD DEVELOPMENT PLAN**

- (a) Modification to Approved Development Plans. Requested modifications to an approved development plan shall be reviewed according to the following:
  - (1) Administrative Approval. The Zoning Inspector, or designee, in administering the approved development plan and development text, may authorize minor plan modifications to building layouts, parking arrangements, sign locations, lighting, and other site-related improvements that are required to correct any undetected errors or address changes to the site made necessary during construction, provided the modifications remain consistent with the purpose of the approved final development plan;
  - (2) No modifications shall be made that increase the permitted density of development or add to the list of permitted uses; and
  - (3) Modifications deemed minor may include such changes as:
    - (a) Minor adjustments in lot lines provided no additional lots are created and required setbacks are maintained;
    - (b) Minor adjustments in the location of and layout of parking lots provided the perimeter setbacks, yards and buffers are maintained;
    - (c) Minor adjustments in building footprints up to ten (10%) in total floor area of the originally approved building, building height(s) or floor plans, that do not alter the character or intensity of the use;
    - (d) Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;
    - (e) Redesigning and/or relocating stormwater management facilities;
    - (f) Redesigning and/or relocating landscape mounds, provided that the same level and quality of screening is maintained;
    - (g) Minor modifications to the sign face, landscaping and lighting, provided the other sign requirements of the final development plan are maintained;
    - (h) Minor changes in building material or colors that are similar to and have the same general appearance comparable to or of a higher quality as the material approved on the final development plan;
    - (i) Changes required by outside agencies such as the county, state, or federal departments;
    - (j) Other minor modifications deemed by the Zoning Inspector, or designee, do not alter the basic design or any specific conditions imposed as part of the original approval; or
    - (k) The Zoning Inspector, or designee, shall report approved modification to the Planning Commission.
- (b) Any change that is not considered a minor modification as described in Section 1116.18(a)(3) shall require a revised Development Plan to be approved by the original approval process outlined in Section 1116.17.
- (c) Planning Commission Variances. Any request for a variation to the development standards that pertains to an individual One (1)-Unit Dwelling shall be reviewed as a quasi-judicial action wherein the Planning Commission shall issue the final order. This

final order shall be subject to an appeal under ORC Chapter 2506.

#### **1166.19 SIMILAR USES**

- (a) On occasion, new uses of land may arise that may not have been contemplated at the time of the Code's adoption. This section sets forth a process to identify the location for such uses. Since this action is an interpretation matter, the Planning Commission shall be the body designated for determining similar uses. Determining whether a use is similar to uses permitted by right shall be considered an expansion of use regulations of the District and not as a variance applying to a particular situation. Any similar use found shall thereafter be considered as a Permitted Use in that District.
- (b) Applications for Zoning Permits for uses not specifically listed in the permitted building or use classifications of the Zoning District, which the applicant feels qualify as a similar use under the provisions of this section, shall be submitted to the Planning Commission or their designee. One (1) paper copy and preferably a PDF copy of a completed application shall be submitted. The following information shall be included in the application:
  - (1) Name, address, phone number, and email of the applicant;
  - (2) The address and parcel number of the address in question;
  - (3) If the applicant is not the owner of the property, a signed letter from the property owner shall be submitted authorizing the applicant to serve as their agent for the application;
  - (4) Legal description of the property;
  - (5) The existing Zoning District in which the property is located;
  - (6) A vicinity map drawn at a suitable scale, showing property lines, streets, existing zoning of surrounding parcels adjacent to and within 200 feet; and
  - (7) The names and addresses of all property owners within one hundred (100) feet of the subject property as appearing on the County Auditor's current tax list.
- (c) The factors the Planning Commission shall consider when determining whether to approve a proposed Similar Use include, but not limited to, the following:
  - (1) The Similar Use is not listed as a Permitted or Conditional Use in another Zoning District;
  - (2) The Similar Use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification;
  - (3) The Similar Use creates no increased danger to health and safety;
  - (4) The Similar Use does not create levels of noise, vibration, dust, heat, smoke, odor, glare, or other objectionable nuisances to an extent greater than other Permitted or Conditional Uses allowed in the Village; and
  - (5) The Similar Use does not create traffic congestion to an extent greater than other Permitted or Conditional Uses allowed in the Village.

**1166.20 SIGN PERMIT PROCESS**

- (a) Permit Required. No sign, except as exempted in Section 1190.02, shall be erected, constructed, or maintained within the Village unless a permit for the same has been issued by the Zoning Inspector, or their designee. An application for a permit to construct or erect a sign shall be made by the owner of the sign or the property upon which the sign is proposed, or their agent. The applicant shall submit one (1) paper copy of an application for a permit to erect a sign, and shall contain, at a minimum and drawn to scale:
- (1) The dimensions and weight of the sign, and where applicable, the dimension of the wall surface of the building to which it is to be attached;
  - (2) The dimension and weight of the sign's supporting members;
  - (3) The maximum and minimum height of the sign;
  - (4) The proposed location of the sign in relation to the face of the building, in front of or above which it is to be erected;
  - (5) Where the sign is to be attached to an existing building, a diagram of the face of the building to which the sign is to be attached;
  - (6) A color rendering of the proposed sign image;
  - (7) The name and address of the user, or owner of the sign and the location of the sign; and
  - (8) The name and address of the sign installer. In addition, if the proposed sign requires an installation permit from the State of Ohio, a copy of such permit shall be provided prior to erection of the sign.
- (b) Action on Sign Permit. Within thirty (30) days after the receipt of the application the Zoning Inspector, or their designee, shall issue a Sign Permit upon submittal of a completed application and payment of applicable fees if they determine that the provisions of this chapter have been met. If the application for a Sign Permit is denied, the applicant shall be given written notice of such denial, along with the reasons for the denial.
- (c) Appeals. Any decision made by the Zoning Inspector, or their designee, under the terms of this chapter may be appealed to the Board of Zoning Appeals through the method of Section 1166.09.

**1166.21 FENCE OR WALL PERMIT PROCESS**

- (a) Permit Required. No fence or wall shall be erected, constructed, or maintained within the Village unless a permit for the same has been issued by the Zoning Inspector, or their designee. Application for a permit to construct or erect a fence or wall shall be made by the owner of the fence or wall or the property upon which the fence or walls proposed, or their agent. The applicant shall submit one (1) paper copy of an application for a permit to erect a fence or wall and shall contain, at a minimum and drawn to scale:
- (1) The dimensions of the fence or wall;
  - (2) The maximum and minimum height of the fence or wall;

- (3) The proposed location of the fence or wall in relation to the primary use of the lot;
  - (4) A rendering of the proposed fence or wall;
  - (5) The name and address of the user, or owner of the fence or wall;
  - (6) The name and address of the fence or wall installer. In addition, if the proposed fence or wall requires an installation permit from the State of Ohio, a copy of such permit shall be provided prior to erection of the fence or wall; and
  - (7) A statement showing compliance with Section 1186.08.
- (b) Action on Fence or Wall Permit. Within thirty (30) days after the receipt of the application, the Zoning Inspector, or their designee, shall issue a Fence or Wall Permit upon submittal of a completed application and payment of applicable fees if they determine that the provisions of this chapter have been met. If the application for a Fence or Wall Permit is denied, the applicant shall be given written notice of such denial, along with the reasons for the denial.
- (c) Appeals. Any decision made by the Zoning Inspector, or their designee, under the terms of this chapter may be appealed to the Board of Zoning Appeals through the method in Section 1166.09.

*This area is intentionally left blank*

**CHAPTER 1168**  
**NONCONFORMING USES**

<b>1168.01</b>	<b>Purpose</b>	<b>1168.06</b>	<b>Nonconforming Uses</b>
<b>1168.02</b>	<b>Grace Period</b>	<b>1168.07</b>	<b>Damage or Destruction</b>
<b>1168.03</b>	<b>Conformance Required</b>	<b>1168.08</b>	<b>Zoning Certificate Required</b>
<b>1168.04</b>	<b>Lots of Record</b>		<b>for Nonconforming Use</b>
<b>1168.05</b>	<b>Nonconforming Structures</b>		

---

**1168.01 PURPOSE**

The purpose of this Chapter is to allow for the continuation of uses and structures that were lawfully permitted before the enactment of this Code or its amendments but do not conform to the currently adopted regulations.

**1168.02 GRACE PERIOD**

The construction, change, or remodeling of a use, structure, or building that was legally commenced prior to the effective date of this Zoning Code or its amendment but does not conform to these regulations may be continued as a nonconforming use if the following criteria are met:

- (a) The property was purchased or otherwise legally acquired prior to the effective date of this Zoning Code or its amendment, making it nonconforming; and
- (b) Said work has been completed within two (2) years of the effective date of this Zoning Code or an amendment making it non-conforming.

**1168.03 CONFORMANCE REQUIRED**

Unless otherwise specifically permitted by this Chapter, all buildings, structures, and uses shall comply with the regulations for the zoning district in which they are located.

**1168.04 LOTS OF RECORD**

- (a) A Lot of Record is any lot or parcel of land that was lawfully created by a subdivision plat of record or by a metes and bounds description and recorded in the County Recorder's Office before the effective date of this Ordinance.
- (b) Any lot of record existing on the initial effective date of this Ordinance may be used for any single-family dwelling when such use is permitted in the District, regardless of the width or area of said lot, provided all of the following criteria are met:
  - (1) The side setback for any lot of record shall not exceed ten percent (10%) of the width of the lot, but in no case shall a side yard be less than three (3) feet; and
  - (2) The rear setback for any lot of record shall not exceed twenty percent (20%) of the depth of the lot, but in no case shall the rear yard be less than ten (10) feet.
- (c) Accessory structures shall comply with all side and rear setback requirements in the applicable district regulations. In any district where dwellings are not listed as a

permitted use, a lot of record may be used for any permitted use in the District in which it is located, provided the following criteria are met:

- (1) The side setback shall be a minimum of ten percent (10%) of the lot width;
  - (2) The rear setback shall be a minimum of twenty percent (20%) of the lot depth; and
  - (3) All other regulations for the District, including impervious surface ratios, shall apply as stated in the applicable zoning district.
- (d) Any lot of record that contains a structure that complies with the regulations in this Section shall be considered a compliant with these Zoning Regulations.

#### **1168.05 NON-CONFORMING STRUCTURES**

- (a) A nonconforming structure is any building or structure lawfully existing on the effective date of these regulations or an amendment that does not conform to the District's development standards.
- (b) A nonconforming structure may continue to exist in accordance with the provisions of this Chapter.
- (c) A nonconforming structure may be enlarged, maintained, repaired, or structurally altered, provided the existing non-conformity is not increased or extended and no new non-conformities are created.
- (d) A nonconforming structure shall not be moved in whole or in part for any distance to any other location on the same or any other lot. If such structure is moved, the entire structure shall conform to the regulations of the applicable zoning District in which it is located. A Zoning Permit shall be required prior to moving such Structure.
- (e) As defined in this Code, a nonconforming mobile home located in any district, once removed, shall not be relocated on such a lot or replaced with another mobile home.

#### **1168.06 NONCONFORMING USES**

- (a) A nonconforming use is any use that was lawfully being conducted within any building or on any land on the effective date of these regulations or an amendment but is not listed as a permitted use of the District in which it is located.
- (b) A nonconforming use may continue to operate in its current location in accordance with the provisions of this Chapter.
- (c) The Planning Commission may authorize a nonconforming use to be changed to another nonconforming use, provided the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. The Planning Commission may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Code, which, if violated, are punishable under Chapter 1170.
- (d) Unless otherwise permitted by this Chapter, a nonconforming use shall not be enlarged, extended, or expanded.
- (e) The Planning Commission may permit, on a once-only basis, the expansion of a nonconforming use, provided such expansion does not exceed twenty-five percent (25%) of the ground floor area of the existing building or buildings devoted to a nonconforming

use at the time of enactment of this Zoning Code or at the time of its amendment making a use nonconforming. The Planning Commission shall not authorize any enlargement which would:

- (1) Result in a violation of the provisions of this Zoning Code with respect to any adjoining premises;
  - (2) Occupy ground space required for meeting the setback or other requirements of this Zoning Code.
- (f) A nonconforming use that has been replaced or abandoned shall not be returned to a nonconforming use. A nonconforming use shall be considered abandoned when there is intent, either express or implied, to cease the nonconforming use for a period of one (1) year. Abandonment may be evidenced by an overt act or failure to act indicating that the Owner has not been using the nonconforming use for the said time period. A nonconforming use shall be considered replaced when either one of the following conditions exists:
- (1) When a nonconforming use has been changed to a permitted use in the applicable District.
  - (2) When it has been changed to another nonconforming use under permit from the Planning Commission.

#### **1168.07 DAMAGE OR DESTRUCTION**

In the event that any nonconforming building, structure, or use is damaged or destroyed by any means, to the extent of more than fifty percent (50%) of its fair market value at the time of damage, such building or other structure shall not be restored unless such building or other structure and the use thereof conform to the regulations of the District in which it is located. If such damage is fifty percent (50%) or less of its current Fair Market Value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics; and the previous use may be permitted if the following criteria are met:

- (a) A Zoning Permit is obtained;
- (b) Restoration commences within one (1) year after the date of such destruction; and
- (c) The restoration is substantially completed within two-and-a-half (2.5) years from when the Zoning Permit is issued.

#### **1168.08 ZONING CERTIFICATE REQUIRED FOR NONCONFORMING USE**

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by the adoption of this Zoning Code. An application for such a certificate for a nonconforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Zoning Code. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful nonconforming use, but failure to apply for such certificate for a nonconforming use, or refusal of the Zoning Inspector to issue a certificate for such nonconforming use shall be evidence that such nonconforming use was either illegal or did not lawfully exist on the effective date of this Zoning Code. No charge shall be made for issuing a zoning certificate in accordance with this section.

## CHAPTER 1170 VIOLATION, ENFORCEMENT, & FEES

<b>1170.01</b>	<b>Violations</b>	<b>1170.07</b>	<b>Date of Service for Notice of Violation</b>
<b>1170.02</b>	<b>This section is not currently being used</b>	<b>1170.08</b>	<b>Re-Inspection and Citation Notification</b>
<b>1170.03</b>	<b>Entry and Inspection of Property</b>	<b>1170.09</b>	<b>Citations for Violation</b>
<b>1170.04</b>	<b>Zoning Permit Revocation</b>	<b>1170.10</b>	<b>Additional Remedies</b>
<b>1170.05</b>	<b>Stop Work Order</b>	<b>1170.11</b>	<b>Schedule of Fees, Charges and Expenses</b>
<b>1170.06</b>	<b>Notice of Violation</b>		

### **1170.01 VIOLATIONS**

A violation of this code occurs when a person, lot owner, or lessee fails to:

- (a) Obtain a Zoning Permit, Conditional Use Permit, or Certificate of Zoning Compliance prior to the Commencement of Work for the construction, alteration, or use for which the permit or certificate is required;
- (b) Comply with the requirements of an approved Zoning Permit, Conditional Use Permit, or Certificate of Zoning Compliance;
- (c) Comply with an order issued by the Zoning Inspector, the Board of Zoning Appeals, the Planning Commission, or any other board or commission authorized to act under this Zoning Code;
- (d) Comply with the standards that established the approval of the Zoning Permit following its approval; or
- (e) Comply with any other regulation or rule as prescribed in this Code.

Any violation of this Code is subject to the enforcement standards of this chapter.

### **1170.02 THIS SECTION IS NOT CURRENTLY BEING USED.**

### **1170.03 ENTRY AND INSPECTION OF PROPERTY**

- (a) The Zoning Inspector, or their designee, is authorized to make inspections of properties and structures to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code.
- (b) Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the Owner or occupant to inspect.

- (c) If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the applicable law enforcement agency, when the matter is an immediate hazard to life safety.
- (d) Nothing in this section limits the ability of the Zoning Inspector to work with its Solicitor to secure a valid search warrant prior to entry.

#### **1170.04 ZONING PERMIT REVOCATION**

The Zoning Inspector may revoke a permit which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application. Such revocation shall be made in writing and sent to the property owner by certified mail in accordance with Section 1170.06.

#### **1170.05 STOP WORK ORDER**

- (a) When the Zoning Inspector determines a violation of this code has occurred for any work being completed on a property, the Zoning Inspector shall write a stop work order, which shall be:
  - (1) Posted on the premises involved; and
  - (2) Sent to the property owner via Certified Mail.
- (b) Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Code.

#### **1170.06 NOTICE OF VIOLATION**

Whenever the Zoning Inspector determines that there is a violation of any provision of this Zoning Code, a written Notice of Violation shall be issued to the Responsible Party. Such written notice shall:

- (a) Identify the violation;
- (b) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated; and
- (c) Include a statement that the violation shall be corrected within thirty (30) days of the Date of Service of the Notice of Violation (which shall be referred to as the Violation Remedy Date). Failure to correct the violation prior to the Violation Remedy Date shall be cause for a citation to be issued by the Zoning Inspector in accordance with Section 1170.09.

#### **1170.07 DATE OF SERVICE FOR NOTICE OF VIOLATION**

The Date of Service for the Notice of Violation shall be one of the following:

- (a) The date the Notice of Violation is personally delivered to the Responsible Party;
- (b) The date the Notice of Violation is sent by certified mail in the US Post Office to the both the property owner address as listed on the County Auditor's Tax List and the address for the property; or

- (c) The date the Notice of Violation is posted in a conspicuous place on the property in violation. Service of this notice shall be deemed complete on the date the Zoning Inspector certifies that the Notice of Violation was delivered via one of the above methods.

#### **1170.08 RE-INSPECTION AND VIOLATION NOTIFICATION**

Within three (3) business days after the Violation Remedy Date, the Zoning Inspector shall re-inspect the property in question. If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected by the Responsible Party a Violation shall be issued. Such Violation Notification shall:

- (a) Be served by one of the methods specified in Section 1170.06;
- (b) Be in writing;
- (c) Identify the violation. State the amount of the penalty in accordance with Section 1170.09; and
- (d) Shall direct the Responsible Party to remedy the violations within seven (7) days of the date of the Violation Notification and failure to do so will result in additional Violations in escalating amounts specified in Section 1170.09. The Citation Notification shall also inform the Responsible Party that a civil complaint or criminal summons may be filed if the code violation is not remedied in accordance with this Zoning Code.

#### **1170.09 CITATIONS FOR VIOLATION**

- (a) A Violation of any provisions of this Zoning Ordinance is one (1) of the following:
  - (1) Except as otherwise provided, a minor misdemeanor;
  - (2) If the offender previously has been convicted of or pleaded guilty to a violation of this Zoning Ordinance, a misdemeanor of the fourth degree; or
  - (3) If the offender has previously been convicted of or pleaded guilty to two (2) or more violations of this Zoning Ordinance, a misdemeanor of the third degree.
- (b) There shall be a minimum of seven (7) days between the dates of each citation for the same violation. The Zoning Inspector shall be required to re-inspect the property and document the continued violation prior to issuing additional Violations. Each additional Citation Notification shall follow the requirements of Section 1170.06.

#### **1170.10 ADDITIONAL REMEDIES**

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law, including, but not limited to, civil procedures. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Solicitor or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

**1170.11 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, certificates of zoning compliance, appeals and other matters pertaining to this Zoning Code. The schedule of fees shall be posted in the Village administrative offices and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

*This area is intentionally left blank*

## CHAPTER 1172

### ZONING DISTRICTS ESTABLISHED & RULES OF MEASUREMENT

<b>1172.01</b>	<b>Zoning Districts Established</b>	<b>1172.05</b>	<b>Types of Lots</b>
<b>1172.02</b>	<b>Official Zoning Map</b>	<b>1172.06</b>	<b>Types of Encroachment</b>
	<b>Established</b>	<b>1172.07</b>	<b>Rules of Measurement</b>
<b>1172.03</b>	<b>District Boundary</b>	<b>1172.08</b>	<b>Types of Measurements</b>
	<b>Description and</b>	<b>1172.09</b>	<b>Regulations of Uses and</b>
	<b>Interpretation</b>		<b>Development of Land or</b>
<b>1172.04</b>	<b>Limitations on uses</b>		<b>Structures</b>

---

#### **1172.01 ZONING DISTRICTS ESTABLISHED**

- (a) The Zoning Districts and Planned Zoning Districts set forth below are hereby established in three (3) separate categories:
  - (1) Agricultural & Residential;
  - (2) Mixed-Use & Commercial; and
  - (3) Planned.
- (b) The following Zoning Districts are hereby established:
  - (1) Agricultural & Residential (with Mixed Use):
    - A. Agriculture (A)
    - B. Village Residential (VR)
  - (2) Mixed Use & Commercial, Planned:
    - A. Central Business District (CBD)
    - B. Neighborhood Commercial (NC)
    - C. Employment Center (EC)
- (c) Planned Unit Development (PUD)

#### **1172.02 OFFICIAL ZONING MAP ESTABLISHED**

- (a) The location and boundaries of the various Zoning Districts as defined herein shall be established by ordinance and shall be shown and delineated on the Zoning Map.
- (b) The Zoning Map shall be kept in the fiscal office and maintained by the Zoning Inspector of the Village.
- (c) The Zoning Map may be divided into parts. Such parts may be separately employed for identification purposes when adopting or amending the Zoning Map or for any reference to the Zoning Map.

#### **1172.03 DISTRICT BOUNDARY DESCRIPTION AND INTERPRETATION**

- (d) District boundary lines shall be described by legal description or by a map.
- (e) When a legal description is used, the boundary line shall be deemed to extend to the centerline of abutting streets and shall be so designated on the Zoning Map.

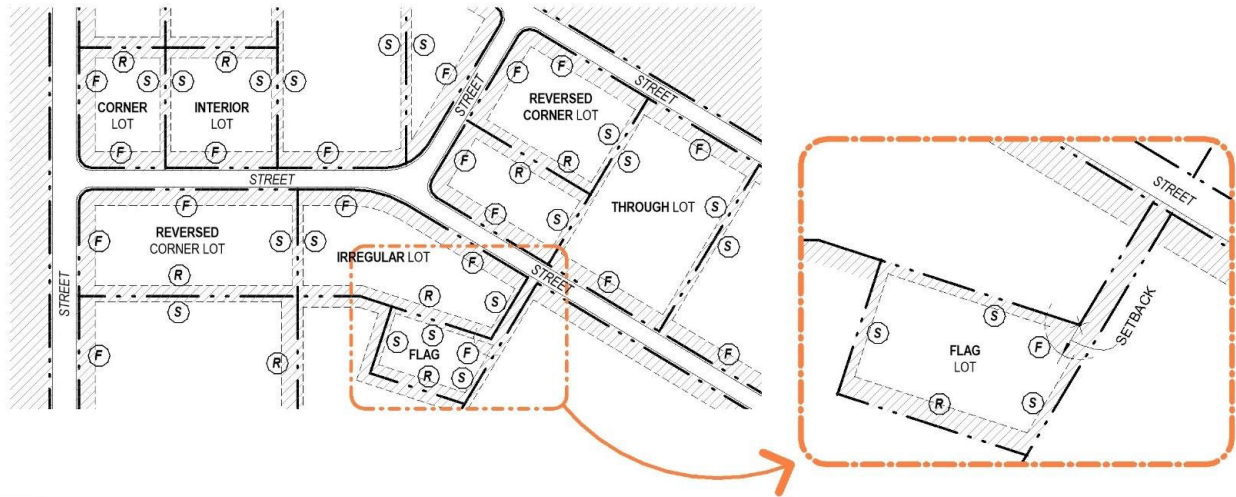
- (f) When a map is used, District boundary lines shall be established by dimensions, property lines, recorded Lot Lines, or the centerline abutting street, alley, or railroad right-of-way, as the same were of record at the time of adoption.
- (g) In all cases, if there is doubt as to the exact location of District boundary lines, the same shall be determined by the Planning Commission.

**1172.04 LIMITATION ON LAND USE**

- (a) No person, firm, or corporation shall use or permit to be used any land or buildings, nor shall any person, firm, or corporation make, erect, construct, move, alter, enlarge or rebuild or permit the making, erection, construction, moving, altering, enlarging or rebuilding of any building, structure, or improvement, which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, yard, setback, and other requirements established in the District in which such land, building, structure, or improvement is located, except as provided by Chapter 1168, Nonconforming Uses.
- (b) Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building, lot, or use, where a Zoning Permit has been lawfully issued prior to the effective date of this Code, and pursuant to such permit, construction or the use is diligently carried to completion. Upon completion, such building or use shall be deemed legally non-conforming and may continue as regulated by Chapter 1168, Nonconforming Uses.

*This area is intentionally left blank*

## 1172.05 TYPES OF LOTS



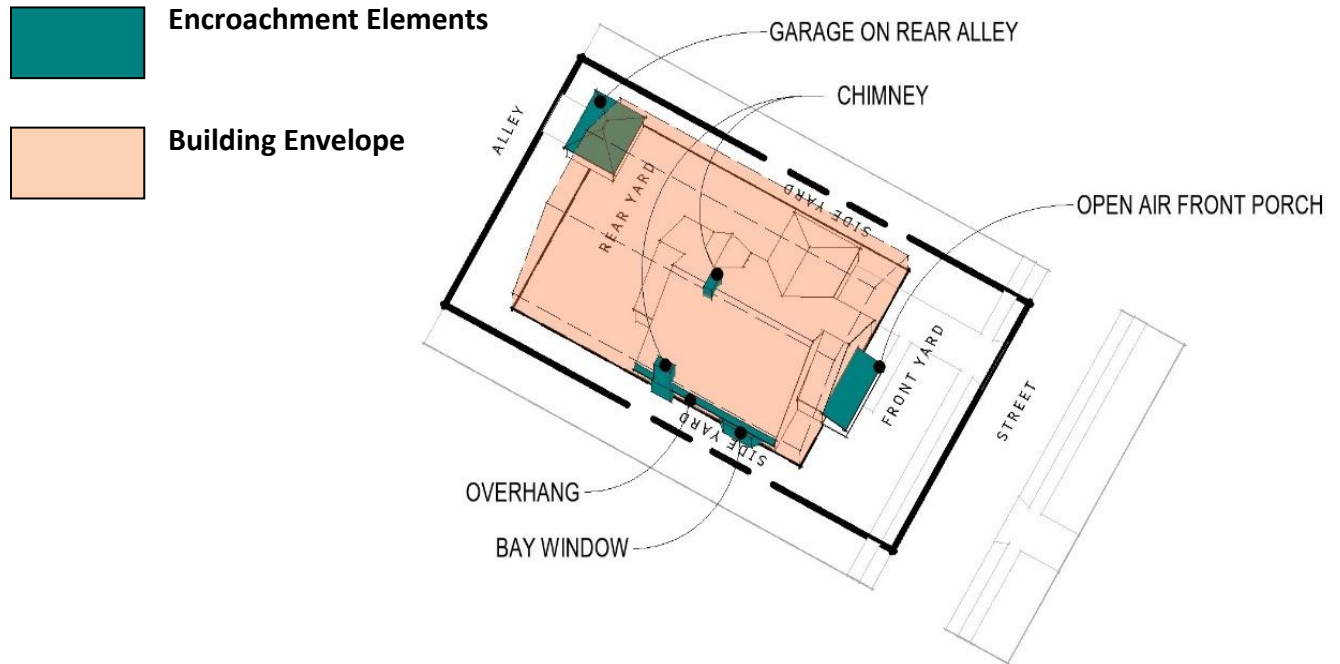
### LEGEND

- (F) FRONT SETBACK
- (S) SIDE SETBACK
- (R) REAR SETBACK
- AREA OUTSIDE OF BUILDABLE AREA
- PROPERTY LINE

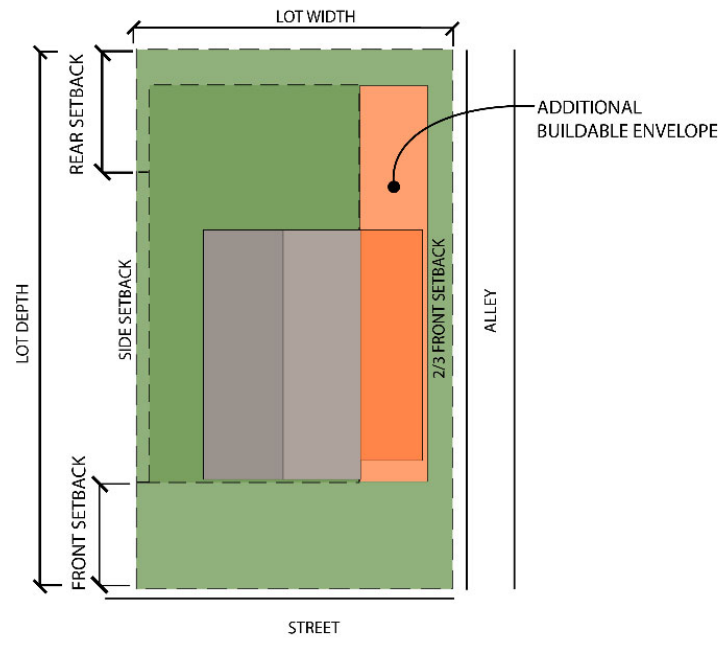
- (a) Front, rear and side setbacks must comply with the requirements of the applicable zoning district. The purpose of the above graphic is to illustrate which lot lines serve as front, rear and side lot lines for each type of lot.
- (b) For a flag lot, the front yard shall be determined by identifying the midpoint of the terminus of the panhandle (or the terminus of an easement outside of the panhandle) and drawing a semi-circle with a radius that is equal to the minimum front setback for the applicable zoning district (see Chapters 1176 and 1178).
- (c) When a lot abuts both a street and an alley, both the street and alley shall be considered a Front Lot Line. However, a structure may encroach into and up to two-thirds (2/3) of the required Front Setback along the alley as depicted in the graphic below.

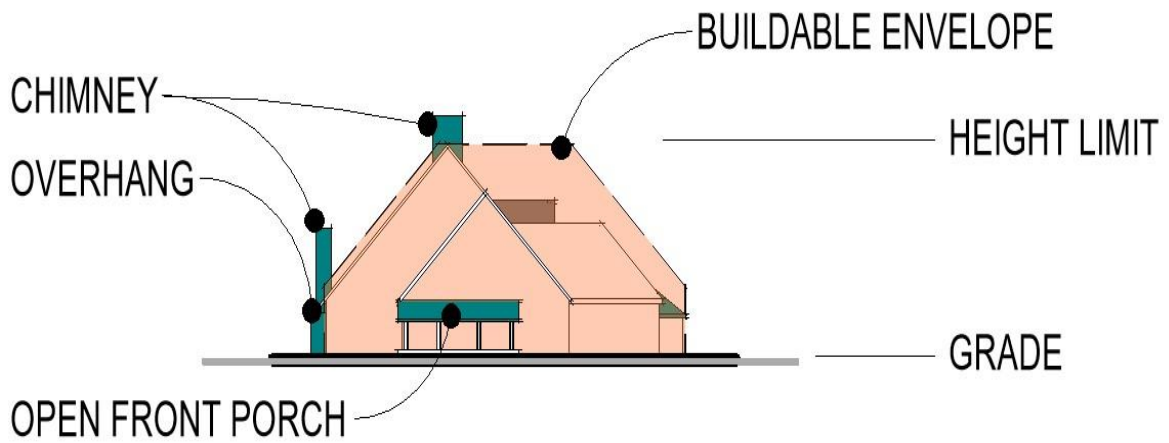
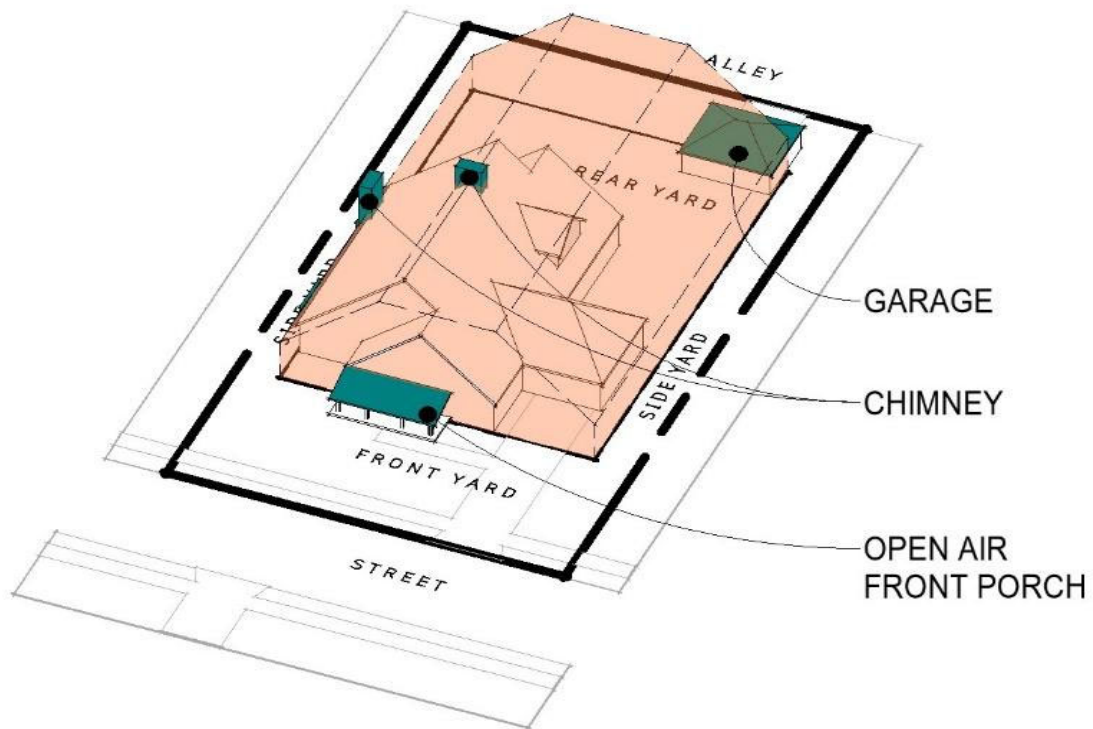
## 1172.06 TYPES OF ENCROACHMENTS

- (a) Each District allows various types of encroachments. Refer to the Lot Area, Setback and Height Tables in each District to identify the types of permitted encroachments for said District.
- (b) Open Air Porches shall be considered an encroachment element while Enclosed Porches shall be considered part of the building envelope.
- (c) The road frontage is required, except in the PUD.



### VILLAGE RESIDENTIAL

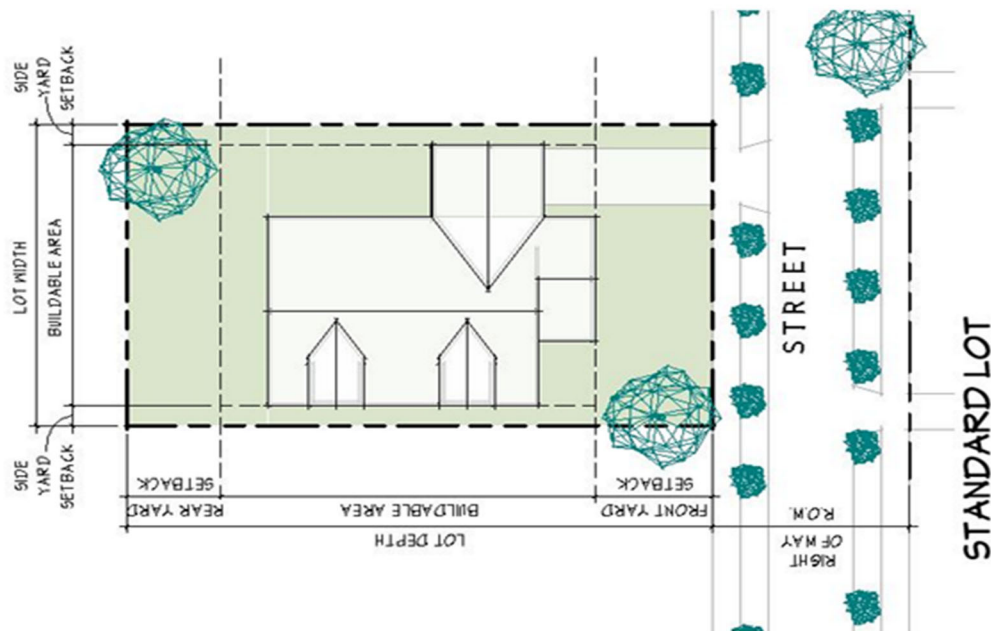
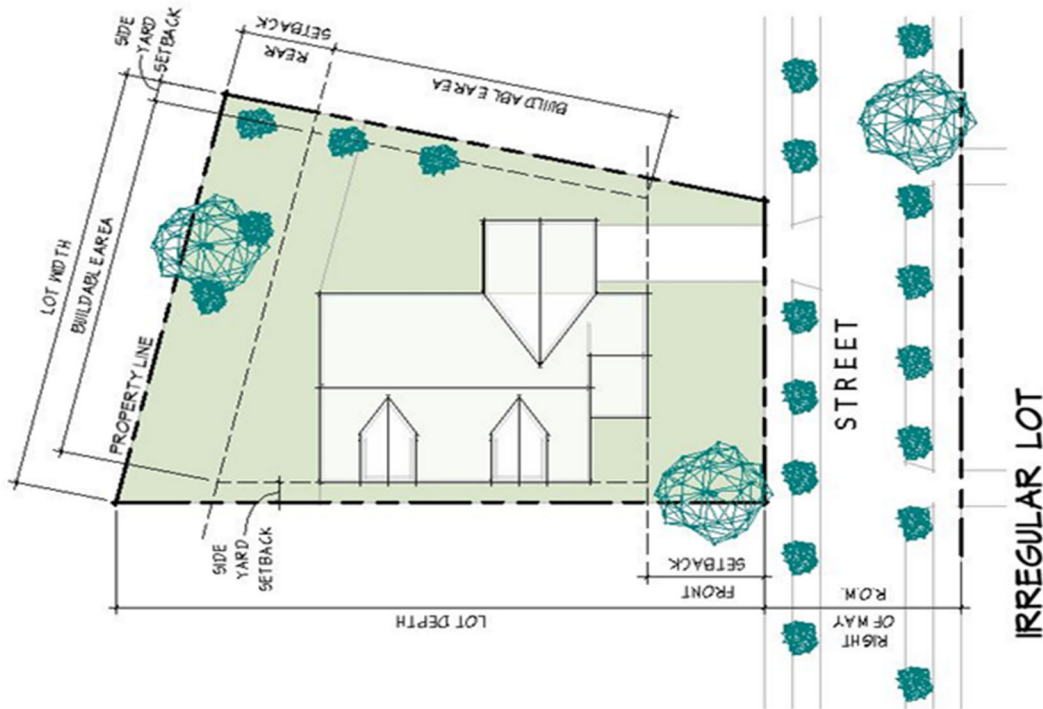




VIEW FROM FRONT ELEVATION

## 1172.07 RULES OF MEASUREMENT

Front lot line is the right-of-way line:



## 1172.08 REGULATIONS OF USES AND DEVELOPMENT OF LAND OR STRUCTURES

- (a) Identified Uses. Chapter 1174 includes a list of permitted, conditional, and accessory uses for each District. Listed uses are to be defined by their customary name or identification, except as specifically defined or limited by this Zoning Code. If a use is not listed as permitted, conditional, or accessory in a District, it shall be considered prohibited in said District.
- (b) Permitted Uses. A use listed as permitted is allowed by a matter of right when designated as such in a District, provided said use complies with all applicable setback and development standards and is issued a Zoning Permit from the Zoning Inspector. Such uses are designated with a “P” in each zoning district.
- (c) Conditional Uses. A use listed as conditional may be allowed when designated as such in a District, provided it complies with the criteria in Section 1166.07(d) and a Conditional Use Permit is issued by the Planning Commission in accordance with Section 1166 of this Code. Such uses are designated with a “C” in each zoning district.
- (d) Accessory Uses. A use listed as an accessory may be allowed when designated as such in a District, provided it is subordinate to the permitted use, complies with the requirements of the applicable zoning district and is issued an Accessory Permit from the Zoning Inspector. Such uses are designated with an “A” in each zoning district.
- (e) Development Standards. Each District has a set of Development Standards to which each use and structure must comply. These standards include, but not limited to, height, lot width, lot size, and front, side, and rear setbacks. In addition to the Development Standards in each District, all uses must comply with any applicable General Development Standards in Section 1186 of this Code.
- (f) One-Dwelling Unit Per lot.
  - 1. All new lots shall comply with the minimum frontage requirements for the Zoning District in which it is located. Said frontage must be on an acceptable dedicated and improved right-of-way.
  - 2. For purposes of this section, an Alley, as defined in Chapter 1162, shall not be considered as an acceptable dedicated right-of-way. Section 1172.09(f) shall not apply to an existing lot of record or a lot within the PUD. ADUs, as regulated under Section 1186.01, are not considered as a separate dwelling unit for this purpose.

*This area is intentionally left blank*

**CHAPTER 1174**  
**USE TABLES**

<b>1174.01</b>	<b>TABLE 1174.01: Agricultural &amp; Residential Districts</b>
<b>1174.02</b>	<b>TABLE 1174.02: Mixed-Use, Commercial, &amp; Planned Districts</b>

---

The permitted and conditional uses for each district are shown in the following tables. The interpretation of uses given in categorical terms shall be as defined in Chapters 1162. Uses not specifically listed to be included categorically under shall not be permitted except by amendment to this Zoning Code. Any use that is not listed within any district shall be classified utilizing the Similar Use Process in Section 1166.19.

*This area is intentionally left blank*

**TABLE 1174.01****USE TABLE – AGRICULTURAL & RESIDENTIAL**

Use	Agriculture A		Village Residential VR	
Dwelling, One Unit	P		P	
Dwelling, Duplex			C	
Dwelling, Tri-Plex			C	
Dwelling, Multi-Unit			C	
Dwelling, Studio, One, Two-, or Three-Bedroom Units			C	
Accessory Dwelling Unit, Accessory Suite (Subject to Section 1186.01)	C		C	
Accessory Dwelling Unit, Detached (Subject to Section 1186.02)	C		C	
Accessory Structures (Subject to Section 1186.02)	P		P	
Agriculture	P		C	
Agricultural Building	P		C	
Agritourism	P		C	
Airport/Private Landing Strip	C			
Animal Service Facilities	C		C	
Assisted Living Facilities	C		C	
Bank, with Banking Window			C	
Bank, without Banking Window			C	
Bed and Breakfast Facilities	C		C	
Business, Retail Small No Drive-Thru or Pick-Up Window			C	
Campground	C			
Commercial Recreation Facilities, Small			C	
Community Gardens “Subject to the Standards in Section 1186.07”	P		P	
Community Services	C		C	
Day Care Centers	C		C	
Early Childhood Learning Center	C		C	
Elderly/Retirement Housing	C		C	
Emergency and Protective Shelter			C	
Equestrian Center	C			
Farm Market	C		C	
Funeral Service Facilities	C		C	
Governmental Services	P		P	

Use	Agriculture A		Village Residential VR	
Home Day Care Family, Large	C		C	
Home Day Care Family, Small	P		C	
Home Occupations, Major (Subject to Section 1186.10)	C		C	
Home Occupations, Minor (Subject to Section 1186.10)	P		P	
Junk Yards and Scrap Metal Processing Facilities	C			
Kennel	C			
Landscape and Hardscape Business	C			
Life Care Retirement Center			C	
Maker Space, Small	C			
Manufactured Home, Permanently Sited	P		P	
Medical Marijuana Cultivators and Processors	C			
Mobile Home	P			
Mixed-Use Building, Village			C	
Municipal Services	P		C	
Nursing Home	C		C	
Offices, Administration, Business Medical or Professional, Small			C	
Outdoor Service Facilities	C		C	
Outdoor Seasonal Businesses	C		C	
Park, Neighborhood	P		P	
Park, Community or Regional	C		C	
Permanent Supportive Housing			C	
Personal Services			C	
Places of Assembly, Large	C		C	
Places of Assembly, Small	P		P	
Portable Home Storage Units, Subject to Section 1186.15	P		P	
Private Clubs or Lodges	P		C	
Private Swimming Pools	P		P	
Residential Facility, Large Subject to Section 1186.12			C	
Residential Facility, Small	P		P	
Restaurants with No Drive-Thru or Pick-Up Window			C	
School, Primary, Intermediate, or Middle	C		C	
School, High or Technical	C		C	
School, Post-Secondary	C		C	

Use	Agriculture A		Village Residential VR	
Self-Storage Facilities	C			
Shooting Range-Indoor	C			
Shooting Range-Outdoor	C			
Short-Term Rentals, Hosted	C		C	
Short-Term Rentals, Unhosted	C		C	
Solar Energy Systems	See Section 1186.19			
Telecommunication Tower, Attached	P		C	
Telecommunication Tower, Free Standing	C		C	
Temporary Structures (Subject to Section 1186.21)	C		C	
Temporary Tent (Subject to Section 1186.22)	C		C	
Tiny Homes	P		P	
Transitional Living Center			C	
Wind Energy Conversion Systems	C		C	

*This area is intentionally left blank*

TABLE 1174.02

USE TABLE – MIXED-USE AND COMMERCIAL DISTRICTS

Use		Central Business District CBD	Neighborhood Commercial NC	Employment Center EC
Accessory Dwelling Unit, Accessory Suite (Subject to Section 1184 and 1186.01)		P	P	P
Accessory Dwelling Unit, Detached (Subject to Section 1184 and 1186.02)		C	C	C
Accessory Structures (Subject to Section 1186.02)		P	P	P
Adult Entertainment Uses (Chapter 1182)				C
Advanced Manufacturing				P
Airports/Private Landing Strips				P
Assisted Living Facilities			P	P
Animal Service Facility		P	P	P
Automobile Oriented Uses			C	P
Automobile Oil Change Facility			C	P
Automobile Repair			C	P
Bakery, Retail		P	P	P
Bank, with Banking Window		C	C	P
Banking, without Banking Window		P	P	P
Bed and Breakfast Facilities		P		
Beverage Sales, Alcoholic (Bars, Pubs, Taverns)		P	P	
Beverage Production, Large (Brewery)				P
Beverage Production, Small (Micro)		P	P	
Business, Retail Small (With Drive-Thru)			C	P
Business, Retail Small with Pick-Up Window (No Drive-Thru) Subject to Sections 1188.12		C	P	P
Business, Retail Small No Drive-Thru or Pick- Up Window		P	P	P
Business, Retail Medium with Drive-Thru, Subject to Sections 1188.12 & 1190.14			C	C
Business, Retail Medium with Pick-Up Window (No Drive-Thru) Subject to Section 1188.12		C	C	P
Business, Retail Medium No Drive-Thru or Pick-Up Window		P	P	P

Village of Lisbon Zoning Code Revisions

FD – 01/24/25; R1 (ZB) – 06/24/25; R2 (ZB) – 07/06/25; R3 (ZB) – 07/20/25; R4 (ZB) – 09-24-25; R5 (ZB) – 11/10/25

Use		Central Business District CBD	Neighborhood Commercial NC	Employment Center EC
Business, Retail Large (May include Drive-Thrus and Pick-Up Windows, if yes, then Subject to Sections 1188.12 & 1190.14)				P
Cemetery				C
Cannabis Stores, Medical or Recreational			C	C
Columbarium				C
Commercial Recreation Facilities, Small		C	P	P
Commercial Recreation Facilities, Large				C
Commercial Recreation Facilities, Outdoor				C
Community Gardens		P	P	P
Community Services		P	P	P
Contractor Office			P	P
Convict Pre-Release Centers/Correctional Community				C
Crematorium				C
Data Processing Centers				P
Day Care Centers		C	C	P
Dwelling, One Unit		P		
Dwelling, Duplex		P		
Dwelling, Tri-Plex		P		P
Dwelling, Multi-Unit				P
Dwelling, Studio, One, Two-, or Three-Bedroom Units		P (upper floors only)		P (upper floors only)
Early Childhood Learning Center		C	C	P
Elderly/Retirement Housing		C	C	
Emergency and Protective Shelter			C	
Equipment Repair, Small				P
Equipment Repair, Large				P
Farm Market		P	C	P
Flea Market				P
Flex Office, Laboratory/Research/Development				P
Flex Office, Retail			C	P
Flex Office, Warehouse			C	P

Village of Lisbon Zoning Code Revisions

FD – 01/24/25; R1 (ZB) – 06/24/25; R2 (ZB) – 07/06/25; R3 (ZB) – 07/20/25; R4 (ZB) – 09-24-25; R5 (ZB) – 11/10/25

Use		Central Business District CBD	Neighborhood Commercial NC	Employment Center EC
Food Cart/Tent		P	P	P
Food Truck (Subject to Section 1186.09)		P	P	P
Funeral Service Facilities		C	P	P
Governmental Services		P	P	C
Health Care Facilities			C	P
Health/Fitness Center		C	P	P
Home Day Care Family, Large		C		C
Home Day Care Family, Small		P		P
Home Occupations, Major (Subject to Section 1186.10)		C		C
Home Occupations, Minor (Subject to Section 1186.10)		P		P
Hotels/Motels		C		P
Hotels, Boutiques		C	C	P
Industrialized Units				P
Junk Yards and Scrap Metal Processing Facilities				C
Kennel				P
Landscape and Hardscape Business				P
Life Care Retirement Center			C	P
Logistics				P
Lumberyard				P
Machine Shop				P
Maker Space, Small		C	C	P
Maker Space, Large		C		P
Manufacturing				P
Manufactured Home, Permanently Sited		P		
Mausoleum				C
Mixed-Use Building		P		
Mixed-Use Building, Village		P	P	
Municipal Services				P
Nursing Home			C	P
Offices, Administration, Business Medical or Professional, Large		C	C	P

Village of Lisbon Zoning Code Revisions

FD – 01/24/25; R1 (ZB) – 06/24/25; R2 (ZB) – 07/06/25; R3 (ZB) – 07/20/25; R4 (ZB) – 09-24-25; R5 (ZB) – 11/10/25

Use		Central Business District CBD	Neighborhood Commercial NC	Employment Center EC
Offices, Administration, Business Medical or Professional, Small		P	P	P
Off-Street Parking and Garages as a Principal Use (Subject to Chapter 1188)		C		P
Outdoor Seasonal Businesses		C	C	C
Outdoor Service Facilities		C	C	C
Park, Neighborhood		P	P	P
Park, Community or Regional		C	C	P
Permanent Supportive Housing			C	
Personal Services		P	P	P
Places of Assembly, Large		C	C	P
Places of Assembly, Small		P	P	P
Portable Home Storage Units, Subject to Section 1186.15		C		C
Plants for mixing and/or processing concrete and/or asphalt				C
Private Clubs or Lodges		P	P	P
Private Swimming Pools		P	P	P
Public Protection Facility				P
Research and Development				P
Residential Facility, Large Subject to Section 1186.12			C	
Residential Facility, Small		P	P	P
Residential Treatment Center			C	
Restaurants with Drive-Thru			C	P
Restaurant with Pick-Up Window (No Drive-Thru) Subject to Sections 1188.12 & 1190.14		C	C	P
Restaurants with No Drive-Thru or Pick-Up Window		P	P	P
School, Primary, Intermediate, or Middle		C	C	P
School, High or Technical		C	P	P
School, Post-Secondary		C	P	P
Self-Storage Facilities				C
Short-Term Rentals, Hosted		C	C	C
Short-Term Rentals, Unhosted		C	C	C
Solar Energy Systems		See Section 1186.19		
Telecommunication Tower, Attached		P	P	P

Village of Lisbon Zoning Code Revisions

FD – 01/24/25; R1 (ZB) – 06/24/25; R2 (ZB) – 07/06/25; R3 (ZB) – 07/20/25; R4 (ZB) – 09-24-25; R5 (ZB) – 11/10/25

Use		Central Business District CBD	Neighborhood Commercial NC	Employment Center EC
Telecommunication Tower, Free Standing		C	C	C
Temporary Structures (Subject to Section 1186.21)		C	C	P
Tiny Homes				
Transitional Living Center			C	C
Truck and Travel Service Centers				C
Vehicle Charging Stations		C	P	P
Vehicular Sales, New and Used Cars				P
Vehicular Sales, Motorcycles				P
Vehicular Sales, Recreational Vehicles				P
Vehicular Sales, Equipment				P
Wind Energy Conversion Systems		C	C	C

*This area is intentionally left blank*

**CHAPTER 1176**  
**AGRICULTURAL & RESIDENTIAL DISTRICTS**

- 1176.01**      **Agriculture (A)**  
**1176.02**      **Village Residential (VR)**
- 

<b>1176.01</b>	<b>AGRICULTURE (A)</b>
----------------	------------------------

- (a)      Purpose:
- (1)      Discourage the development of inappropriate uses in rural areas;
  - (2)      Provide an area for the County Fair Grounds; and
  - (3)      Serve as a holding district of newly annexed land into the Village before the land may be adjusted into a more accommodating District.
- (b)      Target Areas:



(c) Permitted, Conditional, and Accessory Uses: See Section 1174.01, Use Table.

(d) Lot Area, Setback, Height, and Lot Coverage Requirements:

### Development Standards

### Agriculture (A)

<b>Minimum Lot Size</b>	5 AC
<b>Maximum Density (utilize gross acres)</b>	0.2 du/acre
<b>Minimum Frontage (Feet)</b>	150
<b>Minimum Front Setback (Feet)</b>	35 (Arterial) 25 (All other roads)
<b>Maximum Front Setback (Feet)</b>	N/A
<b>Minimum Side Setback (Feet)</b>	20
<b>Minimum Rear Setback (Feet)</b>	40
<b>Maximum Height (Feet)</b>	35
<b>Maximum Lot Coverage (Percent)</b>	35

#### Projection into required setback

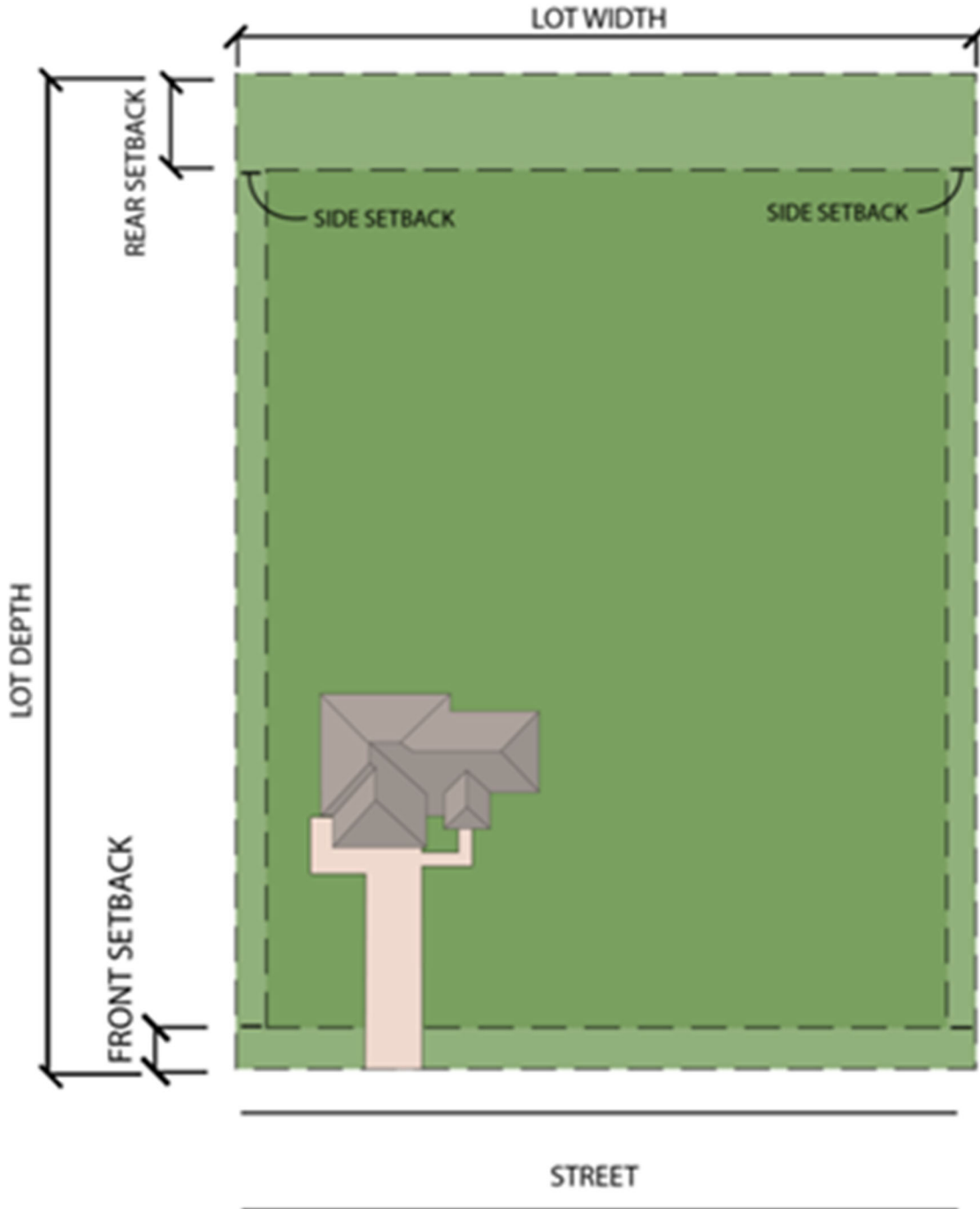
Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.

#### Exemptions from required side and rear setbacks

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than ten (10) feet from a side or rear lot line.

*This area is intentionally left blank*

(e) Example Lot Layout and Rendering:



(f) General Development Regulations:

	Applicable	Section Reference	Notes
<b>Accessory Structures</b>	Y	Section 1186.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than four (4) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1186.02.
<b>Fences</b>	Y	Section 1186.08	Fences and walls may encroach a side or rear setback but shall be no closer than two (2) feet from the side or rear lot line provided they comply with Section 1186.08.
<b>Landscaping/ Buffering</b>	Y	Section 1186.11	Plant material and berms may be placed in any required minimum setback, provided they do not constitute a nuisance as provided in the Village's Codified Ordinances.
<b>Parking</b>	Y	Chapter 1188	Parking must be provided in accordance with Chapter 1188. Parking is permitted in front of the principal structure
<b>Signs</b>	Y	Chapter 1190	Signs, provided they comply with Chapter 1190, may be located within a front setback.

*This area is intentionally left blank*

**1176.02 VILLAGE RESIDENTIAL (VR)**

(a) Purpose:

- (1) Allow for typical village-style residential developments in a low-density setting, including single-family units and options for moderate density; and
- (2) Allow for non-residential uses, such as schools, parks, and smaller businesses, that are compatible with, maintain, and enhance the overall residential character of the area and to integrate pedestrian connections between such uses.

(b) Target Areas:



(c) Permitted, Conditional, and Accessory Uses: See Section 1174.01, Use Table

(d) Lot Area, Setback, Height, and Lot Coverage Requirements:

Development Standards	Village Residential (VR)
Minimum Lot Size (Square Feet)	5,000
Maximum Density (utilize gross acres)	
Minimum Frontage (Feet)	40
Minimum Front Setback (Feet)	20 or Utilize “Average Front Setback” as defined in Chapter 1162
Maximum Front Setback (Feet)	35 or “Average Front Setback as defined in Chapter 1162
Minimum Side Setback (Feet)	4
Minimum Rear Setback (Feet)	15
Maximum Height (Feet)	35
Maximum Lot Coverage (Percent)	45

**Projection into required setback**

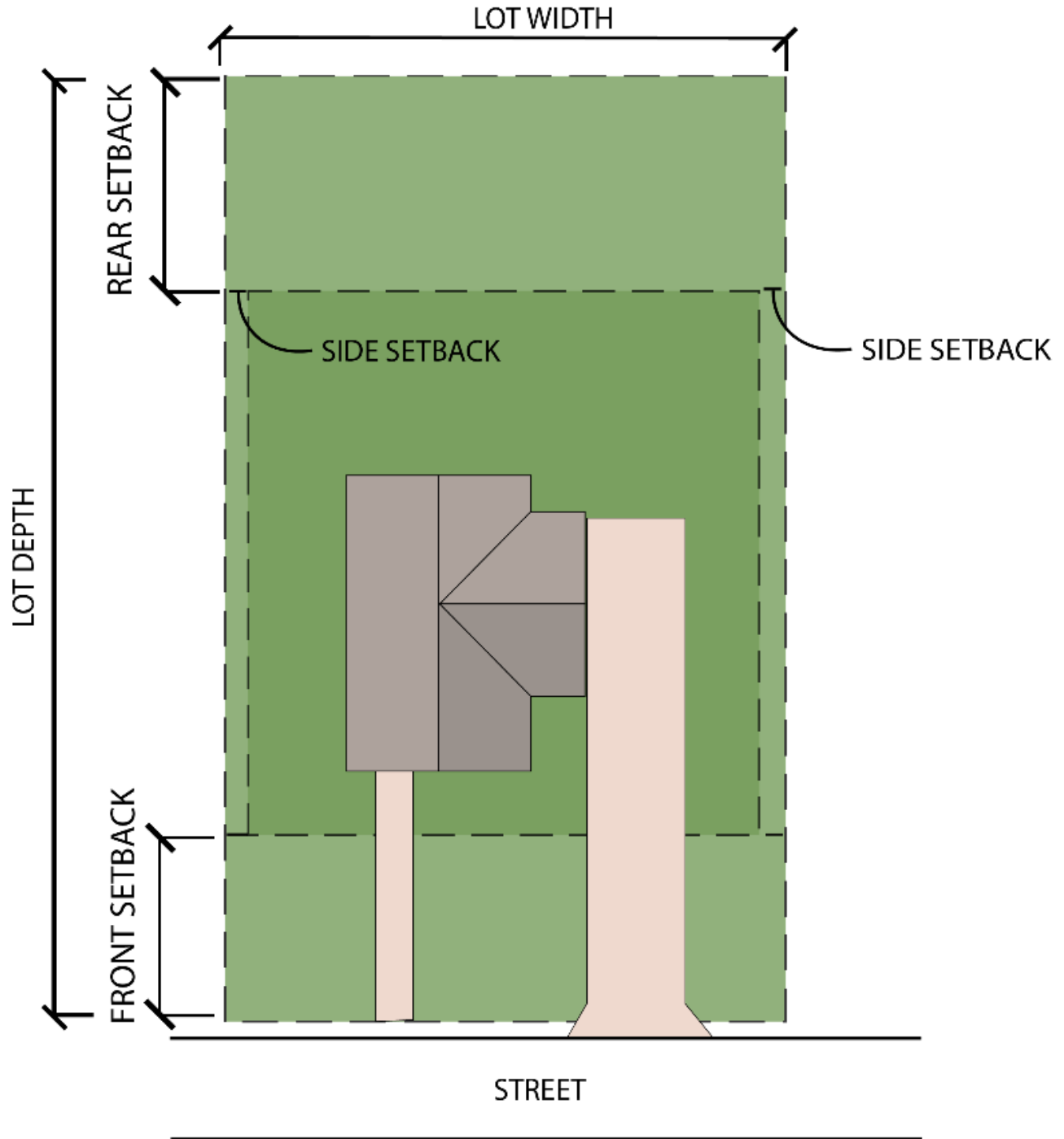
Cornices, canopies, eaves (roof overhang), fireplaces-chimneys, bay window, porch, stoop, or other similar architectural features may project into a required setback up to two (2) feet.

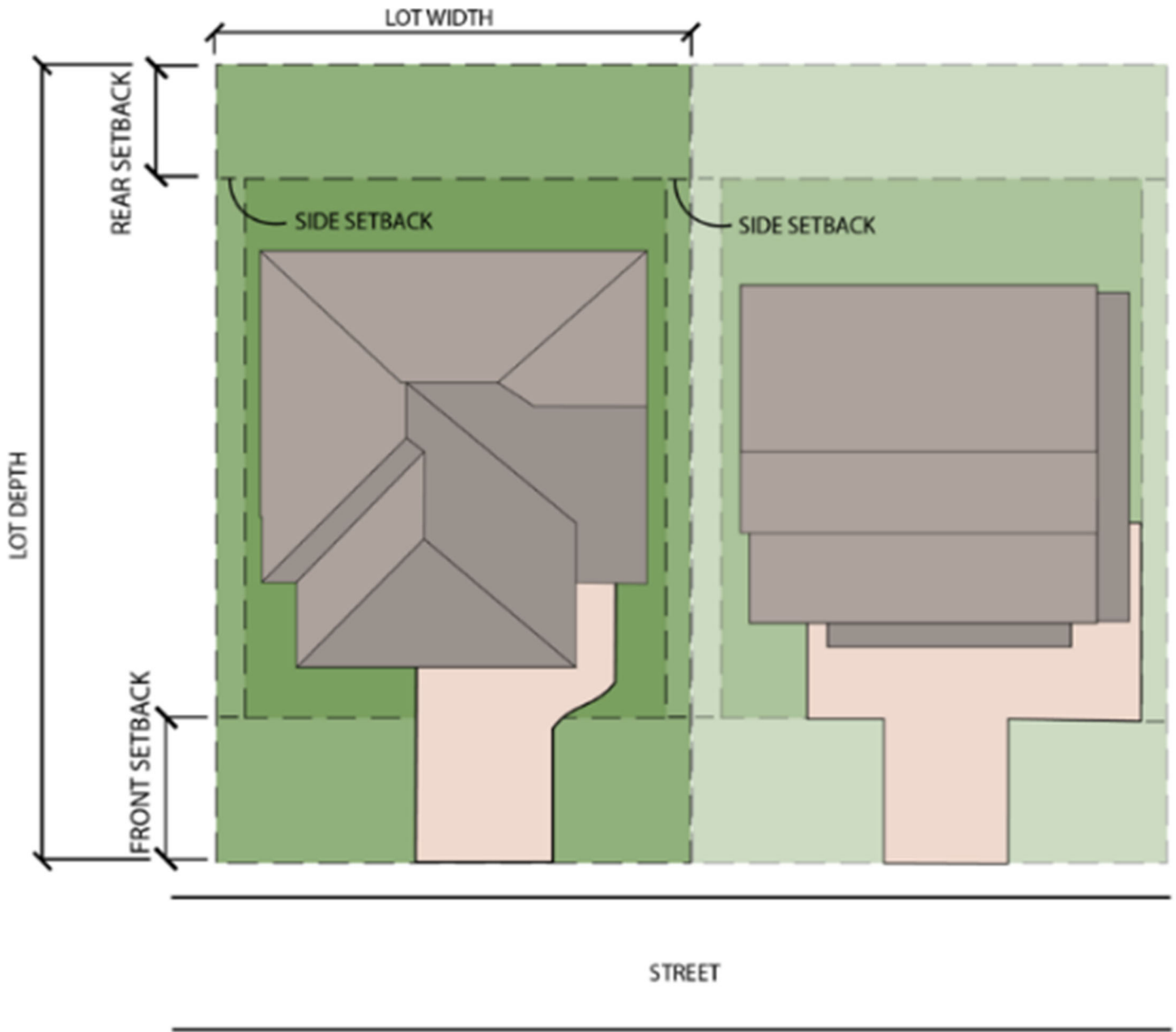
**Exemptions from required side and rear setbacks**

Swimming pools, tennis courts, clotheslines, barbeque pits, playground equipment, portable or permanent dog run, house or kennel and similar structures customary and ancillary to the primary residential use of the property may be placed in a required minimum side or rear setback, but in no case shall such uses be closer than four (4) feet from a side or rear lot line.

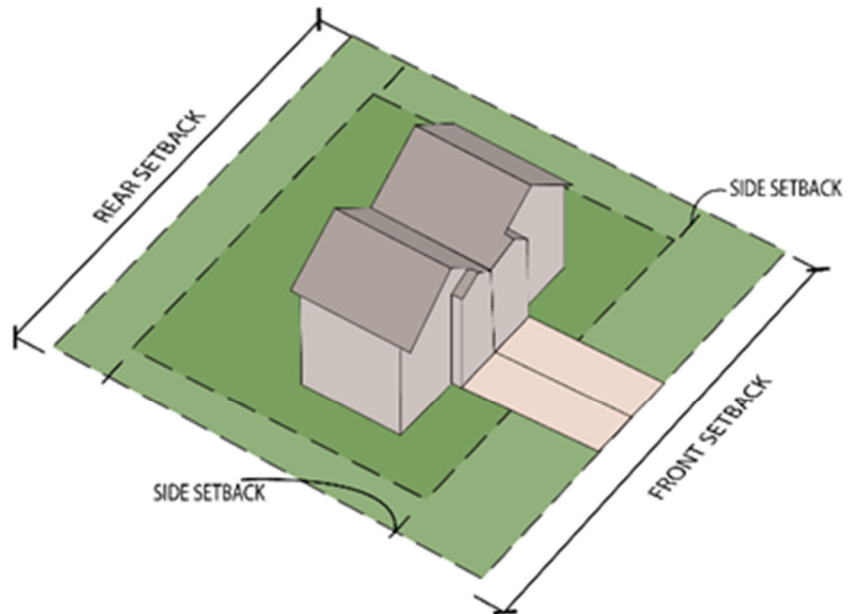
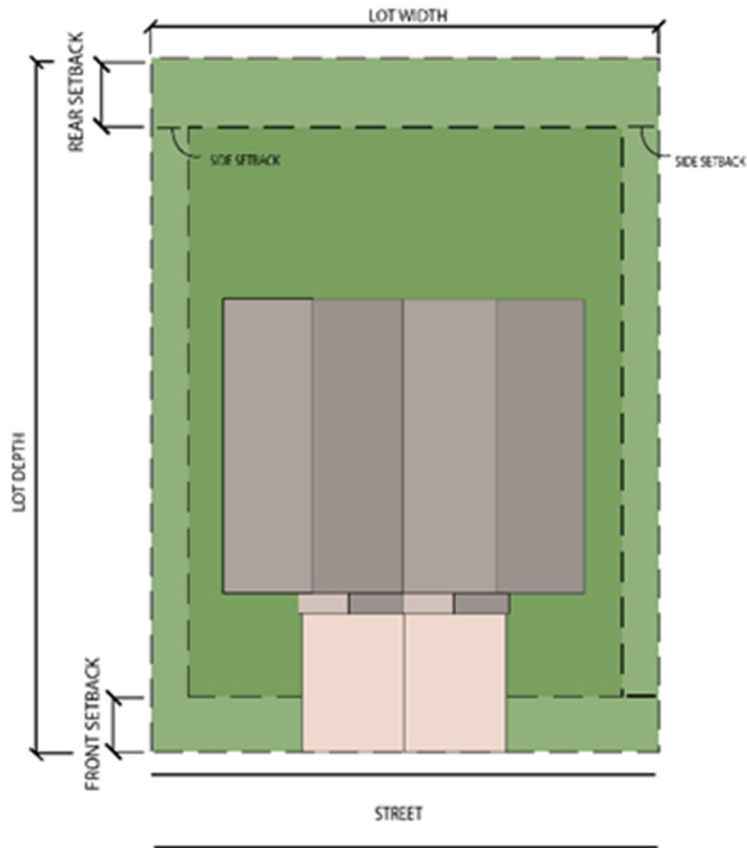
*This area is intentionally left blank*

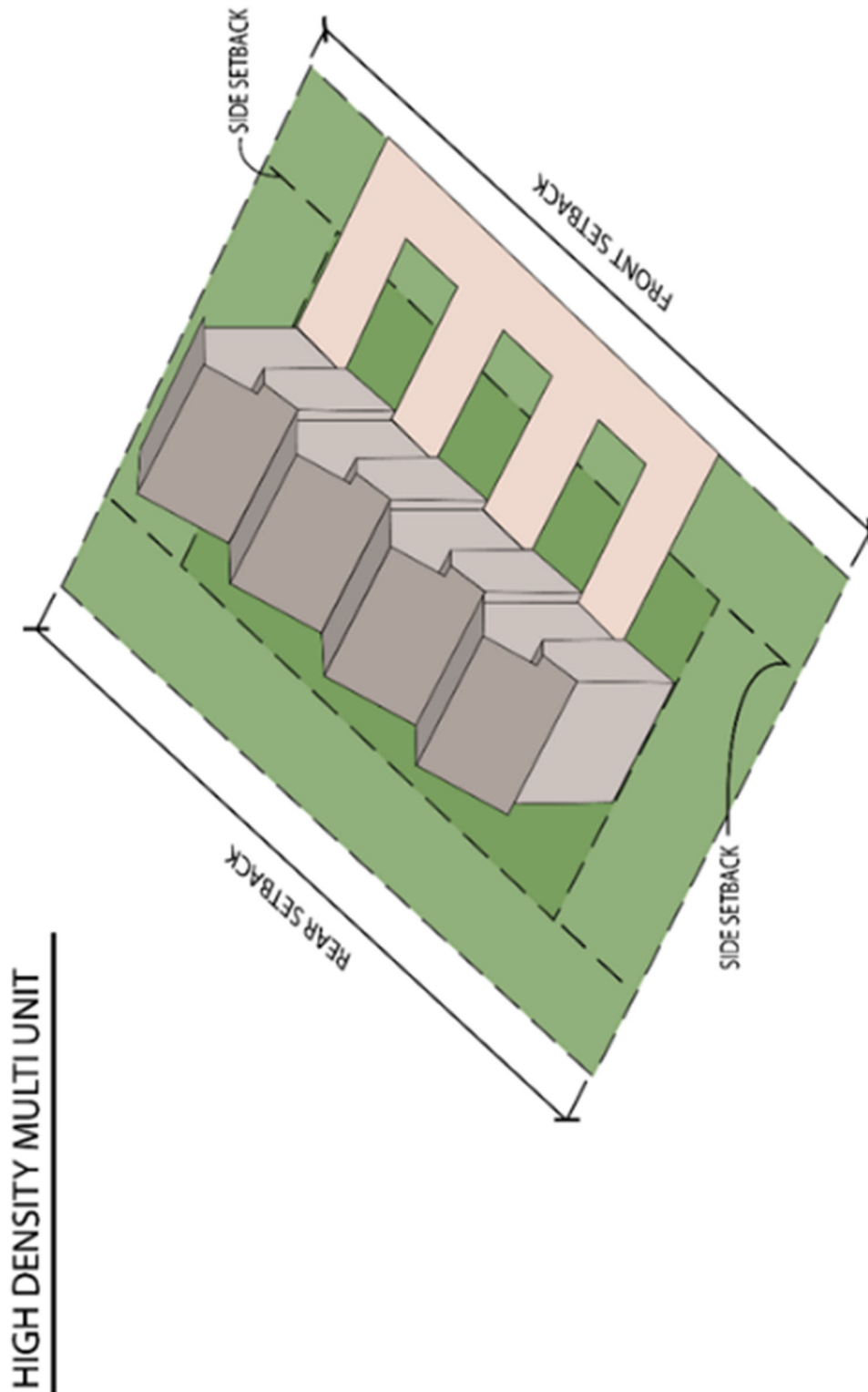
(e) Examples of Lot Layout and Rendering:



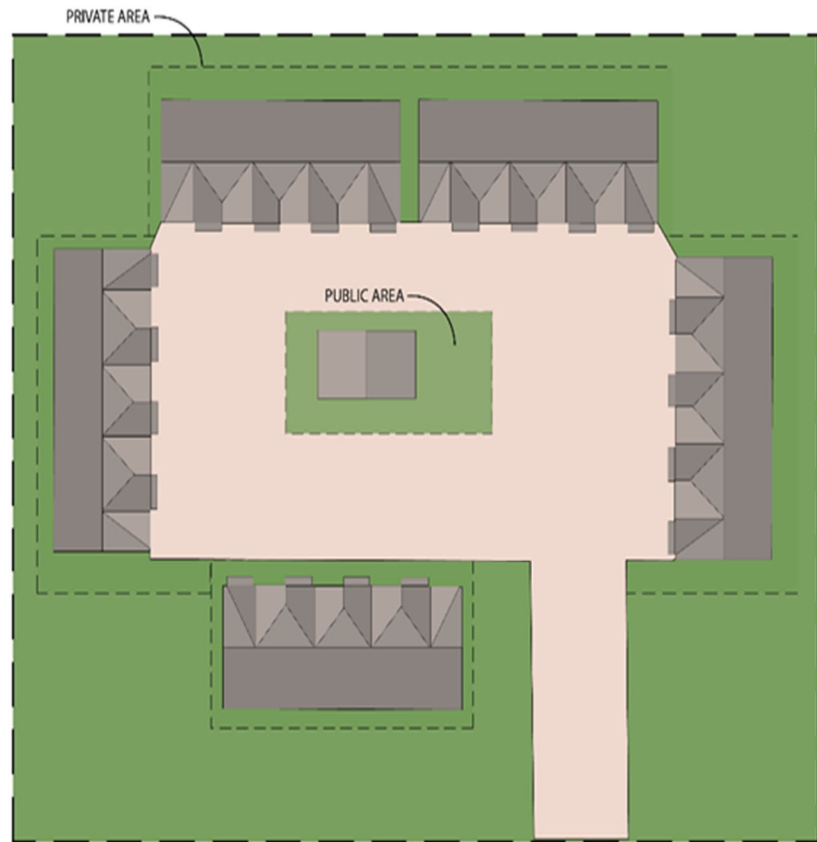


## HIGH DENSITY DUPLEX

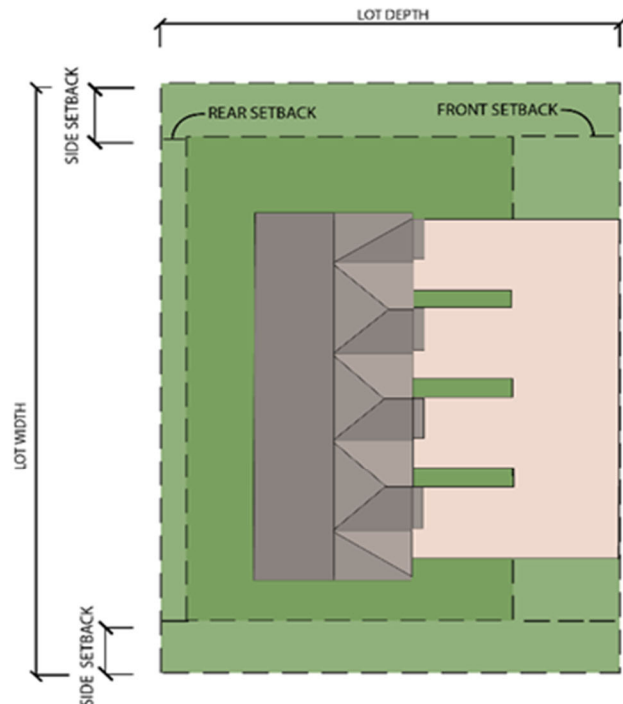




## HIGH DENSITY MULTI UNIT



## HIGH DENSITY MULTI UNIT



	Applicable	Section Reference	Notes
<b>Accessory Structures</b>	Y	Section 1186.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than four (4) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1186.02.
<b>Fences</b>	Y	Section 1186.08	Fences and walls may encroach a side or rear setback but shall be no closer than two (2) feet from the side or rear lot line provided they comply with Section 1186.08.
<b>Landscaping/ Buffering</b>	Y	Section 1186.11	Plant material and berms may be placed in any required minimum setback, provided they do not constitute a nuisance as provided in the Village's Codified Ordinances.
<b>Parking</b>	Y	Chapter 1188	Parking must be provided in accordance with Chapter 1188. Parking is permitted in front of the principal structure. Parking may encroach a Side or Rear Setback provided the parking is no closer than four (4) feet from said Lot Line.
<b>Signs</b>	Y	Chapter 1190	Signs, provided they comply with Chapter 1190, may be located within a front setback.

*This area is intentionally left blank*

**CHAPTER 1178**  
**MIXED-USE & COMMERCIAL DISTRICTS**

<b>1178.01</b>	<b>Central Business (CBD)</b>	<b>1178.03</b>	<b>Economic District (EC)</b>
<b>1178.02</b>	<b>Neighborhood Commercial (NC)</b>		

---

<b>1178.01</b>	<b>Commercial Business (CBD)</b>
----------------	----------------------------------

(a) Purpose:

- (1) Promote and foster the economic and physical revitalization of the historic downtown of the Village;
- (2) Recognize the unique physical characteristics of the area and preserve the historic mixed use, character, and pedestrian focus of the Village;
- (3) Continue to promote a mixture of uses, to support entrepreneurship and start-up businesses;
- (4) Encourage walkability by creating pedestrian connections between these mixed uses; and
- (5) Encourage investment in and adaptive reuse of existing structures.

(b) Target Areas:



(c) Permitted, Conditional, and Accessory Uses: See Section 1174.02, Use Table.

(d) Lot Area, Setback, Height, and Lot Coverage Requirements:

Development Standards	Central Business (CBD)
Minimum Lot Size (Square Feet)	N/A
Minimum Frontage (Feet)	N/A
Minimum Front Setback (Feet)	None, except when the proposed structure is located between two existing structures on adjacent lots, then utilize the Average Front Setback, as defined in Chapter 1162.
Maximum Front Setback (Feet)	
Minimum Side Setback (Feet)	N/A
Minimum Rear Setback (Feet)	N/A
Residential Density	30 units/acre
Parking in Front of Principal Building	Prohibited
Maximum Height (Feet)	60, except however, mechanical equipment and/or ventilation systems may extend up to ten (10) feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs, or other screening material approved the jurisdiction's planner, or equivalent officer, provided said material has 100% opacity year-round.

*This area is intentionally left blank*

(e) Example Lot Layout and Rendering:

## BUSINESS DISTRICT



(f) General Development Regulations:

	Applicable	Section Reference	Notes
<b>Accessory Structures</b>	Y	Section 1186.02	Accessory structures shall also comply with all other requirements in Section 1186.02.
<b>Fences</b>	Y	Section 1186.08	Fences and walls may be placed in a required minimum setback provided they comply with Section 1186.08.
<b>Landscaping/ Buffering</b>	Y	Section 1186.11	Landscaping is not required, but Landscaping in the CBD shall follow the buffering and screening requirements in Section 1186.11(f).
<b>Parking</b>	Y	Chapter 1188	Parking must be provided in accordance with Chapter 1188. Parking is permitted in front of the principal structure. Parking may encroach a Side or Rear Setback provided the parking is no closer than five (5) feet from said Lot Line.
<b>Signs</b>	Y	Chapter 1190	Signs, provided they comply with Chapter 1190, may be located within a front setback.

*This area is intentionally left blank*

<b>1178.02</b>	<b>Neighborhood Commercial (NC)</b>
----------------	-------------------------------------

(a) Purpose:

- (1) Promote and foster the economic and physical mixed-use residential spaces and retail services of historic village centers in the County;
- (2) Recognize the unique physical characteristics of the area and preserve the historic mixed use, character, and pedestrian focuses of the village center;
- (3) Continue to promote a mixture of uses, to support entrepreneurship and start-up businesses;
- (4) Encourage walkability by creating pedestrian connections between these mixed uses; and
- (5) Encourage investment in and adaptive reuse of existing structures.

(b) Target Areas:



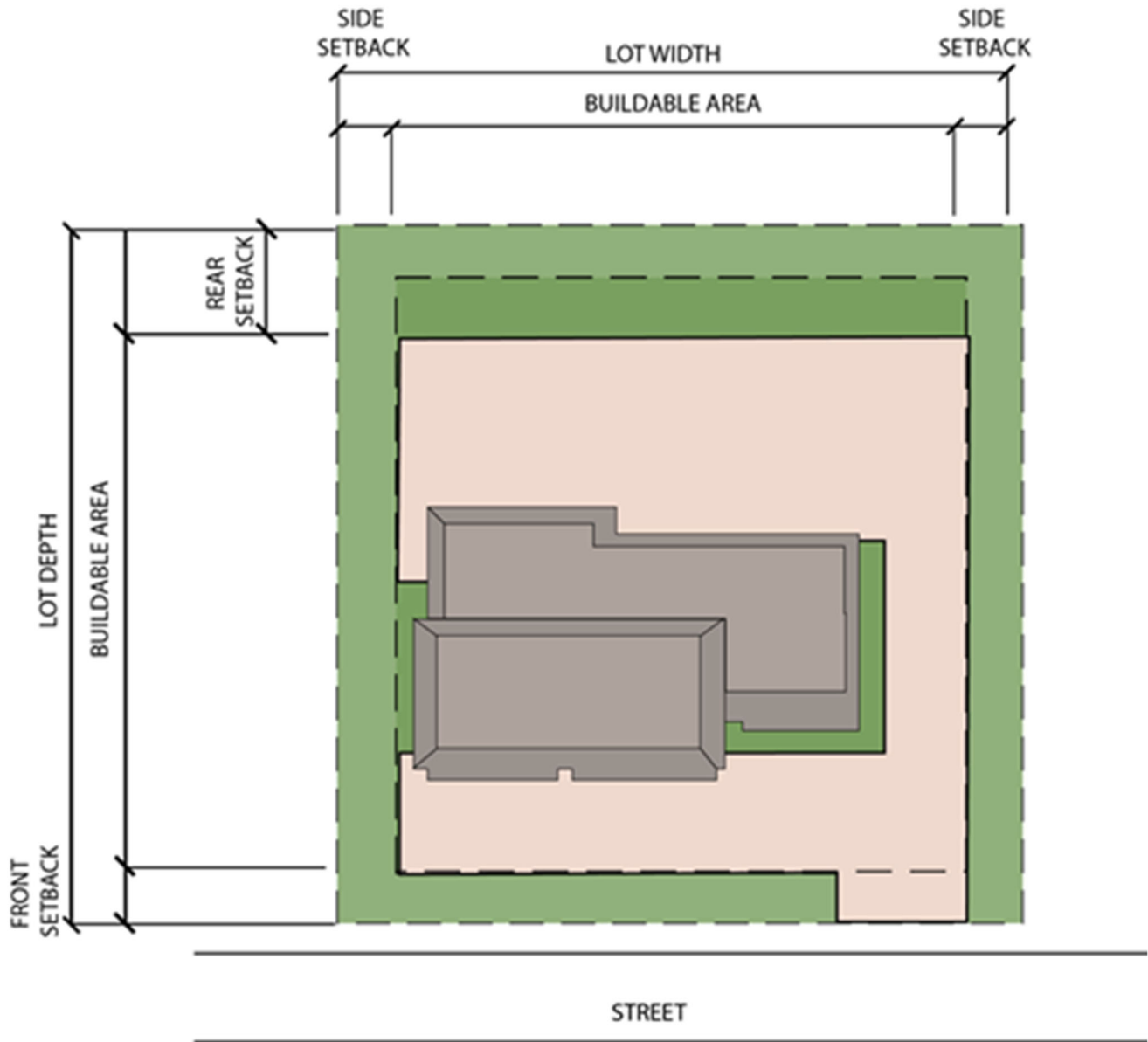
(c) Permitted, Conditional, and Accessory Uses: See Section 1174.02, Use Table.

(d) Lot Area, Setback, Height, and Lot Coverage Requirements:

Development Standards	Neighborhood Commercial (NC)
Minimum Lot Size (Square Feet)	N/A
Minimum Frontage (Feet)	50
Maximum Frontage (Feet)	70
Minimum Front Setback (Feet)	25
Minimum Side Setback (Feet)	10
Minimum Rear Setback (Feet)	20
Parking in Front of Principal Building	Limited
Maximum Height (Feet)	45, except however, mechanical equipment and/or ventilation systems may extend up to ten (10) feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs, or other screening material approved the jurisdiction's planner, or equivalent officer, provided said material has 100% opacity year-round.
Maximum Lot Coverage (Percent)	80

*This area is intentionally left blank*

(e) Example Lot Layout and Rendering:



(f) General Development Regulations

	Applicable	Section Reference	Notes
<b>Accessory Structures</b>	Y	Section 1186.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than four (4) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1186.02.
<b>Fences</b>	Y	Section 1186.08	Fences and walls may be placed in a required minimum setback provided they comply with Section 1186.08.
<b>Landscaping/ Buffering</b>	Y	Section 1186.11	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Village's Codified Ordinances.
<b>Parking</b>	Y	Chapter 1188	Parking must be provided in accordance with Chapter 1188. Parking is permitted in front of the principal structure. Parking may encroach a Side or Rear Setback provided the parking is no closer than five (5) feet from said Lot Line.
<b>Signs</b>	Y	Chapter 1190	Signs, provided they comply with Chapter 1190, may be located within a front setback.

*This area is intentionally left blank*

<b>1178.03</b>	<b>Employment Center (EC)</b>
----------------	-------------------------------

(a) Purpose:

- (1) Promote sites for larger employers, such as large-scale commercial, light industry, logistics, and office uses;
- (2) Integrate development into the surrounding landscape and provide enhanced landscaping for abutting Zoning Districts; and
- (3) To broaden the economic development opportunities of the Village by creating development standards that will promote innovation and employment opportunities.

(b) Target Areas:



*This area is intentionally left blank*

(c) Permitted, Conditional, and Accessory Uses: See Section 1174.02, Use Table

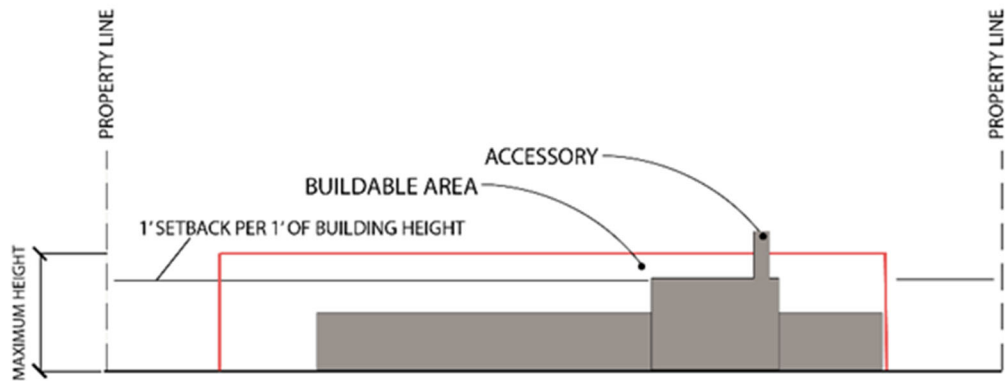
(d) Lot Area, Setback, Height, and Lot Coverage Requirements:

Development Standards	Employment Center (EC)
Minimum Lot Size (Square Feet)	N/A
Minimum Frontage (Feet)	100
Minimum Front Setback (Feet)	100
Maximum Front Setback (Feet)	N/A
Minimum Side Setback (Feet)	1' setback per 1' of building height. When a Side or Rear Lot Line abuts an existing Residential Use or District, then a buffer shall be provided in accordance with Section 1186.11.
Maximum Height (Feet)	60, except however, mechanical equipment and/or ventilation systems may extend up to ten (10) feet above the height of the building. Said mechanical equipment/ventilation systems must be screened from view by parapet walls, mansard roofs, or other screening material approved the jurisdiction's planner, or equivalent officer, provided said material has 100% opacity year-round.
Minimum Lot Coverage (Percentage)	80

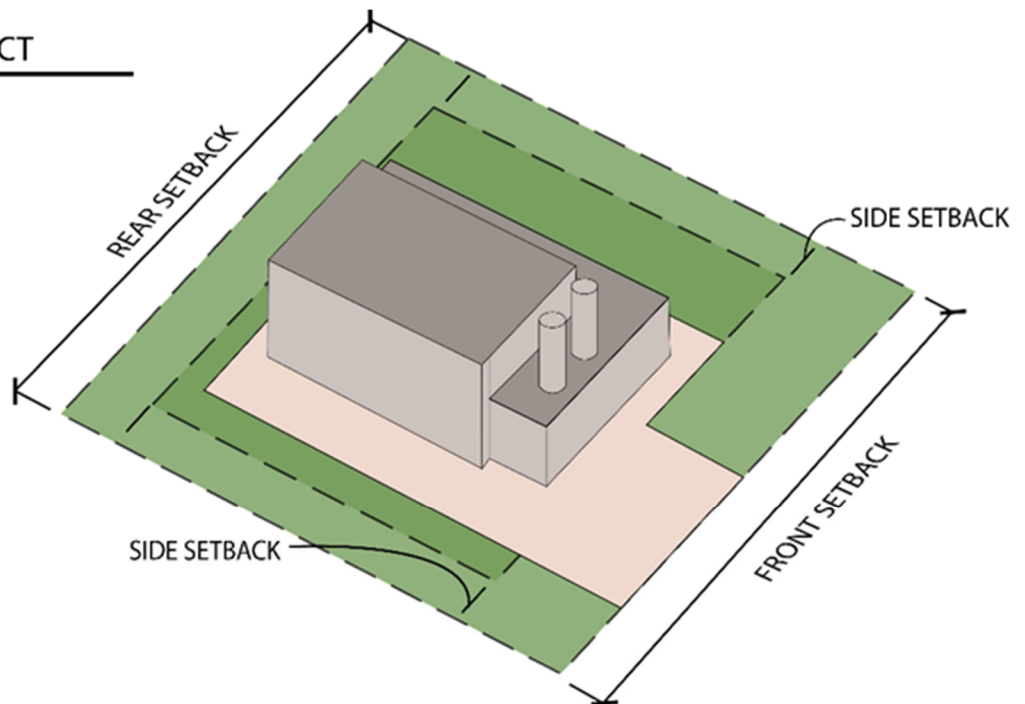
*This area is intentionally left blank*

(e) Example Lot Layout and Rendering:

## INDUSTRIAL DISTRICT



## INDUSTRIAL DISTRICT



(f) General Development Regulations:

	Applicable	Section Reference	Notes
<b>Accessory Structures</b>	Y	Section 1186.02	Detached Accessory Structures may encroach a side or rear setback but shall be no closer than four (4) feet from the side or rear lot line. Accessory structures shall also comply with all other requirements in Section 1186.02.
<b>Fences</b>	Y	Section 1186.08	Fences and walls may be placed in a required minimum setback provided they comply with Section 1186.08.
<b>Landscaping/ Buffering</b>	Y	Section 1186.11	Plant material and berms may be placed in any required minimum setback provided they do not constitute a nuisance as provided in the Village's Codified Ordinances.
<b>Parking</b>	Y	Chapter 1188	Parking may encroach a Front, Side, or Rear Setback provided the parking is no closer than five (5) feet from said Lot Line.
<b>Signs</b>	Y	Chapter 1190	Signs, provided they comply with Chapter 1190, may be located within a front setback.

*This area is intentionally left blank*

**CHAPTER 1180**  
**Planned Unit Development**

<b>1180.01</b>	<b>Establishment and Purpose</b>	<b>1180.03</b>	<b>Permitted Uses</b>
<b>1180.02</b>	<b>Conflict</b>	<b>1180.04</b>	<b>Standards and Development Requirements</b>

---

**1180.01 ESTABLISHMENT AND PURPOSE**

- (a) The Planned Unit Development (PUD) District is established to provide flexibility in the arrangement and design of a site by moving beyond the standard, more rigid, conventional District regulations. A PUD is designed to produce more efficient use of the land and more amenities and benefits for the community and users of the development. This is done by encouraging developers to use a more creative approach in development and to achieve:
- (1) Maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;
  - (2) More useful pattern of open space and recreational areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
  - (3) Development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and which prevents the disruption of natural drainage patterns;
  - (4) More efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets; and
  - (5) Development pattern in harmony with the land use density, transportation facilities, and community facilities objectives of the Comprehensive Plan.
- (b) Development under PUD provisions provides a means of encouraging ingenuity, imagination, and flexibility on the part of landowners, engineers, architects, site planners, and developers in the planning and design of land areas. It is not the intent of the PUD provisions to allow applicants to circumvent the intent of this Zoning Code or to allow development of land not in conformance with the Land Use Plan of the Village.

**1180.02 CONFLICT**

- (a) Whenever there is a conflict or difference between the PUD development text approved in accordance with Chapter 1166.15-1166.17 and other sections of the Code of Ordinances of Lisbon, OH, the provisions of the approved development text shall prevail for the development of land within the PUD District. Subjects not addressed within the approved development text shall be governed by the respective provisions found elsewhere in the Code of Ordinances of Lisbon, OH. Unless otherwise stated and varied in the approved PUD development text, the standards in the Code that pertain to the

specific uses or land development in the PUD shall be applicable. Such standards include, but are not limited to:

- (1) Off-Street Parking and Loading Requirements set forth in Chapter 1188;
  - (2) Subdivision procedures as discussed in Chapter 1101-1109; and
  - (3) Requirements for stormwater management set forth in Part Nine – Title Three Part 9 – Utilities of the Code of Ordinances of Lisbon, OH.
- (b) Minimum Project Area and Ownership. No tract of land shall be rezoned to the PUD District unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD District. A development plan approved under this Chapter shall be binding upon the owners, their successors, and assigns. The development plan shall also limit and control the issuance and validity of all Zoning Permits.

### **1180.03 PERMITTED USES**

The following uses shall be permitted in the PUD District:

- (a) Model Homes;
- (b) Residential dwelling types developed in a unified manner in accordance with an approved plan;
- (c) Schools, Parks and Recreational Facilities;
- (d) Places of Assembly;
- (e) Commercial; and
- (f) Industrial uses.

### **1180.04 STANDARDS AND DEVELOPMENT REQUIREMENTS**

The PUD Zoning text shall create development standards designed according to the following planning and development principles:

- (a) Arrangement of Use Areas.
  - (1) Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development;
  - (2) Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
  - (3) Buildings, structures, and parking areas shall be designed and located within the PUD to conserve environmentally sensitive or unique natural, historical, or cultural features while minimizing environmental impacts.
  - (4) The PUD may be residential, commercial, or industrial, or a combination of commercial/industrial uses or residential/commercial mixed use.
- (b) Arrangement of Buildings and Yards.
  - (1) The physical relationship of buildings and other site improvements to one another and the surrounding Open Space, as created by building size, mass,

height, shape, and setback, shall result in a harmonious development within and adjacent to the PUD.

- (2) Minimum lot size, width, and front, side, and rear yard setbacks should be clearly denoted by the following subareas:
  - A. Residential PUDs.
    - (i) Maximum Lot Coverage: No more than seventy-five percent (75%) of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway pavement, and parking pavement.
    - (ii) Minimum lot size, lot width, and building and structure setbacks and height requirements shall be determined by the approved development text.
  - B. Commercial PUDs.
    - (i) Maximum Lot Coverage: No more than eighty percent (80%) of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway, and parking area pavement.
    - (ii) Minimum lot size, lot width, and building and structure setbacks and height requirements shall be determined by the approved development text.
  - C. Industrial PUDs.
    - (i) Maximum Lot Coverage: No more than ninety percent (90%) of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway, and parking area pavement.
    - (ii) Minimum lot size, lot width, and building and structure setbacks and height requirements shall be determined by the approved development text.
- (3) The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).
- (c) Density. The density of residential areas within a PUD shall be specifically defined within the PUD text.
- (d) Landscaping, Screening, and Buffering.
  - (1) General.
    - A. The pattern of landscaping shall be coordinated in design and type of materials, mounding, and fencing used. Landscaping may vary in density, spacing, and other treatments to reflect variations of topography, existing landscape, or land uses.
    - B. Privacy for residential buildings shall be maintained using landscaping, screening, and buffering.
    - C. Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
    - D. Alternative design approaches to meet the intent of the landscape regulations may be incorporated.

(2) Residential PUDs.

- A. When a residential PUD abuts an A or VR District, a twenty-five (25)-foot Open Space perimeter area shall be provided. Individual lot shall not be included in this Open Space perimeter.
- B. When a residential PUD abuts Commercial Districts, an Open Space perimeter shall be provided that has a minimum depth of fifty (50) feet.

(3) Commercial PUDs.

- A. A general thirty (30) foot Open Space buffer shall be provided unless a greater setback is otherwise required below.
- B. When a commercial PUD abuts an A or VR District, an Open Space perimeter of fifty (50) feet shall be provided.
- C. Landscaping or screening for parking shall be required pursuant to the development text.

(4) Industrial PUDs.

- A. A minimum Open Space buffer of fifty (50) feet shall be provided on all perimeter property lines of the PUD unless a greater setback is otherwise required below.
- B. When an industrial PUD abuts an A or VR District, an Open Space perimeter of seventy-five (75) feet shall be provided.
- C. Landscaping or screening for parking shall be required pursuant to the development text.

(e) Open Space. Adequate Open Spaces shall be integrated throughout the development as follows:

- (1) The following are the required minimum Open Space dedications that each type of PUD must comply with:

Required Minimum Open Space Dedications		
Residential PUDs	Commercial PUDs	Industrial PUDs
No less than 25% of gross site acreage	No less than 15% of gross site acreage	No less than 10% of gross site acreage

(2) Open Space shall:

- A. Be sufficiently aggregated to create large useable areas of planned Open Space;
- B. Conserve significant natural features within the PUD to the extent practicable;
- C. Provide a scenic natural environment along existing public streets characterized by large setbacks that enable the preservation of natural features;
- D. Be easily accessible to residents of the PUD; and
- E. Be connected, where possible, with Open Space areas on abutting parcels, and wherever possible, by Open Space corridors.

(3) Open Space may include:

- A. Natural lakes, natural ponds, historic or cultural lands, environmentally sensitive areas or other areas preserved in their natural state;
  - B. Outdoor active or passive recreational uses for the use and/or enjoyment of the residents within the proposed development;
  - C. Clubhouses or other indoor recreational uses for the enjoyment of the residents within the proposed development;
  - D. Pocket Parks, sitting areas, amphitheaters, and other similar features; and
  - E. Up to ten percent (10%) of the required open space may be utilized for one or more stormwater management facilities, which may include ponds, wetlands, dry detention basins, and/or bioretention/rain gardens when such storm water management facility is accessible to and can be used for enjoyment by the residents of the proposed development, as determined by the Planning Commission. Otherwise, such facilities shall not be counted toward the required open space.
- (4) Open Space shall not include:
  - A. Private and public roads and associated rights-of-way;
  - B. Public or private parking spaces, access ways, driveways and other vehicular use areas;
  - C. Required minimum spacing between buildings;
  - D. Required yard setbacks; except when part of a large contiguous open space and accessible with a bike or pedestrian path, and with the approval of the Planning Commission
  - E. Public utility substations;
  - F. High tension transmission lines or other above ground utilities shall not make up more than fifty percent (50%) of the required open space; and
  - G. Artificial water features.
- (f) Protection of Natural Features.
  - (1) Trees shall be preserved, protected, and replaced in compliance with the requirements set forth in Section 1188.11.
  - (2) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.
  - (3) Floodplains shall be protected in compliance with Village Ordinances. .
- (g) Pedestrian Circulation Systems. A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect the neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along the streets. Trails with public right of passage should also be incorporated in the pedestrian circulation system.
- (h) Bike Paths and Other Trail Systems. Trail systems for bikes and other purposes shall be included and designed in accordance with the Village’s plan for bike paths. Such trail

system shall have a minimum width of ten (10) feet and be properly buffered from any adjacent residential areas. Protected bike lanes, where appropriate, as determined by the Planning Commission may also be utilized to meet this requirement.

(i) Street Design and Vehicular Circulation.

- (1) The proposed vehicular circulation system shall provide adequate connections to the existing street network.
- (2) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
- (3) Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
- (4) The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, and the intensity of proposed uses.
- (5) Private streets that utilize a common easement may provide access to clustered lots and/or structures.
- (6) Street lighting and street signs shall be adequate for safety and security.
- (7) The applicant shall provide and construct on-site and off-site street improvements for the PUD in accordance with the requirements of Title One, Subdivision Regulations – consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PUD.
- (8) The design and locations of streets and parking shall comply with the requirements set forth in Section 1188.08.

(j) Off-Street Parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources, or other potentially adverse influences shall be designed and located to protect the number of minimum and maximum parking space requirements shall comply with Chapter 1188 , unless the approved development text states otherwise.

(k) Signs. All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color, and illumination.

- (1) A sign plan for the entire PUD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window, canopy, awning, projecting, and wall signs as well as distances from rights-of-way and the type and intensity of illumination.
- (2) Signs should contribute to an overall cohesive design, reflect the Village's aesthetics, and avoid visual clutter.
- (3) The overall design and placement of buildings should consider the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings and the PUD.
- (4) Ground signs should be designed to relate to and share common design elements with the building.

- (5) The materials and colors of the sign, sign background, and sign frame should be compatible with the building's materials and colors.
- (l) Utilities. The applicant shall provide and construct on-site and offsite water, sewer, and other infrastructure improvements for the PUD in accordance with the requirements of Title One, Subdivision Regulations, and any agreements submitted as supporting documentation for the PUD. Additionally, telephone, electrical, cable, and other utility appurtenances shall be located underground for all PUD developments.
- (m) Project Phasing. If the PUD is to be implemented in phases, each phase shall have adequate provision for access, parking, stormwater management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas to prevent any adverse impact on completed phases, future phases, and adjoining property. Open Space areas shall be reasonably proportioned in each phase of the project.
- (n) Common Facilities. Common facilities and park areas, regardless of ownership, require maintenance. Adequate access to these facilities for vehicular traffic shall be provided at all times so fire, police, health, sanitation, and other public utility vehicles can serve the area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

*This area is intentionally left blank*

**CHAPTER 1182  
 ADULT ENTERTAINMENT**

<b>1182.01</b>	<b>Purpose</b>	<b>1182.03</b>	<b>Criteria</b>
<b>1182.02</b>	<b>Exceptions</b>		

**1182.01 PURPOSE**

The purpose of this Chapter to promote the public health, safety, and welfare of the residents of the Village through the regulation of Adult Entertainment Facilities by prohibiting the establishment of such facilities close to existing Adult Entertainment Businesses, residential areas, schools, worship facilities, parks, and playgrounds in the Village.

**1182.02 EXCEPTIONS**

Nothing in this Chapter shall pertain to:

- (a) The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school, museum, or institution of higher learning; and
- (b) The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

**1182.03 CRITERIA**

Adult Entertainment uses shall be considered a conditional use in the EC District and be subject to the following conditions:

- (a) No Adult Entertainment facility shall be established within 1,000 feet from any of the following:
  - (1) Any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under eighteen (18) years of age;
  - (2) Any park or recreational facility attended by persons under eighteen (18) years of age;
  - (3) Worship facilities and other similar Places of Assembly (this does not include all “Places of Assembly”); and
  - (4) Another Adult Entertainment Facility.
- (b) No advertisements, displays or other promotional materials displaying Specified Sexual Activities or specified anatomical areas shall be shown or exhibited to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas;
- (c) All building openings, entries, windows, etc., for Adult Entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street;

- (d) No screens, loudspeakers or sound equipment shall be used for Adult Motion Picture Theaters (enclosed or outside) that can be seen or discerned from public or semi-public area; and
- (e) Lighting on the exterior of the building shall be arranged to illuminate the entire off-street parking area.

*This area is intentionally left blank*

**CHAPTER 1184**  
**Architectural and Historic Board of Review Design Standards**

<b>1184.01</b>	<b>Purpose</b>	<b>1184.02</b>	<b>Design Standards</b>
----------------	----------------	----------------	-------------------------

---

**1184.01      PURPOSE**

The Village of Lisbon contains areas with unique and valuable historic and architectural resources. The purpose of this District is to protect those existing resources by ensuring that any future rehabilitation or new development blends with the existing architectural styles of the surrounding areas. The rehabilitation of existing structures, façades, elevations, and any new infill development should also be focused on mixed-use, pedestrian oriented design. Ground floor retail with large windows should be promoted. Residential uses on upper floors should be encouraged to help strengthen and support the vibrancy of the downtown business area. It is also the intent of this District to protect buildings that are on the National Historic Register but located outside the overlay boundaries depicted on zoning map.

**1184.02      DESIGN STANDARDS**

- (a) General. All buildings that are to be built, repaired, modified, or added to shall retain and preserve the existing historical character of the structure. Existing buildings that have been built in recent years, and clearly were designed and built in such a way as to not blend in with the original Village character shall attempt to stay in the visual background as much as possible. Landscaping can be an effective tool for this purpose (see Section 1186.11 for additional information on Landscaping).
- (b) Façades. Façades shall be restored to their original character using photographs, drawings, and other available information to determine the original features. When a reliable record of the original design is unavailable, a design shall be developed that is in harmony with the overall Village character and with adjacent buildings. Features of façades that are considered important to their overall character include:
  - (1) Ground floor and upper story windows;
  - (2) Signs;
  - (3) Doors; and
  - (4) Columns and their supports.
- (c) Government Buildings. Government buildings shall be restored and maintained in their original character. Where applicable, masonry should be cleaned and painted surfaces repainted. Additional Landscaping standards from Section 1186.11 may also apply.
- (d) Residences. Buildings that were originally designed and used as residences shall maintain this residential character. If the use of the building is now a nonresidential use, a small signboard above the entrance may be added to identify the nonresidential use.
- (e) Signage. All signs shall be located on the ground floor only, regardless of the number of stories or uses within the structure. The types of signs allowed are Projecting (Section

1190.08), Wall (Section 1190.09), and Window Signs (Section 1190.10). Additional signage standards from Chapter 1190 also apply.

- (f) Awnings. The use of canvas type awnings is not in strict compliance with the historic period. Use of awnings shall be limited to simple shapes free of edge scallops, fringes, and other elaborate details.
- (g) Building Materials. All building materials used for any changes or alterations to the structure's exterior shall be materials that resemble the historic period materials and character of the Village Downtown. The exterior surfaces of roofs shall not be constructed from metal.
- (h) Colors. These design standards shall not regulate colors.

*This area is intentionally left blank*

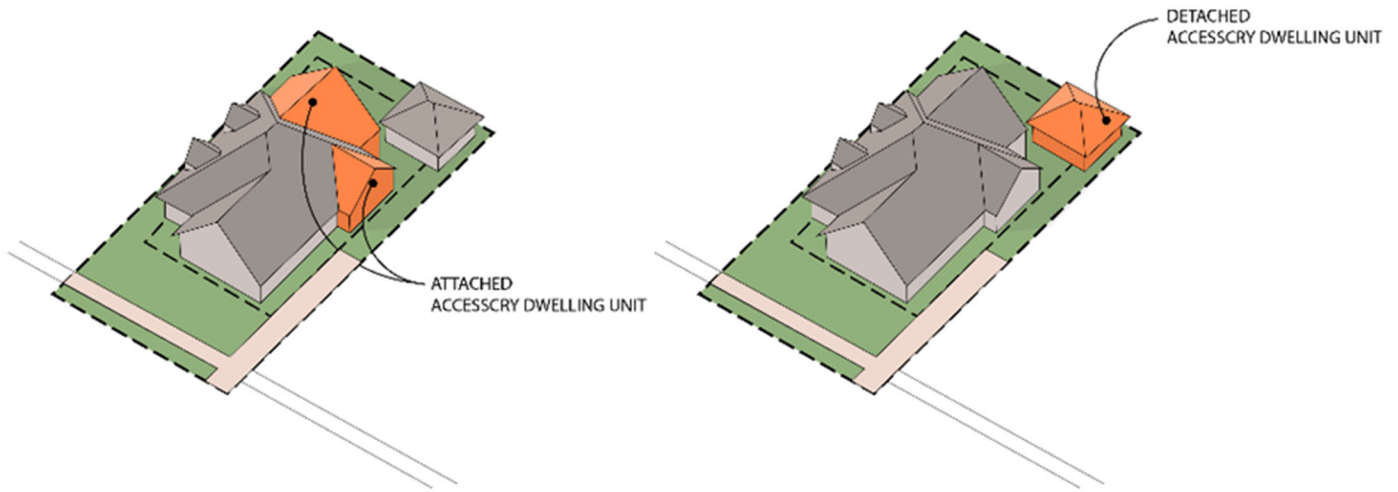
**CHAPTER 1186  
 GENERAL DEVELOPMENT STANDARDS**

<b>1186.01</b>	<b>Accessory Dwelling Units</b>	<b>1186.13</b>	<b>Lighting</b>
<b>1186.02</b>	<b>Accessory Uses and Structures</b>	<b>1186.14</b>	<b>Model Homes</b>
<b>1186.03</b>	<b>Cannabis</b>	<b>1186.15</b>	<b>Portable Storage Units</b>
<b>1186.04</b>	<b>Cemeteries and Funeral Homes</b>	<b>1186.16</b>	<b>Private Swimming Pools</b>
<b>1186.05</b>	<b>Chickens</b>	<b>1186.17</b>	<b>Recreational Vehicles</b>
<b>1186.06</b>	<b>Clustered Mailboxes</b>	<b>1186.18</b>	<b>Short Term Rentals</b>
<b>1186.07</b>	<b>Community Gardens</b>	<b>1186.19</b>	<b>Solar</b>
<b>1186.08</b>	<b>Fences and Walls</b>	<b>1186.20</b>	<b>Telecommunication Structures</b>
<b>1186.09</b>	<b>Food Trucks</b>	<b>1186.21</b>	<b>Temporary Structures</b>
<b>1186.10</b>	<b>Home Occupations</b>	<b>1186.22</b>	<b>Temporary Tents</b>
<b>1186.11</b>	<b>Screening and Landscaping</b>	<b>1186.23</b>	<b>Tiny Homes</b>
<b>1186.12</b>	<b>Large Residential Facilities, Emergency and Protective Shelters, Transitional Living Centers, and Permanent Supportive Housing</b>	<b>1186.24</b>	<b>Visibility at Intersections</b>
		<b>1186.25</b>	<b>Wind Systems</b>

**1186.01      ACCESSORY DWELLING UNITS**

- (a) Purpose. The purpose of the Accessory Dwelling Unit (ADU) regulations is to:
- (1) Respond to changes in housing needs and increasing housing costs, while simultaneously respecting the curb appeal and scale of the dwelling units within the surrounding residential area;
  - (2) Increase affordable housing options to vulnerable populations such as the elderly and persons with disabilities;
  - (3) Support increased efficient use of the existing housing stock and associated infrastructure; and
  - (4) Reduce the carbon footprint by allowing smaller dwelling units.

*This area is intentionally left blank*



- (b) Applicability. The standards apply to any Residential District where ADUs are listed as a Permitted, Accessory Use.
- (1) Number. Only one (1) ADU shall be permitted on a lot.
  - (2) Density. ADUs do not count toward the density calculations for the District in which they are located.
  - (3) Accessory Suite (Attached) Standards. All Accessory Suite ADUs shall comply with the following general ADU design standards:
    - (a) The primary dwelling in which the ADU is located shall be owner occupied;
    - (b) An ADU may be no larger than 800 square feet or the size of the primary dwelling unit, whichever is less;
    - (c) ADU's shall be limited to residential uses including a Minor Home Occupation and shall not be utilized for any other purpose;
    - (d) One additional parking space is required for the ADU;
    - (e) No new entrances into the primary dwelling shall be created for the Accessory Suite ADU; and
    - (f) Any required fire escapes or exterior stairs for access to an upper-level Accessory Suite ADU shall not be located along the front façade of the primary dwelling.
  - (4) Detached ADUs. In addition to the general ADU design standards, Detached ADUs must comply with the following requirements:
    - (a) A Detached ADU shall not exceed twenty-five (25) feet in height as defined in Chapter 1162;

- (b) The ground coverage of the Detached ADU shall not exceed the ground coverage of the Primary dwelling Unit;
- (c) All Detached ADUs shall be located at or behind the front plane of the primary dwelling;
- (d) All Detached ADUs shall comply with the minimum setback requirements of the applicable Zoning District; and
- (e) All Detached ADUs that are new construction shall comply with the following requirements:
  - i) Be setback a minimum of five (5) feet from the primary dwelling;
  - ii) The exterior finish materials must visually match in type, size, and placement to the exterior finish materials of the primary dwelling or existing structure on the property; and
  - iii) The roof pitch must be the same as the predominant roof pitch of the primary dwelling or existing structure on the property.

## 1186.02 ACCESSORY USES AND STRUCTURES

- (a) Applicability. These standards shall apply to all Accessory Structures as defined in Chapter 1162.
- (b) Location. All Accessory Structures shall be located to the side or rear of the principal structure. In no case, shall an accessory structure be located to the Front Lot Line than the principal building.
- (c) Accessory Structures may encroach a required side or rear yard setbacks as follows:

District	Minimum Distance Between Accessory Structure and Side or Rear Lot (ft)
A	10
NC, VR, EC, NC, CBD	4

- (d) An Accessory Structure shall not be located closer than five (5) feet from the principal building or any other accessory structure.
- (e) Height. The following height regulations apply dependent upon the District described:
  - (1) Accessory Structures located in any Agricultural & Village Residential District (A&VR) shall not exceed twenty-five (25) feet in height; and
  - (2) Accessory Structures located in the Non-Residential Districts shall not exceed the height of the principal building.
- (f) Size.
  - (1) There is no maximum cumulative square footage of the Accessory Structures. However, the total square footage of all Accessory Structures may not exceed the maximum lot coverage as allowed in the respective Zoning District.

### **1186.03 CANNABIS STORES**

- (a) Purpose. It is the purpose of this ordinance to regulate businesses that sell cannabis products for medicinal and recreational purposes to promote the health, safety, and general welfare of the citizens of the Village.
- (b) Applicability. These standards shall apply to any Cannabis Stores permitted under Ohio law and governed by ORC Chapters 3780 and 3796 as well as Ohio Administrative Code (OAC) 1301:18 and Chapter 513 of the Codified Ordinances of the Village.
- (c) Location. All Cannabis Stores may only be located as a permitted use in the NC and EC Districts, subject to the following conditions:
  - (1) No Cannabis Store shall be located within one thousand (1,000) feet of the boundaries of a parcel of real estate having situated on it a school, worship facilities and other similar places of assembly (this does not include all “Places of Assembly”), public library, or park (see ORC Sections 3796.30; ORC 3780.25; and 3796.29);
  - (2) No Cannabis Store shall be located within 1,000 feet of the boundaries of a parcel of real estate having situated on it Emergency and Protective Shelters, Permanent Supportive Housing, Large Residential Facilities, Residential Treatment Facilities, and Transitional Living Centers. (see, ORC Sections 3780.25 and 3796.29); and
  - (3) No Cannabis Store shall be located within one (1) mile of an existing Cannabis Store or another proposed Cannabis Store (OAC Sections 1301:18-2-06).
- (d) In addition to the regulations described herein, Medicinal Cannabis Stores must show compliance with ORC Section 3796.20 by exhibiting the proper license and ability to adhere to the rules for dispensing medical marijuana. Recreational Cannabis Stores must show compliance with ORC Section 3780.15 by exhibiting the proper license and ability to adhere to the rules for dispensing recreational marijuana. If the Cannabis Store will operate under a “dual-use license” as defined in OAC 1301:18-1-01(C)(4), then it must exhibit this license and exhibit the ability to adhere to the rules for both selling medical and recreational marijuana as found in the OAC.

### **1186.04 CEMETERIES AND FUNERAL HOMES**

- (a) Purpose. The purpose of this chapter is to maintain the current Death Care land uses and to manage the growth of this industry in the Village. This chapter will encourage the orderly development of future burials and other resting places for the human deceased, while addressing recent innovations in the Death Care industry by explaining their permissibility in the Zoning Code.
- (b) Application. Please send one (1) paper copy of a Zoning Permit application for a Death Care land use to the Zoning Inspector. Such application must include the following:
  - (1) All the information required for a Zoning Permit under Section 1166.01(c);
  - (2) The type of land use;
  - (3) Expected maximum number of remains to be located at the location (whether to be temporarily or permanently stored and/or waiting to be cremated);

- (4) The types of services provided; and
- (5) Any other information that the Village deems necessary.
- (c) Permitted, Conditional, & Accessory Uses. See Chapter 1174.
- (d) Prohibited Uses.
  - (1) The following uses are prohibited in the Village for public and private death care land uses:
    - (a) Natural Organic Reduction;
    - (b) Alkaline Hydrolysis.
  - (2) The following uses are prohibited in the Village for public death care land uses (but not private death care land uses):
    - (a) Natural/Traditional Cemetery; and
    - (b) Conservation Cemetery.
- (e) Home Burial shall not be permitted in the Village.
- (f) Similar Uses. Any other funeral service facility or death care land use or practice not mentioned in this code may be allowed under the similar use procedure as found in Section 1166.19.

#### **1186.05 CHICKENS**

- (a) Purpose. The purpose of this section is to ensure compliance with Section 505.18 on Chickens.
- (b) Application. Prior to the placement of one or more chickens on Village property, the person desiring to harbor, maintain, keep, or control one (1) or more chickens must obtain a permit prepared and approved by the Zoning Inspector or their designee. The applicant must send one (1) paper copy to the Zoning Inspector that includes, at a minimum:
  - (1) The name, address, and telephone number of the owner of any chicken;
  - (2) A description of any chicken;
  - (3) A clear color photo of any chicken;
  - (4) Proof of compliance with the requirements of Sections 505.18(D)2-9; and
  - (5) Any other information deemed relevant by the Village.
- (c) The applicant shall comply with the following regulations:
  - (1) The property on which any chicken is to be harbored, maintained, kept or controlled is not used as a rental property;
  - (2) Any chicken is harbored, maintained, kept, or controlled on property within the Village in zoning districts designated as A and VR;
  - (3) If the property size is one (1) acre or larger, no more than six (6) chickens are permitted on the property.
  - (4) If the property size is smaller than one (1) acre, no more than two (2) chickens are permitted on the property.
  - (5) Any chicken must be housed, at all times, in a coop, run, or other approved structure that:
    - (a) is located in the rear yard or backyard of the property;

- (b) is a minimum of thirty (30) feet set back from the rear property line, a minimum of twenty-five (25) feet set back from any side property;
  - (c) is at least one hundred (100) feet from any residence or dwelling, other than the residence or dwelling of the person harboring, maintaining, keeping, or controlling any chicken;
  - (d) is a permanent structure that does not exceed seven (7) feet in height;
  - (e) allows for adequate ventilation and light;
  - (f) contains adequate, functioning feeder(s) and water necessary to feed and water any chicken;
  - (g) contains one (1) nesting box for every two (2) chickens;
  - (h) is predator-resistant;
  - (i) contains a solid, covered roof;
  - (j) provides at least two (2) square feet of space for each chicken;
  - (k) contains an enclosed run with fencing that is five (5) feet in height and buried at least one (1) foot into the ground, or stake and/or secured in such a manner;
  - (l) to make the run predator-resistant, and such run shall provide a minimum of four (4) square feet of space for each chicken; and
  - (m) does not create a nuisance, safety hazard, health concern, or unreasonable disturbance to any surrounding properties.
- (6) The coop, run, or other approved structure is regularly cleaned and sanitized to control dust, odor, and waste;
- (7) Chicken feed is stored in a reasonable, airtight, predator-resistant container, and such container is closed at all times other than during feeding;
- (8) Chicken waste is disposed of in watertight waste containers and disposed of weekly, or composted in a manner that does not cause noxious odors and does not attract vermin; and
- (9) Deceased chickens are disposed of in a proper manner, such as cremation; deceased chickens are not buried on any property in the Village and are not placed in a local refuse carrier.
- (d) A permit obtained pursuant to this section may be revoked by the Village of Lisbon upon the Zoning Inspector's determination that any of the following conditions exist on the person's property:
  - (1) Any violation of division (c) of this Section;
  - (2) Excessive noise or odor;
  - (3) A nuisance;
  - (4) An unsafe, unclean, unhealthy, or unsanitary condition;
  - (5) A violation of any Ordinance of the Village;
  - (6) A violation of the ORC;
  - (7) A violation of the Ohio Livestock Standards;
  - (8) Any chicken is being harbored, maintained, kept, or controlled for purposes other than personal use;
  - (9) Slaughtering of any chicken has occurred;

- (10) Breeding, selling, or bartering of any chicken has occurred; or
- (11) Any threat to public health or safety.
- (e) If the Zoning Inspector revokes a permit obtained through division (d) of this section more than two (2) times, the person whose permit has been revoked will be prohibited from obtaining a permit.
- (f) A violation of this section is subject to Chapter 1170 of this Code.
- (g) The owner of any chicken may appeal the decision of the Zoning Inspector to the Planning Commission through the method of Section 1166.09.

#### **1186.06 CLUSTERED MAILBOXES**

When cluster mailbox units are required by the USPS, said units must comply with the following requirements:

- (a) Be located outside the public right-of-way and appropriately distributed throughout the development. An appropriate amount of on-street parking spaces shall be provided to ensure proper traffic circulation throughout the development;
- (b) Final unit and parking locations and number of off-street parking spaces shall be determined and controlled by the development plan approved by the Village Council, upon recommendations from the Planning Commission; and
- (c) All cluster mailbox units and associated off-street parking areas shall be privately maintained.

#### **1186.07 COMMUNITY GARDENS**

When Community Gardens are listed as a Permitted Use in a District, they shall be prohibited within the right-of-way and required Front Setback. Any shed, storage container, or similar structure within a Community Garden shall be considered an Accessory Structure and shall comply with the requirements of Section 1186.02.

#### **1186.08 FENCES AND WALLS**

- (a) Fences are required to obtain a permit through the application process of Section 1166.21.
- (b) No fence shall be permitted within the right-of-way and must comply with the Visibility at Intersection requirements in Section 1186.24.
- (c) Ornamental pointed fences are prohibited.
- (d) Fences or walls containing barbed wire, large protective points, or are charged with an electrical current are prohibited unless such fences or walls are in the Agricultural (A) District and solely used to enclose livestock.
- (e) All fences in Residential Districts, excluding Districts that permit Multi-Unit Dwellings, shall not exceed four (4) feet when located forward of the front plane of the house and eight (8) feet when located to the side and rear of the house.

## 1186.09 FOOD TRUCKS

- (a) Purpose. The intent of these regulations is to provide the food industry with creative opportunities outside of the traditional brick and mortar restaurants while controlling potential impacts such as traffic, food safety, and compatibility with the surrounding areas. These regulations ensure that Food Trucks are properly integrated into the overall existing or future streetscape designs of the Village. These regulations also limit the time frame for Food Trucks to allow ample time for business incubation while also discouraging them from becoming permanent fixtures.
- (b) Applicability. These standards apply to all Food Trucks that are located on private property within any District. Food Trucks shall comply with the requirements of this section.
- (c) All Food Trucks located on private property must comply with the following regulations:
  - (1) All Food Trucks must obtain a Food Truck Certificate from the Zoning Inspector prior to operating within the Village. This certificate will be valid for up to one year unless revoked due to noncompliance with the following requirements:
    - (a) Food Trucks shall be lit with existing and available site lighting. No additional exterior lighting shall be permitted. Lighting inside the Food Truck for the purpose of inside food preparation and menu illumination may be permitted. There shall be no light trespass or additional glare onto adjacent properties. Flashing lights are prohibited;
    - (b) No signs shall be permitted except as follows:
      - 1) Signs directly painted or directly applied onto the Food Truck shall be permitted; and
      - 2) One Temporary Sign that does not exceed eight (8) square feet.
  - (c) The selling of alcohol shall be prohibited, unless otherwise permitted within DORAs, if applicable;
  - (d) There shall be one (1) trash receptacle for use by patrons and placed in a convenient location that does not impede pedestrian or vehicular traffic. Trash must be removed daily from the site;
  - (e) The Food Truck shall be located on an entirely paved, level parking lot to enhance the safety of pedestrians and patrons;
  - (f) All equipment and storage associated with and required for the operations of the Food Truck, except for the trash receptacles required in this section, shall be located on or within the Food Truck. This includes any generators;
  - (g) There shall be no furniture, umbrellas, or other objects outside of the Food Truck. Any proposed furniture or umbrellas shall be subject to the outdoor dining standards of the applicable District in addition to these regulations;
  - (h) The Food Truck shall have access to water (i.e., water tank, connection to central water line, etc.) and electricity (generator, connection to utility lines, etc.) and such services shall be located in a manner that does not create a safety hazard to employees, patrons, or pedestrians;
  - (i) The operations of Food Trucks are limited to 6:00 a.m. to 9 p.m. Sunday-Thursday and 7 a.m. to 11 p.m. Friday and Saturday;

- (j) There shall be no obstruction or interference with the free flow of pedestrian or vehicular traffic, including, but not limited, to or from, any business, public building, the remainder of the parking area, or adjacent right-of-way;
- (k) There shall be no impediments to the visibility area sight distance at any driveway or intersection as according to Section 1186.24;
- (l) The Food Truck may only operate in the location approved on the site plan provided with the Food Truck Zoning Permit and may not be moved to any other location on the property or to a different property within the Village without first receiving a new Food Truck Zoning Permit;
- (m) Each Food Truck shall have a minimum 35 x 15-foot area. Any Food Truck that exceeds twenty-seven (27) feet in length shall have a minimum 70 x 15-foot area. In no case shall the combined area of all Food Trucks permitted on one lot exceed twenty-five percent (25%) of the Lot Area;
- (n) The applicant, if not the owner of the property, shall provide written permission from the property owner to utilize the property for a Food Truck.
- (o) The Food Truck shall pass a fire safety inspection by the Fire Department;
- (p) Due to the temporary nature of Food Trucks, the standards of this Code for parking (Chapter 1188), landscaping (Section 1186.11 and Signs (Chapter 1190) do not apply to Food Trucks.

#### **1186.10 HOME OCCUPATIONS**

- (a) A Home Occupation shall be conducted entirely within a Dwelling Unit and shall be clearly subordinate and secondary to the use of the Dwelling Unit. Home Occupations shall not be conducted within Accessory Structures, such as garages or sheds.
- (b) The following regulations apply to all Home Occupations:
  - (1) The appearance of the Dwelling Unit in which a Home Occupation is conducted shall not be altered or the occupation within the dwelling shall not be conducted in a manner which would cause the premises to differ from its surrounding character either by colors, materials, construction, or lighting;
  - (2) The Home Occupation shall not generate traffic greater in volume for the subarea;
  - (3) The Home Occupation shall not involve delivery trucks other than normal parcel delivery services;
  - (4) No equipment or processes shall be used in a Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible, or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises; and
  - (5) Home Occupations shall not be conducted within Accessory Structures, such as garages or sheds.
- (c) The following regulations apply to Minor Home Occupations:

- (1) There shall be no workers other than one (1) person who is a resident of the Dwelling Unit in which the Home Occupation is conducted;
  - (2) There shall be no signs associated with the Minor Home Occupation;
  - (3) Not to occupy more than twenty percent (20%) of the livable floor area of the Dwelling Unit; and
  - (4) No Zoning Permits are associated with Minor Home Occupations.
- (d) The following regulations apply to Major Home Occupations:
- (1) Up to two (2) workers who are not residents of the dwelling may work in the Major Home Occupation;
  - (2) May exceed up to twenty percent (20%) of the livable floor area of the Dwelling Unit, but in no case shall it exceed forty percent (40%).
  - (3) One Wall Sign is permitted that does not exceed six (6) square feet per sign face and has a maximum height of twelve (12) feet. Ground Signs shall not be more than six (6) feet in height relating to Section 1190.07.
  - (4) A Conditional Use Permit is required for approval of a Major Home Occupation.

#### **1186.11 SCREENING AND LANDSCAPING**

- (a) Purpose. The purpose of this chapter is to improve the beautification of the Village and enhance its aesthetics thereby increasing the quality of life for residents. It is further the intent of this chapter to promote the reasonable preservation and replacement of valued trees and landscaping, to aid in the establishing of ecological balance by contributing to air purification, oxygen regeneration, ground water recharge, and stormwater runoff retardation, and to promote public health and safety through the reduction in noise, air, and visual pollution.
- (b) General Requirements.
- (1) Landscaping and/or screening shall not impede on a neighboring lot's property.
  - (2) For all districts, except for the CBD, landscaping, along with compliance with the minimum buffering and screening requirements, shall be required.
  - (3) For the CBD, landscaping is not required, and landscaping in the CBD shall follow the buffering and screening requirements in Section 1186.11(f).
- (c) Parking Lots, Generally. All parking lots within all Districts shall comply with the following parking lot screening requirements:

*This area is intentionally left blank*

- (1) Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a forty-eight (48) inch continuous planting hedge and tree combination or forty-eight (48) inch continuous wall or fence constructed per Section 1186.08.



- (2) In the CBD District, in lieu of continuous hedge planting, the use of a forty-eight (48) inch Decorative Wall or Fence, constructed per Section 1186.08, in conjunction with landscaping may be utilized to effectively screen the parking, provided it complies with Chapter 1188 and receives approval of the Architectural and Historic Board of Review.

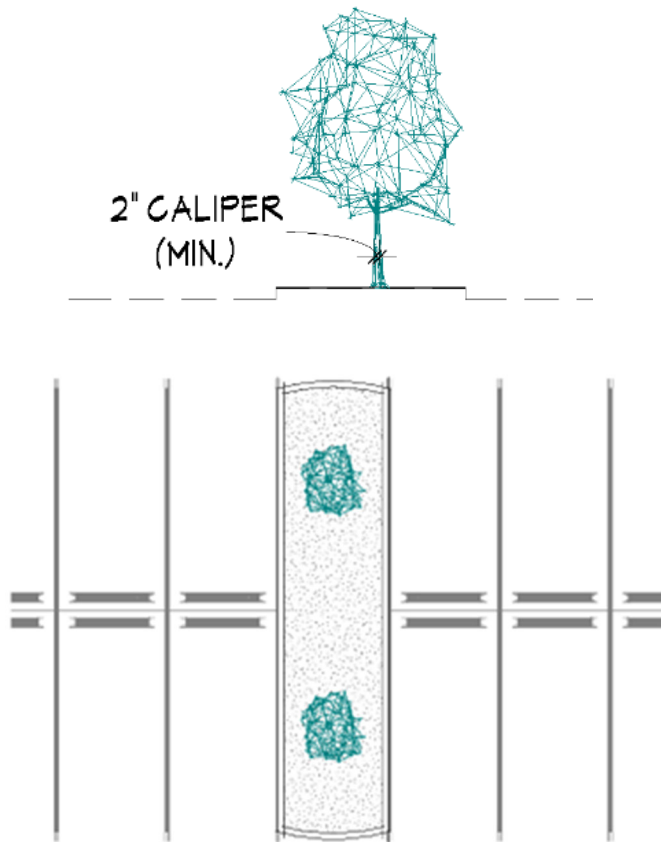


- (3) The height of the required hedge or wall shall be measured from the elevation of the adjacent parking area.

- (4) The Zoning Inspector, or their designee, may waive the parking lot screening requirement when there is a natural separation of at least five (5) feet between the elevation of an existing road and the existing grade of the lot where the parking lot will be located for at least seventy-five percent (75%) of the property's frontage along the public right-of-way. This natural separation is deemed to be sufficient to effectively screen parking from the public right-of-way.

*This area is intentionally left blank*

- (d) Landscaping in Parking Lot Islands. All parking islands required in Section 1188 shall have a minimum of one shade tree with a minimum of two (2) inch caliper. The remaining area of the landscaped island shall be planted with grass or covered with stone.



*This area is intentionally left blank*

- (e) Buffer Yard and Screening Requirements. The following buffer yard and screening requirement apply as follows:

				Min. number of trees per 50 lineal feet*** adjoining lot lines must include the following:		
District(s) of Proposed Use	Abutting Districts	Yard	Buffer Yard Width (Feet)*	# of Large Trees (a)*	# of Small Trees (b)*	# of Shrubs (c)*
VR**	A	Side or Rear	10	2	3	17
NC	A, VR**	Side or Rear	10	2	3	17
EC	A, VR**	Side or Rear	20	3	5	25

Minimum Spacing Requirement:

- (a) Planted 25 feet on center
- (b) Planted 10 feet on center
- (c) Planted 3 feet on center

\* A six-foot tall buffer fence may be utilized to take the place of shrubs and trees, both large and small. This fence shall conform to the setback requirements for the zoning district in which the fence is erected. For purposes of this section, a “Buffer Fence” is a fence constructed of bricks, stone, treated wood, or other commercially produced synthetic fencing material so long as it is durable, uniform, and attractive. Opaque gates matching the type, height, etc. of the fence shall be provided for access. The use of chain link fencing or gates with mesh screening, tarps, and similar materials shall not be considered as Buffer Fences.

\*\* These buffer requirements do not apply when a proposed one-unit dwelling will abut another one-unit dwelling.

\*\*\* If adjoining lots have less than 100 lineal feet, utilize the spacing standards above to determine the number of plantings required on a prorated basis. For lots with more than 100 lineal feet, all units of 100 lineal feet must meet the buffer standard in the chart, and the fractional remainder will be determined using the minimum spacing requirements above.

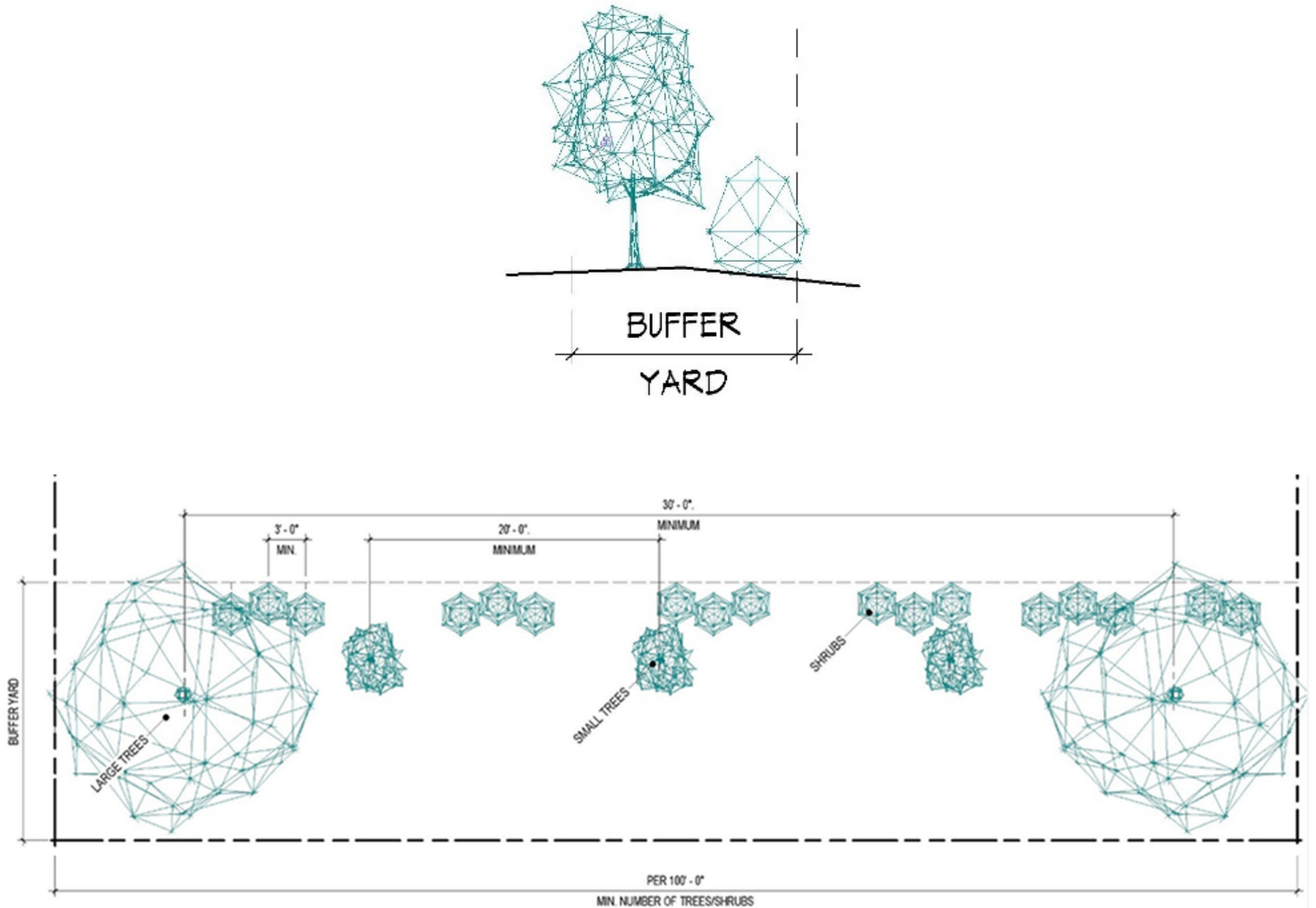
- (f) CBD Buffer Yard and Screening Requirements. The following buffer yard and screening requirement apply for the CBD as follows:

				Max. # of trees per 50 lineal feet adjoining lot lines must include the following:		
District of Proposed Use	Abutting Districts	Yard	Buffer Yard Width (Feet)*	# of Large Trees*	# of Small Trees*	# of Shrubs*
CBD	VR	Side or Rear	20	3	5	25

\* A six-foot tall buffer fence may be utilized to take the place of shrubs and trees, both large and small. This fence shall conform to the setback requirements for the zoning district in which the fence is erected. For purposes of this section, a “Buffer Fence” is a fence constructed of bricks, stone, treated wood, or other commercially produced synthetic fencing material so long as it is durable, uniform, and attractive. Opaque gates matching the type, height, etc. of the fence shall be provided for access. The use of chain link fencing or gates with mesh screening, tarps, and similar materials shall not be considered as Buffer Fences.

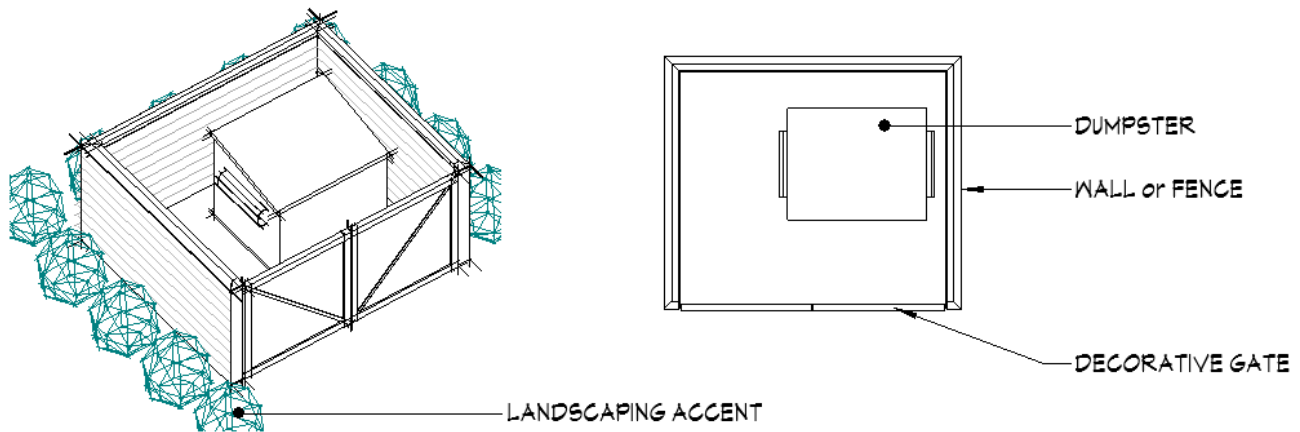
*This area is intentionally left blank*

(g) Example of a Buffer Yard.



*This area is intentionally left blank*

- (h) Screening of Trash Containers. Trash containers and storage areas shall be screened on three (3) sides with a solid wall or fence that is a minimum of one foot taller than the trash container or the material within the storage area to be screened. Said wall or fence must be constructed with the same or similar materials as those used on the principal building. So that the trash container or storage area can be accessed, a solid, decorative gate of the same height and constructed with the same or similar materials as the Wall/Fence shall be utilized as screening on the fourth side of said trash container or storage area. These standards shall apply to all the Commercial, Industrial, & Planned Districts (excluding PUD) as well as any other uses in any other Districts that would have similar trash or storage areas that abut residential uses on the sides or the rear of the property on which the use is located.



*This area is intentionally left blank*

**1186.12 LARGE RESIDENTIAL FACILITIES, EMERGENCY AND PROTECTIVE SHELTERS, TRANSITIONAL LIVING CENTERS, AND PERMANENT SUPPORTIVE HOUSING**

- (a) Purpose. The purpose of this section is to regulate Drug Rehabilitation Centers, as defined in Chapter 1162, to promote the health, safety, and general welfare of the citizens of the Village.
- (b) Applicability. The regulations under this ordinance apply to the Districts where the following Drug Rehabilitation Centers are located:
  - (1) Small Residential Facilities may only be located as a Permitted Use in all Residential and Commercial Districts, as required by ORC Section 5119.341; and
  - (2) Emergency and Protective Shelters; Large Residential Facilities; Permanent and Supportive Housing; and Transitional Living Centers may only be located as a Conditional Use in the VR and NC Districts.
- (c) Development Standards: Emergency and Protective Shelters, Permanent Supportive Housing, Large Residential Facilities, Residential Treatment Facilities, and Transitional Living Centers are a Conditional Use within their respective Districts. The Planning Commission shall ensure all the following standards are met prior to issuing a Conditional Use Permit for said facility:
  - (1) The facility shall obtain all approvals and/or licenses as required by state and local laws;
  - (2) The facility shall meet all applicable local and/or state building, safety, and fire safety requirements for the proposed facility and level of occupancy.
  - (3) The facility shall provide twenty-four (24)-hour supervision by trained and qualified professional personnel;
  - (4) For facilities located within any Residential Districts, the architectural design and site layout of the facility shall be compatible with the residential character of the neighborhood;
  - (5) For facilities located within or adjacent to any Residential District, planting a hedge and tree combination along the facility for landscaping screening purposes is required. The required hedge and tree combination shall be a minimum of five (5) feet in height at the time of installation;
  - (6) In addition to the minimum lot size requirement specified in their respective District, there shall be an additional 500 square feet of lot area required per tenant accommodated by the facility;
  - (7) There shall be a minimum of 2,000 feet between any existing and proposed Large Residential Facilities. This distance shall be measured from the closest point of the Lot Lines for said facilities;
  - (8) A Large Residential Facility shall not be located closer than 2,000 feet from a school, park, Cannabis Store, or state-licensed liquor store;
  - (9) Facilities shall be reasonably accessible, which requires adequate parking spaces for employees, visitors, and tenants at the main entrance of the facility and adequate pedestrian access;
  - (10) All facilities shall follow the Sign regulations provided in Chapter 1190 ; and

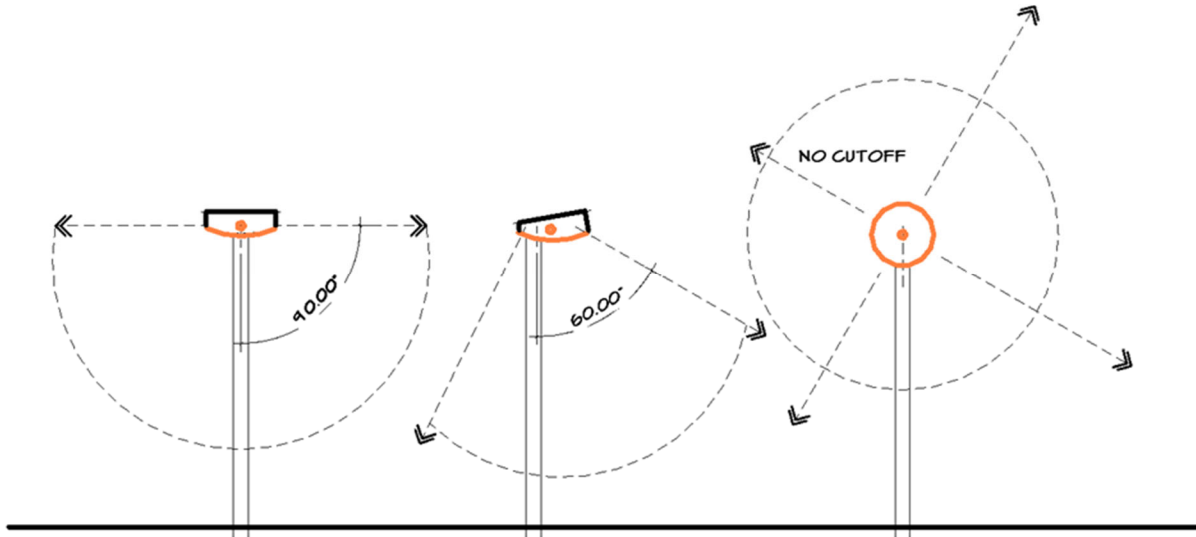
- (11) All exterior lighting fixtures shall be shaded to avoid casting direct light upon any adjoining property located in Any Residential Districts.

### **1186.13 LIGHTING**

- (a) Exterior lighting in Non-Agricultural & Non-Residential Districts shall comply with the following standards unless otherwise specified in this Code.
- (b) Exceptions:
- (1) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section;
  - (2) Holiday lighting shall be exempt from the requirements of this section;
  - (3) All temporary emergency lighting needed by the following shall be exempt from the requirements of this section including flashing or blinking lights:
    - (a) Police;
    - (b) Fire department;
    - (c) Other emergency service vehicles;
    - (d) Public service vehicles; and
    - (e) All vehicular luminaries.
  - (4) Streetlights shall be exempt from the provisions of this section.
- (c) Prohibited Lighting. Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and fire department personnel.
- (d) Types of Fixtures. All light fixtures shall be full cut-off type fixtures except for decorative light fixtures.

*This area is intentionally left blank*

*Full cutoff fixtures qualify with a cutoff angle to or less than ninety (90)-degrees with no light projecting skyward.*



- (e) Fixture Height.
  - (1) The fixture height in the parking lots shall not exceed twenty (20) feet.
  - (2) Lighting located under canopies shall be flush mounted or recessed within the canopy.
  - (3) Fixture height shall be measured from the finished grade to the topmost point of the fixture.
- (f) Kelvin Temperature. The color temperature for all lights shall not exceed 4,000K.
- (g) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the Lot Line as demonstrated by a lighting plan:
  - (1) The maximum illumination at a Lot Line that abuts a lot within an existing Residential District or is zoned or designated for residential uses shall be 0.3 foot-candles;
  - (2) The maximum illumination at a Lot Line that abuts any other use shall be one (1)-foot candles;
  - (3) The maximum illumination at a Lot Line for properties used for outdoor sports and recreation shall be reviewed for compliance regarding the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way; and
  - (4) The illumination across any property shall be designed to not create excessive dark spots that may create safety issues.
- (h) Automobile Oriented Uses – Canopy Lighting. Automobile Oriented Use canopy lighting must be recessed within the canopy and use an opaque shield around the sides of the light.

#### **1186.14 MODEL HOMES**

- (a) Model homes shall be a conditional use in all districts where residential uses are permitted.
- (b) A conditional use permit (in accordance with Section 1166.07 ) is required for model homes.
- (c) Model homes shall be constructed as permanent residential structures with the future intention to sell or lease said unit as a primary residence.
- (d) Model homes shall not include additional temporary structures, trailers, or mobile units on the lot over the course of the temporary use permit.
- (e) Off-street parking requirements for the subject lot may be waived over the course of a conditional use permit for model homes.

#### **1186.15 PORTABLE STORAGE UNITS**

Portable Home Storage Units shall be a Permitted Use within any Agriculture Residential District and a Conditional Use within any Village Residential District, provided the following regulations are met. A Zoning Permit shall be obtained for any Portable Home Storage Unit.

- (a) Portable Home Storage Units shall be prohibited from being located within any right-of-way.
- (b) Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the street.
- (c) Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
- (d) Portable Home Storage Units shall be permitted for thirty (30) consecutive calendar-days within any 365 calendar-day period.
- (e) The Zoning Inspector may grant a one-time extension of up to thirty (30) consecutive calendar days. Any additional extensions would require action by the Board of Zoning Appeals, which would be processed as a variance from these regulations.
- (f) Portable home storage units and roll-off containers shall not be utilized for living purposes.

#### **1186.16 PRIVATE SWIMMING POOLS**

No Private Swimming Pool, except for Temporary Swimming Pools as defined in Chapter 1162, shall be allowed in any Residential District unless the following conditions and requirements are met. A Zoning Permit shall be required for the construction or installation of any Private Swimming Pool. The owner of the property, or their agent, shall certify that the pool will be constructed, installed, and maintained in conformance with the requirements below:

- (a) The pool is intended to be used solely for the occupants, and guests, of the principal use of the property on which it is located;
- (b) Such pool, including any walks, paved areas, and appurtenances thereto, shall not be in any Front Yard, nor closer than five (5) feet to any Lot Line or structure;
- (c) Any Private Swimming Pool, or the property on which the pool is located, shall be enclosed by a Fence or wall constructed to prevent uncontrolled access. Such Fence or wall shall meet the requirements of Section 1186.08 and be well maintained; and

- (d) All lights used for the illumination of the Private Swimming Pool and adjacent areas shall be designed, located, and installed to confine the direct beams thereof to the Lot or parcel on which the pool is located.

#### **1186.17 RECREATIONAL VEHICLES**

Recreational Vehicles. Residents shall be permitted to park a Recreational Vehicle on a lot in any Residential District which permits one (1) or two (2) dwelling units, provided the following criteria are met:

- (a) There shall be a maximum of one Recreational Vehicle per dwelling unit permitted on said lot. For the purposes of this Code, a boat stored on a boat trailer is considered one Recreational Vehicle. Said Recreational Vehicle shall not exceed thirty (30) feet in length, nine (9) feet in width, and twelve (12) feet in height.;
- (b) Recreational Vehicles shall be parked on a paved or gravel surface, such as a driveway,
- (c) Recreational Vehicles shall be parked no closer than three (3) feet from any side Lot Line; and
- (d) In no case shall a Recreational Vehicle be utilized for living, sleeping, housekeeping, business, or storage purposes.

#### **1186.18 SHORT-TERM RENTALS**

- (a) Purpose. The purpose of this section is to adapt to new rental market trends that include online platforms, while also protecting residential neighborhoods from disruption that could result from Short-Term Rentals and to create a convenient, safe, and harmonious environment in which Short-Term Rentals can be permitted and consistent with neighborhood tranquility.
- (b) Lodge Tax. The Village's Lodgings Tax shall be imposed upon Short-Term Rentals, in compliance with Chapter 715 of the Ordinance.
- (c) Applicability. Short-Term Rentals are considered Conditional Uses in Chapter 1174.
- (d) Registration. An application for a Short-Term Rental permit, and/or renewal of a permit, shall be made to the Village, with an application fee listed in the separate Schedule of Fees adopted by the Village.
- (e) Requirements. Prior to issuing a Conditional Use Permit, the Planning Commission must determine that the specific criteria for Conditional Uses in Section 1166.07(d) are met in addition to the following regulations:
  - (1) Short-Term Rentals shall be wholly within the principal or accessory residential structure. The Accessory Structure shall be no larger than 1,000 square feet;
  - (2) The principal or accessory residential structure, in which the Short-Term Rental is conducted, shall maintain the appearance of a Single-Family Dwelling Unit and be compatible with surrounding residences, in size and scale;
  - (3) The Short-Term Rental establishment shall be operated by the occupant or owner of the premises, and may be a Hosted or Unhosted Short-Term Rental as defined in Chapter 1162;
  - (4) Exterior Signs shall be limited to a single nameplate not more than twelve (12) square feet in size. No Signs shall be internally illuminated;

- (5) The applicant must submit proof of compliance with all applicable building and fire codes;
- (6) Adequate Off-Street Parking shall be provided as determined by the Planning Commission. Off-Street Parking shall not be allowed in the Front Yard;
- (7) There shall be a limit of one (1) Short-Term Rental per Dwelling Unit on a parcel; and
- (8) The Zoning Inspector may revoke the Conditional Use Permit if the property is delinquent in filing or payment of any County or Village taxes.

#### **1186.19 SOLAR ENERGY SYSTEMS**

- (a) Purpose: The purpose of this section is to provide a regulatory framework for the installation and construction of Solar Energy Systems (SES) in the Village, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also maintaining the character of the Village. This section applies to SES to be installed and constructed on any property in any District.
- (b) Solar Energy Systems in the Historic Overlay District shall receive a Certificate of Appropriateness from the Village Council prior to zoning approval. The process for applying for a Certificate of Appropriateness can be found in Section 1166.12 of this code. These SES shall be designed, sized, and located to minimize their effect on the character of a historic building and/or property by observing the following:
  - (1) Place SES to avoid obscuring significant features or adversely affecting the perception of the overall character of the property;
  - (2) Minimize visual impacts by locating the SES so that there is no visibility of the SES from the front of the historic building or structure;
  - (3) When applicable, the SES should be installed on an addition or secondary structure;
  - (4) Use the least invasive method feasible to attach the SES to a historic roof such that it avoids damage to significant features and historic materials and can be removed and the original character easily restored; and
  - (5) The SES shall comply with all applicable criteria in this Section 1186.19.
- (c) Roof Mounted Small Solar Facilities: Roof Mounted Small Solar Facilities are permitted in all Districts, provided the roof-mounted solar system comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:
  - (1) Pitched roof-mounted arrays shall be parallel to the roof;
  - (2) The distance between the roof and the uppermost portion of the solar panels shall not exceed eighteen (18) inches;
  - (3) Pitched roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof and shall be screened in accordance with Section 1186.11; and
  - (4) Roof-mounted panels cannot exceed the maximum height of a building by any more than five (5) feet.

- (d) Ground Mounted Small Solar Facilities: Ground Mounted Small Solar Facilities shall comply with all other requirements of zoning and building regulations, all applicable local and state fire and building codes, and the following requirements:
- (1) No Ground Mounted Small Solar Facility shall be permitted in the front yard. If the lot has neither a front nor back yard, then it shall have a front setback of twenty (20) feet;
  - (2) All Ground Mounted Small Solar Facilities shall maintain a side and rear setback of ten (10) feet and shall not exceed eight (8) feet in height; and
  - (3) Any perennial vegetation for Ground mounted Small Solar Facility shall be fauna native to the area, as approved by the zoning board.
- (e) Removal and Decommissioning:
- (1) The owner, operator, or successors in interest shall remove any ground-mounted SES that ceases to perform its intended function for more than twelve (12) consecutive months, or which has reached the end of its useful life or has been abandoned at the owner or operator's expense.
  - (2) The former SES site shall be restored to as natural a condition as possible within six (6) months of the removal.
- (f) Solar Vegetation, Flowering Plants: The following Native Perennial Vegetation shall be permitted for Ground-Mounted Solar:
- |                             |                            |
|-----------------------------|----------------------------|
| (1) Aster                   | (18) Nodding Onion         |
| (2) Bee Balm                | (19) Obedient Plant        |
| (3) Black-Eyed Susan        | (20) Ohio Goldenrod        |
| (4) Blue-Eyed Grass         | (21) Ohio Spiderwort       |
| (5) Blue False Indigo       | (22) Prairie Blazing Star  |
| (6) Butterfly Weed          | (23) Purple Coneflower     |
| (7) Cardinal Flower         | (24) Purple Prairie Clover |
| (8) Giant Catmint           | (25) Rough Blazing Star    |
| (9) Golden Alexander        | (26) Showy Goldenrod       |
| (10) Gray-Headed Coneflower | (27) Sky Blue Aster        |
| (11) Heath Aster            | (28) Smooth Aster          |
| (12) Jerusalem Artichoke    | (29) Smooth Penstemon      |
| (13) Lanceleaf Coreopsis    | (30) Stiff Goldenrod       |
| (14) Lavender/Anise Hyssop  | (31) White Prairie Clover  |
| (15) Prairie Dock/Rosinweed | (32) Wild Bergamot         |
| (16) Milkweed               | (33) Wild Geranium         |
| (17) Mountain Mint          | (34) Wild Quinine          |
- (g) Solar Vegetation, Grasses & Sedges: The following Native Perennial Vegetation shall be permitted for Ground-Mounted Solar:
- (1) Blue Grama
  - (2) Little Bluestem
  - (3) Prairie Dropseed
  - (4) Sideoats Grama

## **1186.20 TELECOMMUNICATIONS TOWERS**

- (a) Telecommunications towers, as defined in Chapter 1162, may be allowed as a Conditional Use in the A, ER, and VR Districts.
- (b) The following regulations shall apply, through the Conditional Use process, to Free-Standing Telecommunication Towers and to Attached Telecommunication Towers located within the non-planned districts of the Village. The process to be used in processing an application for such a tower shall be as specified in ORC Chapter 713.
- (c) If a public telecommunication service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a Permitted Use.
- (d) Free-standing telecommunications towers shall be subject to the following conditions:
  - (1) The maximum height of the tower shall not exceed 300 feet;
  - (2) The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line;
  - (3) The tower shall be located not less than 1,000 feet from any existing residential dwelling or any public roadway;
  - (4) The minimum lot size for the site of the tower shall be one (1) acre;
  - (5) Security fencing at least ten (10) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site;
  - (6) A landscaping plan shall be submitted and approved by the Planning Commission;
  - (7) The tower shall not be lit except to assure safety or as required by the FAA;
  - (8) The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary;
  - (9) The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the site's use is discontinued, and proof of notice has been provided.
  - (10) The applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (14 CFR Part 77).
- (e) Attached telecommunications towers shall be subject to the following conditions:
  - (1) The tower does not extend more than ten (10) feet above the highest point of the Building;
  - (2) The antenna complies with all FCC regulations;
  - (3) The tower shall not be lit except to assure safety or as required by the FAA; and
  - (4) The tower complies with all applicable building codes.

**1186.21 TEMPORARY STRUCTURES**

Temporary Construction Trailers/Offices. Temporary Trailers/Offices may be permitted in any District during the construction of building(s) and site improvements provided the following regulations are met. A Zoning Permit shall be obtained prior to installing and utilizing the temporary construction trailer/office.

- (a) The Temporary Trailer/Office shall be prohibited from being located in the right-of-way and shall be setback a minimum of ten (10) feet from the right-of-way line.
- (b) In all Districts, except Residential Districts, the Temporary Trailer/Office shall only be permitted for one (1) year. If additional time is necessary due to a delay in construction, the applicant shall seek an extension from the Zoning Inspector. Due to the intensity of use and length of construction time for sites within the PUD District, this time frame does not apply to temporary construction trailers/offices in those districts.

**1186.22 TEMPORARY TENTS**

Temporary Tents shall be considered as an accessory use in the NC, CBD, and EC Districts when retail sales are a principal use as so specified by this chapter. Tents used for festivals, fairs, and carnivals for a maximum of fifteen (15) days are exempt from application. The applicant requesting use of such tents shall submit evidence that the following standards will be met.

- (a) Tent(s) on a lot or contiguous lot in the same ownership shall have an aggregate floor area of not more than 700 square feet.
- (b) Tent(s) erected shall meet the requirements of the Ohio Building Code.
- (c) Tent(s) may not be erected for more than ninety (90) days during any calendar year except when a Conditional Use Permit is granted by the Planning Commission.
- (d) Tent(s) shall not cover or restrict access to any required parking space.
- (e) Any tent that is 200 square feet or larger requires a fire safety inspection.
- (f) Tent(s) permitted under this section shall not be utilized for living purposes.

**1186.23 TINY HOMES**

- (a) Purpose. The purpose of this chapter is to promote in fill housing and regulate the inclusion of Tiny Homes in the Village.
- (b) General Requirements. All tiny homes shall have the following general requirements:
  - (1) Have at least 200 square feet and no more than 500 square feet GFA;
  - (2) Have a maximum height of twenty (20) feet;
  - (3) Contain a fully functioning kitchen with ceiling height at least six-and-a-half (6.5) feet;
  - (4) Contain a fully functioning bathroom with ceiling height at least six-and-a-half (6.5) feet;
  - (5) Contain at least one (1) bedroom;
  - (6) Contain at least one (1) window;
  - (7) To be connected to central water or sewer OR to obtain a Health Department Permit when on-site water and septic systems are proposed; and
  - (8) If an ADU, then must be at least four (4) feet away from the primary use and

from the rear and side lot lines.

(c) Permanent Tiny Homes.

- (1) Permanent tiny homes are permitted as a primary use or accessory use/ADU.
- (2) Permanent tiny homes as a primary use must comply with the front, side and rear setbacks of the applicable District. Permanent tiny homes used as an ADU shall comply with the setback requirements for ADUs in Section 1186.01.

(d) Portable tiny homes and tiny home villages shall not be permitted in the Village.

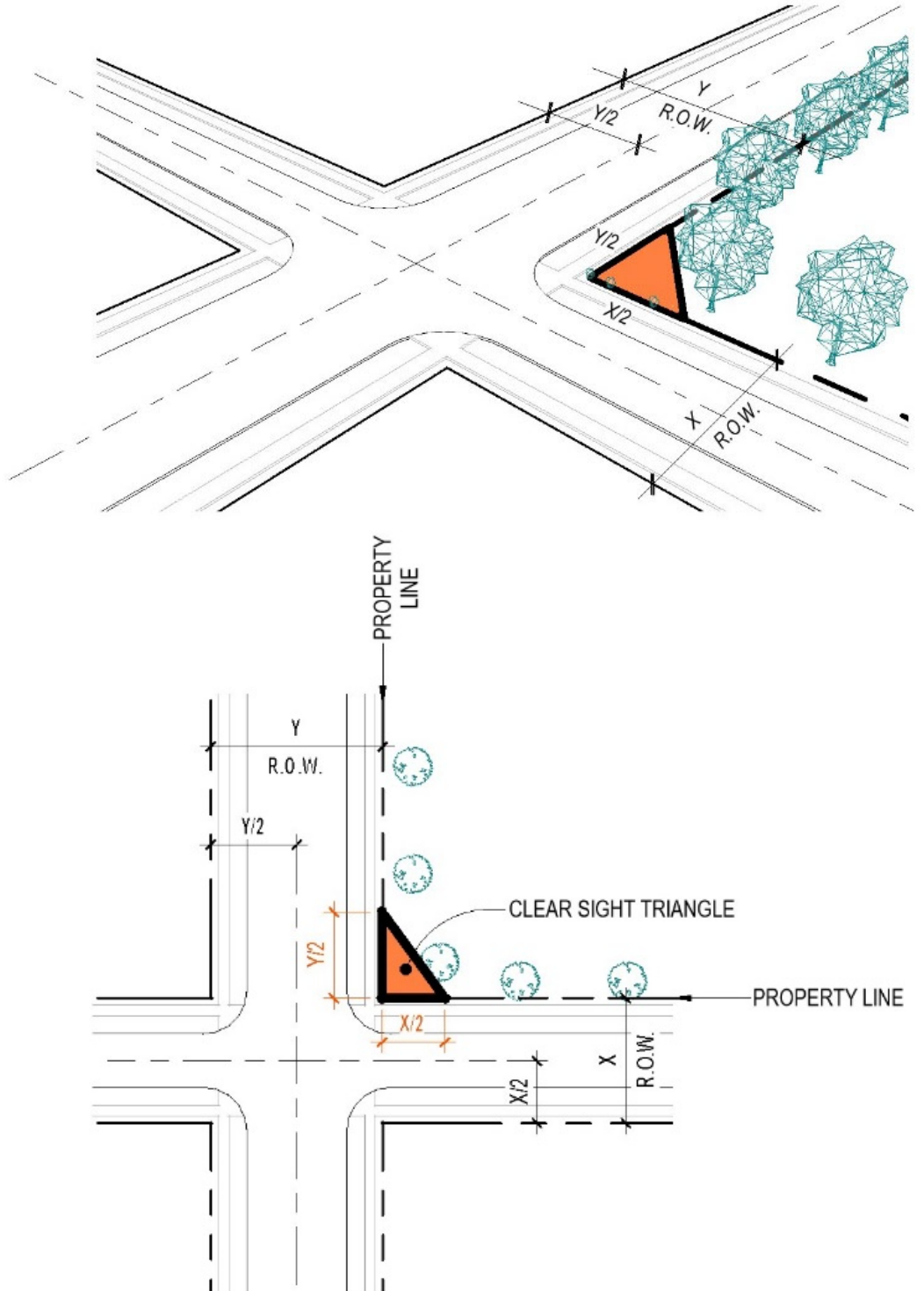
**1186.24 VISIBILITY AT INTERSECTIONS**

- (a) There shall be a sight triangle established at every intersection of two public rights-of-way. The sight triangle is the triangular area where two (2) streets intersect, bounded by the edge of the street and a line joining the points on the rights-of-way from their point of intersection for a distance equal to half the width of each street right-of-way. The vision triangle shall be measured along the right-of-way within the boundaries of the property.

- (b) Visibility Maintained. There shall be no visual obstructions within the defined sight triangle. A visual obstruction is any object between the height of no more than three (3) feet measured relative to the elevation to the nearest pavement crown. This is based on a driver eye height of three feet (based on the American Association of State Highway and Transportation Official standards). Overhanging branches or other elevated obstructions shall not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.

*This area is intentionally left blank*

(c) **Example where Right-of-Way = Lot Line**



## **1186.26 WIND ENERGY SYSTEMS**

- (a) Individual Wind Energy Conversion Systems, as defined in Chapter 1162, shall comply with the following requirements:
  - (1) The height of the tower of the wind turbine system shall not exceed 100 feet on parcels of (2) two to (5) five acres, and 250 feet on parcels of more than five (5) acres. Wind turbine systems shall not be allowed on parcels of less than two (2) acres in size;
  - (2) Notwithstanding Section 1186.26(a)(1), the height of the system shall not exceed the height recommended by the manufacturer or distributor of the system;
  - (3) The base of the tower shall be located not less than 500 feet from any property line and not less than 750 feet from any residential dwelling not participating in the wind energy project of which the turbine is a component;
  - (4) The system shall not exceed fifty (50) decibels (dBA) measured at the closest inhabited residential dwelling;
  - (5) The system shall not exceed a footprint of five (5) megawatts.
  - (6) The application shall include standard drawings and an engineering analysis of the structural stability of the tower, and certification of same by a Professional Engineer; and
  - (7) The system will comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
- (b) More than one (1) wind turbine system, and/or systems that do not fully comply with the standards of Section 1186.26(a), shall be permitted in the EC and PUD districts., and subject to the following requirements:
  - (1) The height of the tower of the wind turbine system shall not exceed 300 feet;
  - (2) No more than one (1) wind turbine system shall be permitted for each two (2) acres of the property;
  - (3) The system shall not exceed a footprint of fifty (50) megawatts; and
  - (4) Shall comply with all requirements of the approved final development plan when approved as part of a PUD.

*This area is intentionally left blank*

## **CHAPTER 1188**

### **Parking & Off-Street Loading Requirements**

<b>1188.01</b>	<b>Purpose</b>	<b>1188.10</b>	<b>Shared Parking</b>
<b>1188.02</b>	<b>Applicability of Requirements</b>	<b>1188.11</b>	<b>Schedule of Required Off-Street Parking Spaces</b>
<b>1188.03</b>	<b>General Requirements</b>	<b>1188.12</b>	<b>Drive-Thru Stacking Requirements</b>
<b>1188.04</b>	<b>Parking Lot Location</b>	<b>1188.13</b>	<b>Parking of Commercial Vehicles in Residential Districts</b>
<b>1188.05</b>	<b>Parking Bays</b>	<b>1188.14</b>	<b>Electrical Vehicle Charging Stations</b>
<b>1188.06</b>	<b>Design Standards for Off-Street Parking Areas</b>	<b>1188.15</b>	<b>Access and Connectivity for Vehicles and Pedestrians</b>
<b>1188.07</b>	<b>Special Event Parking</b>		
<b>1188.08</b>	<b>Design Standards for Off-Street Loading Areas</b>		
<b>1188.09</b>	<b>Parking in the Central Business District</b>		

#### **1188.01 PURPOSE**

Parking Lot Areas shall be designed and constructed to minimize the visual impact of the parking area, minimize production of excess heat, and prohibit any adverse effects on drainage. Appropriately sized landscaped areas shall be provided within each Parking Lot Area allowing for a variety of shade trees to be planted. To accomplish these goals, all Off-Street Parking Lot Areas shall be designed and constructed using the “Parking Bay” concept, which consists of parking spaces grouped together, with each Parking Bay separated by landscaped tree islands.

#### **1188.02 APPLICABILITY OF REQUIREMENTS**

- (a) Unless otherwise noted, these parking standards apply to all uses in all Districts. The Off-Street Parking and Off-Street Loading Spaces, whether they are principal uses, Accessory Uses, or a change of use, shall meet the requirements of this chapter as follows, unless modified by Section 1188.07 or Section 1188.10.
  - (1) For all buildings and structures erected and all uses of land established after the effective date of this Code, Parking and Loading Spaces shall be provided as required by the applicable use unit.
  - (2) When the intensity of use of any building, structure, or premises shall be increased through the addition of Dwelling Units, floor seating capacity, or other units of measurement specified herein for required Parking or Loading Spaces, Parking and Loading Spaces shall be provided for such increases in intensity.
  - (3) Except as noted herein, whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the existing use is non-

conforming as to parking requirements, then parking requirements for the change in use shall be established by the Planning Commission.

- (4) Accessory Off-Street Parking and Loading Spaces in existence on the effective date of this Code and located on the same lot as the building or use served shall not hereafter be reduced below or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Code.

### **1188.03 GENERAL REQUIREMENTS**

- (a) Off-Street Parking and Off-Street Loading Spaces shall not occupy required livability space. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any Off-Street Parking Spaces. Space allocated to any required Off-Street Parking Spaces shall not be used to satisfy the space requirements for any Off-Street Loading Spaces.
- (b) Required Off-Street Parking Spaces and required Off-Street Loading Spaces shall not be used for the storage, sale, dismantling, or servicing of any vehicle, equipment, materials, or supplies.
- (c) Required Off-Street Parking Spaces and required Off-Street Loading Spaces shall be located on the lot containing the use for which the required spaces are to be provided except as modified by Section 1188.10.
- (d) In the VR, CBD, NC and EC Districts, all Off-Street Parking Spaces shall be designed in a manner that allows each space to be entered and exited without passing through another parking space. Stacked parking may be allowed in the Center Business District with the approval of the AHBR if in the Historic Overlay District and the Planning Commission if outside of the Historic Overlay District.
- (e) Parking spaces provided inside of a garage that are dedicated to the principal use of the property shall count towards the parking space requirements.
- (f) Any lighting used to illuminate any Off-Street Parking Space shall adhere to the regulations provided in Section 1186.13 to reflect light away from any adjoining Residential Districts.
- (g) In all Districts, a five (5) foot clear zone shall be maintained between the Street right-of-way line, and any parking space.

### **1188.04 PARKING LOT LOCATION**

All parking lots shall be located in accordance with the parking lot location requirements as noted in the development standards table for each District found in Chapters 1176-1178.

*This area is intentionally left blank*

## **1188.05 PARKING BAYS**

- (a) All new sites shall provide parking bays within the parking lots. No parking bay shall contain more than twenty-four (24) parking spaces, with a maximum of twelve (12) spaces in a single row in the NC District. In the EC District, no parking bay shall contain more than forty-eight (48) parking spaces, with a minimum of twenty-four (24) spaces in a single row. Each parking bay shall be separated by a parking lot island on each side.
- (b) Parking Lot Island. Each landscape island in a single loaded parking stall design shall have a minimum area of one hundred eighty (180) square feet with a minimum width of nine (9) feet. Each landscape island in a double loaded parking stall design shall have a minimum of three hundred twenty-four (360) square feet with a minimum width of nine (9) feet and shall be landscaped in accordance with Section 1186.11.
- (c) Parking bays are not required for property being redeveloped. For purposes of this section, redeveloped means the expansion of more than twenty-five percent (25%) percent of a building or parking lot or the alteration of more than twenty-five percent (25%) of the interior or exterior of the building.

## **1188.06 DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**

The following standards apply:

- (a) All Off-Street Parking Spaces shall have a vertical clearance of at least six-and-a-half (6.5) feet;
- (b) All parking areas, common areas, and adjacent driveways in all Districts shall be paved with asphalt material, cement, cobblestone, or brick pavers. All parking spaces shall be striped. The use of gravel or asphalt grindings for parking lots or driveways shall be prohibited. All vehicles in all Districts shall be parked on paved driveways or parking areas and shall be prohibited from being parked in grass or other unpaved areas of lots. Required Off-Street Parking Space material shall be installed prior to the initiation of the use, unless an extension is granted based upon weather or unusual circumstances as determined by the Zoning Inspector, or designee. This requirement does not apply to “Special Events Parking” as regulated in Section 1188.07;
- (c) Off-Street Parking Spaces shall be at least nine (9) feet in width and twenty (20) feet in length exclusive of access drives and aisles;
- (d) All Off-Street Parking Spaces shall be designed in accordance with Table 1188.01 below; and
- (e) Handicap accessible parking spaces shall be provided in accordance with the Americans with Disabilities Act requirements and Ohio Building Code.

*This area is intentionally left blank*

**TABLE 1188.01**

Angle	Parking Row Depth	Drive Aisle Width		Space Width	Space Length
		One-Way	Two-Way		
	(A)	(B)	(C)	(D)	(E)
Parallel	9'	12'	20'	9'	20'
30°	17'	11'	24'	9'	20'
45°	20'	13'	24'	9'	20'
60°	21'	18'	24'	9'	20'
Perpendicular	18'	24'	24'	9'	18'
Tandem (two spaces)	18'	14'	24'	9'	36'

**1188.07 SPECIAL EVENT PARKING**

Special event parking areas shall comply with the following conditions:

- Special event parking shall not be used for more than thirty (30) days in any calendar year.
- Special event parking cannot occur more than fifteen (15) consecutive days during any thirty (30) day period.
- Special event parking shall be set back at least fifty (50) feet from any off-site lot in any Residential District or any residential development area in a PUD.
- Special event parking areas shall be on the same lot(s) approved for the principal use to which they are accessory.

**1188.08 DESIGN STANDARDS FOR OFF-STREET LOADING AREAS**

- All Off-Street Loading Spaces must be located to the side or rear of the principal structure and screened in accordance with Section 1186.11 and are prohibited within any Front Yard and within fifty (50) feet of a lot line abutting the A and VR districts.
- Required Off-Street Loading Spaces shall be provided access to and from a Public Street or Alley by an access drive of at least ten (10) feet in width designed to permit convenient access by semi-trailer trucks.
- An Off-Street Loading Space shall consist of a rectangular area adequate for loading and unloading and be accessible from a maneuvering area.
- All Off-Street Loading Spaces and maneuvering areas shall be located on the same lot as the use for which they are intended to serve.
- A required Off-Street Loading Space shall have a clearance height of not less than fifteen (15) feet and shall have minimum dimensions of not less than twelve (12) feet in width and fifty (50) feet in length, exclusive of any driveway, aisle, or other circulation area.
- All unenclosed Off-Street Loading Areas, common areas, and adjacent driveways shall be paved with asphalt material, cement, cobblestone, or brick pavers, and parking spaces shall be striped.

- (g) The number of Off-Street Loading Spaces required for various types of uses shall be no less than as set forth in the following Districts:
  - (1) NC and EC Districts. Each use in these Districts shall provide loading spaces based on gross floor area as follows:
    - (a) Less than 5,000 square feet = None Required.
    - (b) 5,000 to 250,000 square feet = One Off-Street Loading Space.
    - (c) Over 250,000 square feet = One Off-Street Loading Space for every 250,000 square feet or portion thereof.
- (h) The loading space requirements for buildings with multiple uses or tenants shall be determined based on the aggregate total of gross floor area for all uses or tenants.
- (i) An AutoTURN Plan is required to be submitted along with the above design standards for any development involving the following:
  - (1) Vehicular Access. All Streets (including, but not limited to, Arterial, Collector, Local, Private, Alleys, and emergency access drives) and private parking lots and access lanes shall:
    - (a) Be designed and constructed with a sufficient width to provide adequate access for emergency vehicles including, but not limited to, fire trucks; and
    - (b) Be designed and constructed with a sufficient width to provide adequate access for refuse truck access to any dumpsters or containers.
  - (2) The design engineer submitting the AutoTURN Plan must coordinate with the Village Fire Department and the Village Engineer to determine the AutoTURN Truck Turning Performance Analysis for the specifications and apparatus turning radius requirements.

#### **1188.09 PARKING IN THE CENTRAL BUSINESS DISTRICT (CBD)**

- (a) The CBD is characterized by higher development density, small lots, and minimal building setbacks. Historically, a significant portion of the parking needs of this area has been provided by on-street parking, an option that is typically not available for suburban-type locations. For this reason, special parking regulations are warranted.
- (b) A specific number of Off-Street Parking Spaces is not required as long as the property is within one thousand (1,000) feet from sufficient on-street parking spaces or a public parking facility that has adequate capacity to serve the use(s) on the property, as determined by:
  - (1) The AHBR, if located with the Historic Overlay District, or
  - (2) The Planning Commission, if located outside of the Historic Overlay District.
  - (3) Otherwise, the site must follow the required parking spaces as specified in Section 1188.11.
- (c) When Section 1188.09(b) cannot be met and Off-Street Parking Spaces are required in accordance with Section 1188.11, two (2) or more uses within the CBD District may meet the parking requirements by complying with the “Shared Parking Requirements” in Section 1188.10.

**1188.10 SHARED PARKING**

- (a) In any District, when a mix of uses creates staggered peak periods of parking (*see*, “Parking Table – 2” below), the total parking requirements for the uses may be reduced provided a shared parking plan is submitted and approved as a Conditional Use by the Planning and Zoning Board.
- (b) The shared parking plan must be based upon the number of originally required spaces for differed uses or facilities sharing the same parking area and documentation that the required parking needed for different uses is at different days and times generally based on Table 1188.02.
- (c) Parking spaces included in the shared parking plan must be distributed in a manner that provides parking spaces within a reasonable distance from all proposed uses as determined by the applicable reviewing entity.
- (d) Shared parking must remain under common ownership providing access to all users of the shared parking. If common ownership is not proposed, the applicable approving authority may require documentation of shared access agreements to be provided.

**TABLE 1188.02**

<u><b>Weekday Peaks</b></u>	<u><b>Evening Peaks</b></u>	<u><b>Weekend Peaks</b></u>
Banks Professional Offices Medical Offices Library Daycare Coffee Shops Restaurants	Bars Ice Cream Shops Restaurants Movie Theaters Residential	Retail Uses Movie Theaters Residential

*This area is intentionally left blank*

## 1188.11 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

- (a) All uses within all Districts shall comply with the number of Off-Street Parking Spaces requirements specified herein. These standards are being established to encourage efficient use of parking areas by establishing a maximum number of spaces required and permitting sensible shared parking to reduce impervious surfaces and increase Open Space.
- (b) The total number of required parking spaces shall be calculated for each separate use on the Lot. In no case shall the total number of parking spaces for a particular use be less than the minimum nor more than the maximum number of required parking spaces for said use based upon the requirement in Section 1188.11(b)(1)-(4) below. When calculating the required number of spaces, fractional numbers shall be increased to the next whole number.
  - (1) Residential. One (1) parking space for every residential dwelling unit on a property.
  - (2) Commercial. One (1) parking space for every 100 ft in GFA with the following exceptions:
    - (a) Campground: One (1) per each campsite and one per employee for the largest shift;
    - (b) Hotels and Motels: One (1) per sleeping room; and
    - (c) Office: Four (4) spaces per 1,000 square feet in GFA.
  - (3) Institutional. One (1) parking space for every 500 feet in GFA with the following exceptions:
    - (a) Assisted living, nursing homes, and hospitals: One (1) for each employee on the largest shift and one (1) for every four (4) beds;
    - (b) Places of assembly: One (1) for every six (6) seats in the main area of assembly.
    - (c) Schools: One (1) for every ten (10) students and one (1) for each employee on the largest shift; and
    - (d) Daycares: One (1) for each employee on the largest shift.
  - (4) Industrial. One-half (½) space per 1,000 square feet in GFA and one (1) for each employee on the largest shift.

*This area is intentionally left blank*

## 1188.12 DRIVE-THRU STACKING REQUIREMENTS

(a) All Drive-Thrus shall comply with the requirements in TABLE 1188.03

**TABLE 1188.03**

Activity	Minimum Stacking Spaces (per lane)	Measured From and Including
Banks and ATMS	3	Teller/Window or ATM machine
Restaurant, Coffee Shop, or Other Similar Use	8	First Pick-Up Window
Full-Service Car Wash*	20	Entrance of tunnel
Self Service – Automated Car Wash*	4	Washing bay
Fuel/Gasoline Pump Island	1	Pump island
Other – Not Specified	As determined by the Planning and Zoning Board	

\*Planning and Zoning Board/Zoning Inspector as applicable shall also ensure adequate spaces are provided at the end of the tunnel or wash bay for the drying and vacuuming of vehicles.

(1) Design and Layout.

- (a) Pump spaces can count toward the stacking space requirement.
- (b) Stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size.
- (c) Stacking spaces may not impede on-or-off-site traffic movements or movements in or out of Off-Street Parking Spaces. There shall be a separate drive aisle allowing ingress and egress of vehicles that are not waiting in the Drive-Thru lanes.
- (d) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- (e) These stacking space requirements shall be in addition to the Off-Street Parking Space requirements in Section .
- (f) When adjacent to an VR District, stacking spaces shall be required to be located on the sides of the Lot opposite the adjacent residential use.

**1188.13 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**

- (a) No commercial tractor, truck, trailer, or commercial automobile weighing more than 10,000 pounds shall be parked, stored, or allowed on any lot or parcel of land or on the Street in any Residential District.
- (b) This section shall not apply to such vehicles used for conveying the necessary tools and materials to premises where labor using such tools and materials is to be performed during the actual time of parking of such vehicles, nor to the actual time during which such vehicles are being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery as long as such activities referred to in this provision are conducted diligently and without unnecessary delay.

**1188.14 ELECTRICAL VEHICLE CHARGING STATIONS**

- (a) The purpose of this section is to encourage electrical vehicle charging stations but not require them.
- (b) To promote the installations of these stations, the total number of required automobile Off-Street Parking Spaces required by this Code shall be reduced by two (2) automobile Off-Street Parking Spaces for every one (1) electric vehicle space with a charger provided.

**1188.15 ACCESS, VEHICULAR, AND PEDESTRIAN/BIKEWAY CONNECTIVITY.**

- (a) New sites shall be designed to provide for vehicular and pedestrian connectivity between adjoining properties.
- (b) Vehicular Connectivity.
  - (1) Parking lots for new sites in the VR, NC, and EC Districts shall provide a future connection point to each adjacent parcel that has the potential to develop or redevelop in the future, as determined by the Zoning Inspector, or designee. If an adjacent parcel has an established connection point, the new site shall be required to connect to it. Cross access easements shall be provided when adjacent parking lots are connected.
  - (2) New roads established for residential development in a VR District shall provide for the future extension and connection to adjoining properties in accordance with Chapter 1180.
- (c) Pedestrian Connectivity. All new or redeveloped lots shall be serviced by a sidewalk along the entire Lot Frontage. If an existing sidewalk does not exist, a sidewalk shall be required to be constructed within the right-of-way for the entire Lot Frontage. The proposed development shall also connect internal sidewalks from the building to the public sidewalk within the right-of-way.

### 188.16 OUTDOOR BICYCLE STORAGE SPACE

- (a) Outdoor Bicycle Storage Spaces and Outdoor Bicycle Storage Spaces, Bicycle Racks defined in Chapter 1162.
- (b) Outdoor Bicycle Storage Spaces, Bicycle Racks have a maximum height of thirty-two (32) inches and a maximum length of seventy-two (72) inches.
- (c) For every six (6) automobile parking spaces provided for all uses, except for one (1), two (2), and three (3)-unit residential dwellings, it shall be required to have one (1) Outdoor Bicycle Storage Space located on the property. Outdoor Bicycle Storage Spaces are prohibited on sidewalks and other public rights-of way.
- (d) Regardless of the number of parking spaces for a land use in the CBD, all uses (aside from one (1), two (2), and three (3)-unit residential dwellings) in this district require at least one (1) Outdoor Bicycle Storage Space. In other words, a CBD land use with five (5) or fewer automobile parking spaces is required to have at least one (1) Outdoor Bicycle Storage Space.



*This area is intentionally left blank*

## **CHAPTER 1190**

### **SIGNS**

<b>1190.01</b>	<b>Purpose</b>	<b>1190.12</b>	<b>Directional Signs</b>
<b>1190.02</b>	<b>Signs Exempt from</b>	<b>1190.13</b>	<b>Entrance Wall Signs</b>
	<b>Obtaining Zoning Permits</b>	<b>1190.14</b>	<b>Drive-Thru Signs</b>
<b>1190.03</b>	<b>Regulations for All Signs</b>	<b>1190.15</b>	<b>Total Maximum Square</b>
<b>1190.04</b>	<b>Prohibited Signs</b>		<b>Footage of All Signs</b>
<b>1190.05</b>	<b>Types of Signs</b>	<b>1190.16</b>	<b>Sign Lighting</b>
<b>1190.06</b>	<b>Canopy Signs</b>	<b>1190.17</b>	<b>Temporary Signs</b>
<b>1190.07</b>	<b>Ground Signs</b>	<b>1190.18</b>	<b>Changeable Copy and</b>
<b>1190.08</b>	<b>Projecting Signs</b>		<b>Electronic Message Displays</b>
<b>1190.09</b>	<b>Wall Signs</b>	<b>1190.19</b>	<b>Murals and Wallscapes</b>
<b>1190.10</b>	<b>Window Signs</b>	<b>1190.20</b>	<b>Removal of Signs</b>
<b>1190.11</b>	<b>Pylon Signs</b>		

---

#### **1190.01 PURPOSE**

This Chapter identifies various types of signs and the districts in which each type of sign would be suitable. This Chapter also establishes time, place, and manner standards to help appropriately integrate the signs into the intended design and character of each District. It is further the intent of this Chapter to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic and to prevent signs from having an adverse impact on adjacent properties or uses to help promote the health, safety, and welfare of the residents, drivers, and pedestrians of the Village.

#### **1190.02 SIGNS EXEMPT FROM OBTAINING ZONING PERMITS**

Unless otherwise exempted below, a Zoning Permit shall be obtained prior to erecting any sign in any district. The following types of signs are exempt from obtaining a Zoning Permit:

- (a) Signs not exceeding two (2) square feet in area that are customarily associated with a residential use and are not of a commercial nature, including the address and/or the name of the occupants;
- (b) Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute, or code. Such Signs include legal notices and traffic control devices, provided such signs carry no supplementary advertising;
- (c) Signs that are on the inside of a structure or building that are designated or located to not be typically visible from outside the window. This does not include:
  - (1) Signs that are not affixed to the window but can be seen from outside the window. Such signs shall be considered as Temporary Signs as defined in Chapter 1162 and shall be regulated per Section 1190.17; and
  - (2) Signs that are physically affixed to or painted on to the window – such signs are considered Window Signs as defined in Chapter 1162 and shall be regulated per Section 1190.17.

- (d) Temporary Signs clearly in the nature of decorations customarily associated with a national, local, or religious holiday. Such Signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created; and
- (e) All signage and graphics shall be carefully coordinated with the building and architecture.

### **1190.03 REGULATIONS FOR ALL SIGNS**

The following regulations apply to all Signs within the Village:

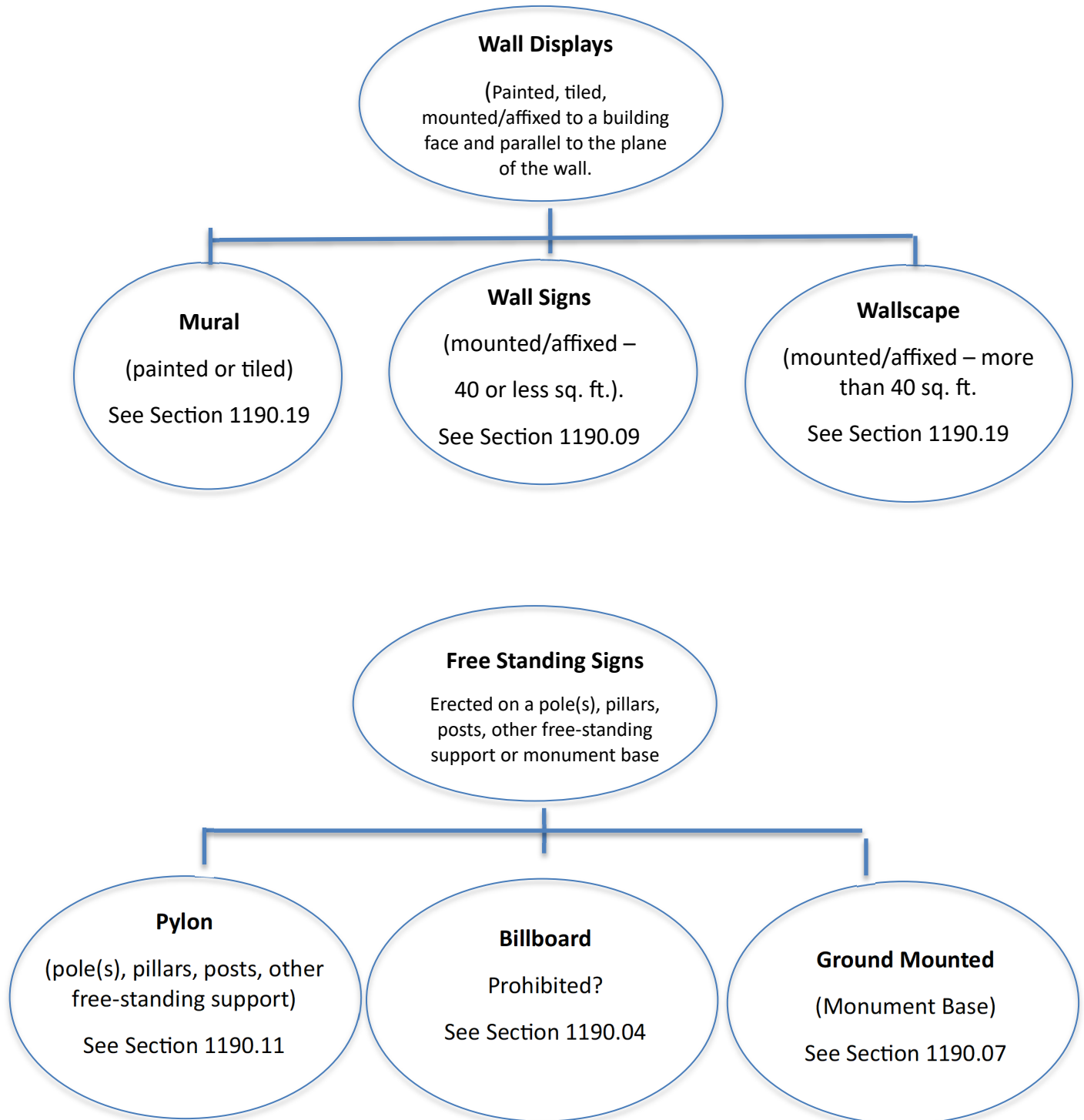
- (a) No part of any Sign shall extend higher than the eave of any building, except when placed on the parapet of a building;
- (b) Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way. Such Signs shall not require a permit; and
- (c) Original Art Mural and Vintage Art Murals as defined in Chapter 1162, Definitions, shall only be permitted in accordance with Section 1190.19 these regulations.

### **1190.04 PROHIBITED SIGNS**

The following signs are prohibited:

- (a) Signs painted directly on the surface of a fence;
- (b) Roof signs and roof mounted signs;
- (c) Portable displays or mobile displays (except sandwich board signs);
- (d) Any sign painted directly on the surface of a fence;
- (e) Roof signs or roof mounted signs shall be prohibited. No part of any sign shall extend higher than the eave of any building, except when placed on the parapet of a building;
- (f) Any sign that resembles or is intended to resemble a traffic control device or is located in such a manner to obscure or impact the effectiveness of such traffic control device or signal, pursuant to ORC Section 4522.26 and any applicable sections of the Village;
- (g) Any permanent or temporary sign located on a utility pole, public signpost or otherwise displayed within the public right-of-way, except as specifically controlled herein; and
- (h) Feathered flags;
- (i) Any sign that obstructs any part of a direct access doorway, exit or fire escape;
- (j) Portable displays or mobile signs that are not anchored or secured to prevent collapse or unintended movement;
- (k) Any sign located within the Sight Triangle in Section 1186.24;
- (l) Gas (or air) inflatable signs or devices, revolving or rotating signs, exposed neon signs, exposed LED signs, signs with flashing messages or bare bulbs, flashing or high intensity lights mounted on a sign, signs on backlit awnings, or signs with moving text or pictures;
- (m) Off-Premises signs; and
- (n) Billboards.

**1190.05 TYPES OF SIGNS**

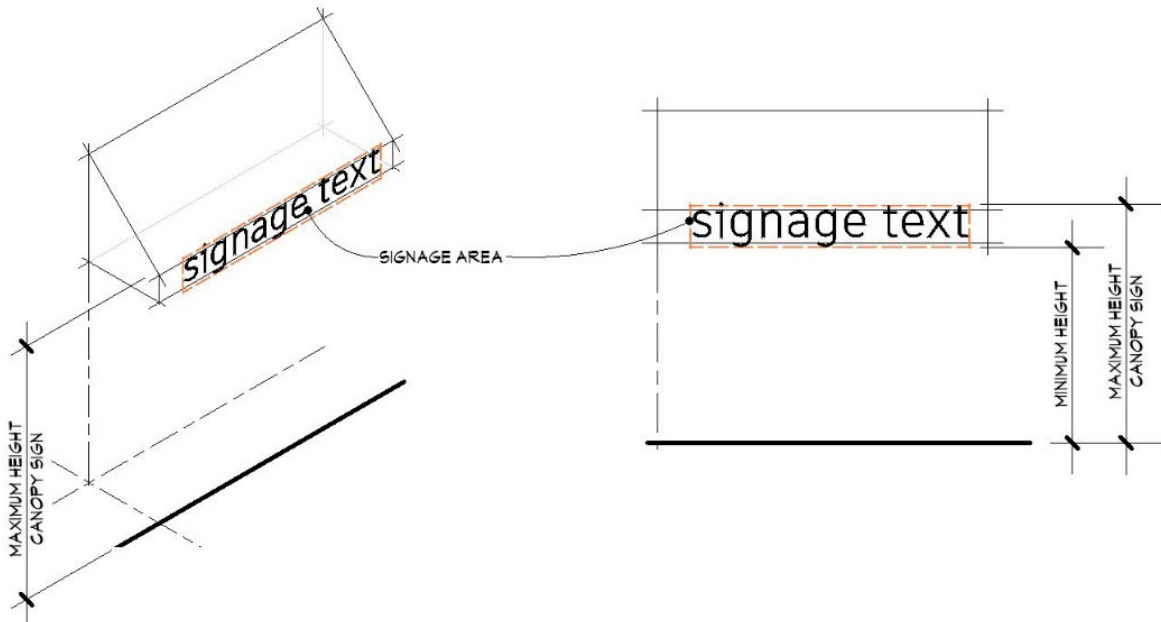


## 1190.06 CANOPY SIGNS

All Canopy Signs shall comply with the following requirements:

**TABLE 1190.01**

	TR, NC, CBD, EC	PUD
<b>Maximum Number of Signs Per Canopy</b>	1	Per Approved Development Plan
<b>Maximum Square Footage</b>	2 SF/LF of canopy	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	15	Per Approved Development Plan
<b>Minimum Height (Feet)</b>	9	Per Approved Development Plan



*This area is intentionally left blank*

## 1190.07 GROUND SIGNS

All ground signs shall comply with the following requirements:

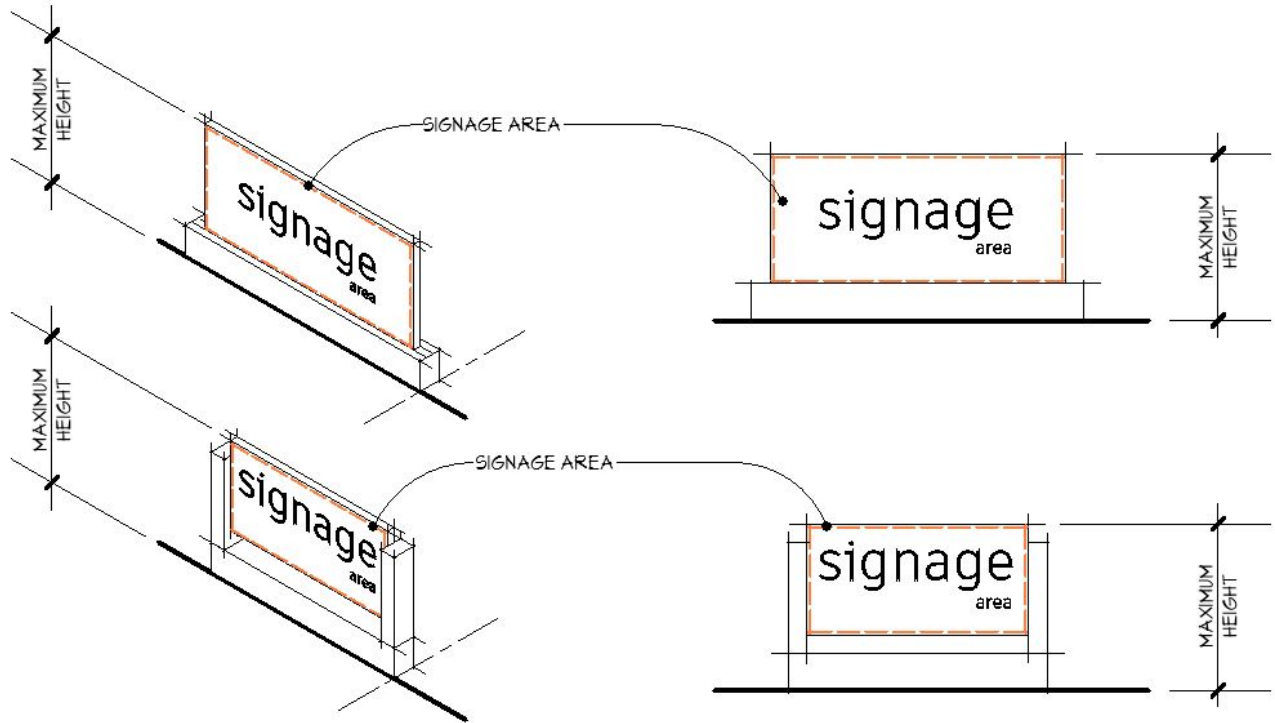
**TABLE 1190.02**

	<b>A, VR (Conditional)</b>	<b>NC</b>	<b>EC</b>	<b>PUD</b>
<b>Maximum Number of Signs Permitted Per Public Road Frontage</b>	1	1		Per Approved Development Plan
<b>Maximum Square Footage (Feet)</b>	15	16	32	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	6	8	8	Per Approved Development Plan
<b>Minimum Distance from ROW (Feet)</b>	10	20	20	Per Approved Development Plan

- (a) The maximum square footage in the above table includes all sign faces Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign.
- (b) All Ground Mounted Signs shall have a solid base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the Ground Mounted Sign. Sign shall be affixed directly to a base having a width at least equal to that of the sign.
- (c) Ground Mounted Signs shall not be permitted along alleys.
- (d) Ground Mounted Signs are prohibited within the CBD.

*This area is intentionally left blank*

Measurement of Ground Mounted Sign Area and Height:



*This area is intentionally left blank*

**1190.08 PROJECTING SIGNS**

When permitted, projecting signs, including flags, hanging signs, and marquee signs, should be scaled with the building design and should blend with the architectural design of the building to which it is attached. Each sign face shall count to the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign. Projecting signs are permitted as follows:

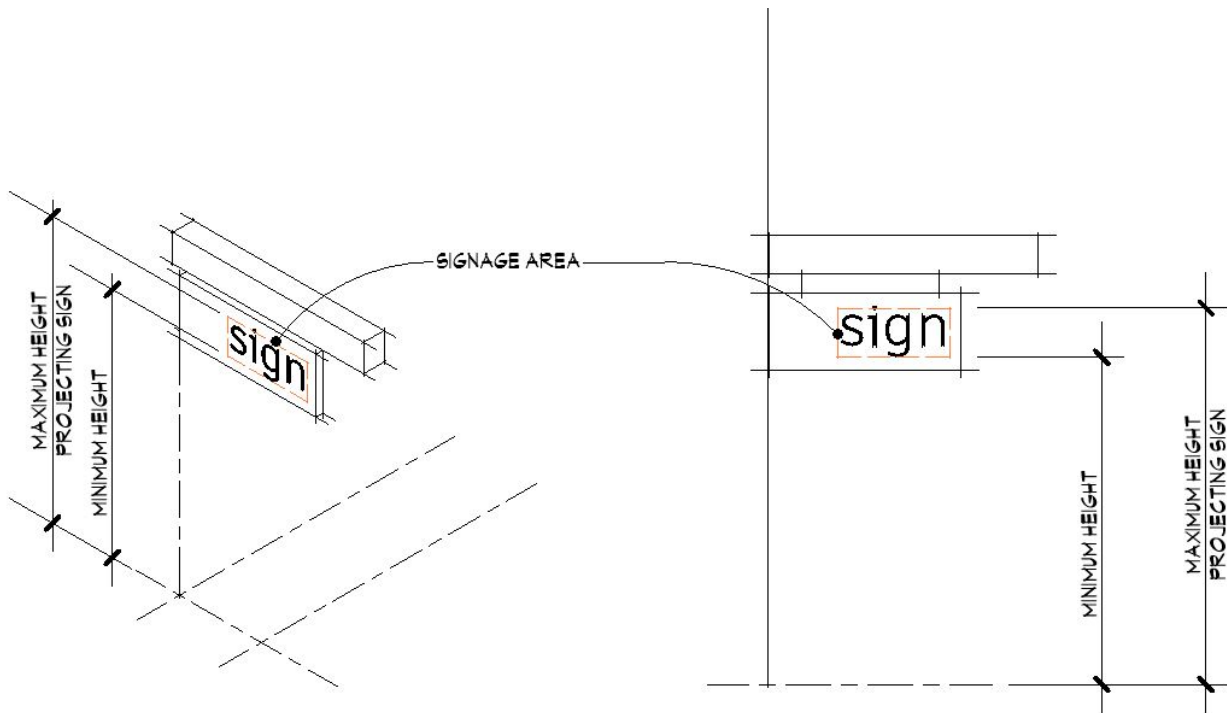
**TABLE 1190.03**

	<b>CBD</b>	<b>NC, EC</b>	<b>PUD</b>
<b>Number of Signs Per Business</b>	1	1	Per Approved Development Plan
<b>Maximum Square Footage</b>	9	16	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	Height of Eave	Height of Eave	Per Approved Development Plan
<b>Minimum Height (Feet)</b>	9	9	Per Approved Development Plan
<b>Maximum Projection from Edge of Building (Feet)</b>	4*	4*	Per Approved Development Plan

\* These numbers are based on sidewalk width.

The maximum square footage on the above table is per sign face. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of two (2) Sign faces per Sign.

*This area is intentionally left blank*



*This area is intentionally left blank*

**1190.09 WALL SIGNS**

All wall signs shall comply with the following requirements:

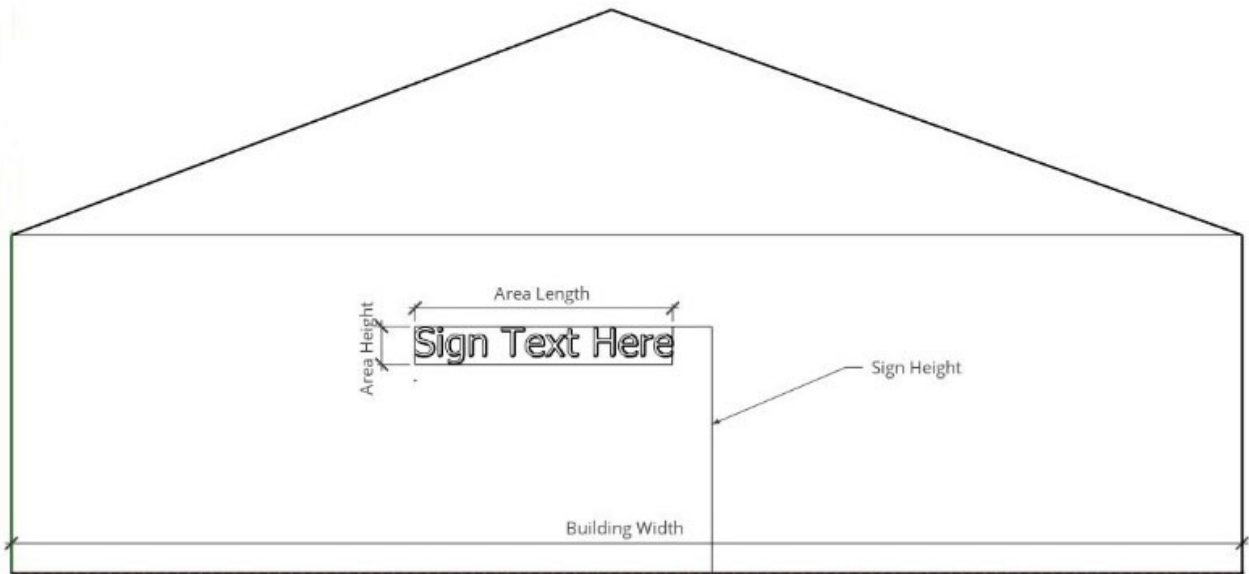
**TABLE 1190.04**

	<b>A, VR, (Conditional Uses)</b>	<b>VR, NC, EC</b>	<b>CBD</b>	<b>PUD</b>
<b>Maximum Number of Signs Permitted Per Public Road Frontage</b>	1	1	1	Per Approved Development Plan
<b>Maximum Square Footage</b>	40	40	30	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	8	Height of Eave	Height of Eave	Per Approved Development Plan

\*Fractional numbers are rounded down to the lower whole number

- (a) The maximum square footage on the above table is per sign face. Each sign face shall count towards the maximum size of the sign and total maximum square footage of all signs. There shall be a maximum of one (1) Sign face per Sign.
- (b) Wall signs shall be mounted on or flush with a wall and shall not protrude more than two (2) feet from the wall or face of the building to which it is attached.

*This area is intentionally left blank*



*This area is intentionally left blank*

**1190.10 WINDOW SIGNS**

All window signs shall comply with the following requirements:

**TABLE 1190.05**

	<b>A, VR, NC, EC, CBD</b>	<b>PUD</b>
<b>Maximum Number of Signs Permitted</b>	1 per window	Per Approved Development Plan
<b>Maximum Square Footage</b>	20 percent of window area	Per Approved Development Plan
<b>Maximum Height (Feet)</b>	15	Per Approved Development Plan

The window area shall be the total square footage of the glass within the frame (or other type of support) of the window. Each window within a recessed store front shall count as a separate window for the purpose of this section. Window signs shall not count toward the maximum total square footage for all signs.

**1190.11 PYLON SIGNS**

Pylon signs shall only be permitted when approved as part of a Planned Unit Development District. Pylon signs shall otherwise be prohibited in all other districts.

**1190.12 DIRECTIONAL SIGNS**

There may be two directional signs per access driveway connecting to a public or private street. Directional signs shall be limited to a maximum height of three (3) feet, a maximum area of six (6) square feet per side and shall be located outside of the right-of-way and on the property of the user(s) of which they are identifying the entry or exit. Directional signs do not count toward the maximum square footage of all signs.

**1190.13 ENTRANCE WALL SIGN**

- (a) One (1) sign may be placed on an entrance wall or on each parallel entrance.
- (b) Lighting for said sign(s) shall be restricted to external illumination that complies with Section 1186.13. Internal illumination of said signs are prohibited.
- (c) Each sign shall not extend above the height of the wall and shall not exceed the following maximum area:

**TABLE 1190.06**

<b>Type</b>	<b>Max Area (sq ft)</b>
Residential Entrance Sign	15
Multi-Tenant Commercial Sign	25

#### 1190.14 DRIVE-THRU SIGNS

Signs accessory and adjacent to drive-thru food and beverage establishments, car washes, and other similar uses are subject to the following standards:

- (a) One large drive-thru board shall be permitted per Drive-Thru lane. Said sign shall not exceed fifty (50) square feet, must be located a minimum of one (1) foot from and a maximum of five (5) feet from the edge of pavement of the drive through lane to which it serves and shall not exceed eight (8) feet in height.
- (b) One medium Drive-Thru board shall be permitted per Drive-Thru lane. Said sign shall not exceed fifteen (15) square feet in area, must be located a minimum of one (1) foot and a maximum of five (5) feet from the edge of pavement of the drive through lane to which is serves and shall not exceed eight (8) feet in height.
- (c) One small drive-thru sign board shall be permitted per drive through lane shall be permitted. Said sign shall not exceed two and half (2.5) square feet area, must be located on the Drive-Thru speaker and shall not exceed five (5) feet in height.
- (d) Drive-Thru board signs shall be permitted to have changeable copy electronic display messages may be permitted provided the graphics and/or words on the sign change no more than once per car service. Video, flashing images or effects, or moving content shall be prohibited.
- (e) Drive-Thru signs do not count toward the maximum square footage of all signs.

#### 1190.15 TOTAL MAXIMUM SQUARE FOOTAGE OF ALL SIGNS

**TABLE 1190.07**

	<b>Total Maximum Square Footage for All Signs</b>
<b>MR, TR, CBD*</b>	150 for internal lots 250 for corner or double frontage lots
<b>NC, EC</b>	400 for internal lots 500 for corner lots or double frontage lots
<b>PUD</b>	Per Approved Development Plan

\*The Maximum Square Footage in the CBD shall be calculated according to the widths of the building or part of building occupied by the lot. For this purpose, width shall be measured along the building face that is parallel or most nearly parallel to the street line. In the case of a corner lot, either frontage may be used in determining the maximum area of the sign.

#### 1190.16 SIGN LIGHTING

Sign lighting shall be consistent, understated, and properly disguised. Unless noted in this code, one of the following methods of lighting may be employed:

- (a) A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the Sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way; or
- (b) A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
  - (1) The color temperature of the sign lighting shall not exceed 4,000K.
  - (2) The level of illumination emitted or reflected from a Sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign can be viewed.
  - (3) Light fixtures shall be screened from view by site grading or landscaping.

#### **1190.17 TEMPORARY SIGNS**

The following Temporary Sign regulations apply to all uses within all subareas:

- (a) Temporary Signs shall be prohibited within the right-of-way.
- (b) In all residential zoning districts, three (3) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. In all other zoning districts, up to six (6) Small Temporary Signs shall be permitted per parcel per street frontage without a permit. Each Small Temporary Sign shall be three (3) square feet in area per face or less and less than three (3) feet in height.
- (c) In all districts, one (1) temporary banner is permitted per parcel per street frontage without a permit. Each temporary banner shall not exceed eight (8) feet in height and sixteen (16) square feet in area and shall not be displayed for more than fourteen (14) days within any one hundred eighty (180) day period
- (d) In the NC and VR Districts, two (2) Large Temporary Signs shall also be permitted per parcel provided a Sign permit is issued in accordance with the following regulations. Large Temporary Signs shall not:
  - (1) Exceed eight (8) feet in height;
  - (2) Exceed sixteen (16) square feet in area (per Sign face); and
  - (3) On parcels of five (5) acres or less, such signs shall be displayed for no more than thirty (30) consecutive days and no more than three (3) times per calendar year. A new permit must be obtained for each thirty (30) day or less period. After said permits have been exhausted, the Zoning Inspector may grant one (1) extension for up to ninety (90) days per Sign. No other extensions may be administratively approved and must be approved by the Board of Zoning Appeals. On parcels that are greater than five (5) acres, such signs may be displayed for up to 180 days. Upon the expiration of this permit, the Zoning Inspector may grant one (1) extension up to an additional 180 days. No other extensions may be

administratively approved and must be approved by the Board of Zoning Appeals. In no case, shall such signs be erected for more than 365 days.

- (e) Small and Large Temporary Signs and Temporary Banners shall not count toward the total maximum square footage of signs permitted on a lot.
- (f) The sign permit number for Large Temporary Signs must be printed on the sign in a visible location.

#### **1190.18 CHANGEABLE COPY AND ELECTRONIC MESSAGE DISPLAYS**

These Changeable Copy and Electronic Message Display standards are applicable to all signs, except Drive-Thru boards since the purpose of those boards are to service those utilizing the Drive-Thru lane where cars are typically stopped to view said sign. All other changeable copy and electronic messaging displays shall:

- (a) Be limited to fifty percent (50%) of the overall sign area and have no more than one changeable copy or electronic message display sign on the lot;
- (b) May be illuminated internally or by reflected light, provided that the source of the light is not directly visible and is so arranged as to reflect away from the adjoining premises, and provided, further, that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights; and
- (c) Shall not have any illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices.

#### **1190.19 MURALS AND WALLSCAPES**

- (a) Original Art Mural and Wallscape Requirements. Original Art Murals that meet all the following requirements shall be issued a Mural Permit by the Zoning Inspector:
  - (1) Original Art Murals are permitted in all districts;
  - (2) The mural shall remain in place without alteration, for a period of five (5) years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in accordance with this regulation;
  - (3) The applicant, if different from the property owner, must obtain an affidavit from the building's owner giving permission for the applicant to adhere the mural to the building;
  - (4) Murals shall only be permitted on sides and rear elevations and shall be prohibited on front elevations of buildings;
  - (5) No part of the mural shall exceed the height of the structure to which it is tiled or painted;
  - (6) The materials or paint utilized to create the mural shall be weatherproofed or resistant to wear;
  - (7) The mural shall be properly maintained through repair and paint, or any necessary treatment to prevent decay. Defective or insufficient weather

protection for exterior treatments and façades, including fading paint or materials or graffiti shall be promptly repaired or shall otherwise be subject to the violation provisions in Chapter 1170 of this code;

- (8) Murals on properties within any planned district must be part of the originally approved development plan or an amendment to said plan must be approved prior to the Planning Commission issuing a Mural Permit; and
  - (9) Murals that would result in a property becoming out of compliance with any other Village Ordinance shall be prohibited.
- (b) Vintage Art Mural Requirements. All murals created prior to the date of adoption of this code shall be considered existing non-conforming and may be maintained in accordance with Chapter 1168, Nonconforming Uses of this code.

#### **1190.20 REMOVAL OF SIGNS**

It shall be the responsibility of the property owner to remove all advertising signs from the property of any business or entity that no longer conducts business upon said property.

- (a) Regardless of each unit(s) the former business or entity was using to conduct business on the property, all advertising signs shall be removed within thirty (30) days of the unit(s) becoming vacant on the property.
- (b) All advertising signs to be removed will include exterior and interior signs.
- (c) If all advertising signs as described above are not removed within the prescribed time period, the property owner will be subject to penalties as established in Chapter 1170 of this Zoning Code.

*This area is intentionally left blank*