

# Village of Baltimore Zoning Code



*The Village of Baltimore, Ohio*

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**CHAPTER 1230  
GENERAL PROVISIONS**

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1230.02	Purpose
1230.03	Applicability
1230.04	Interpretation and Conflict
1230.05	Severability
1230.06	Adoption
1230.07	Effective Date
1230.08	Relationship to Comprehensive Planning

**1230.01 TITLE**

This Title shall be known and may be cited to as the “Zoning Ordinance of the Village of Baltimore” and may be cited and referred to as the “Code,” “Zoning Ordinance” or “Zoning Code.”

**1230.02 PURPOSE**

This Zoning Ordinance is enacted to promote and protect the public health, safety, comfort, prosperity and general welfare of the residents of Baltimore; by regulating and restricting the location of Buildings and other Structures and of premises to be used for residential, business, industrial or other specified Uses; by regulating and limiting the Height of Buildings and other Structures hereafter erected or altered, the percentage of land occupancy, setbacks, and the area of yards, courts or other Open Spaces. It is further the purpose of this Zoning Ordinance to protect the property rights of all individuals by assuring the compatibility of Uses and practices within Districts; to facilitate the provision of public utilities and public services; to lessen congestion on public Streets, roads and highways; to provide for the orderly Development of lands within the Village; to protect the character of existing areas; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

**1230.03 APPLICABILITY**

The regulations set forth in this Zoning Ordinance shall be applicable to all Buildings, Structures, Uses and land of any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the Village of Baltimore. No Structure shall be located, erected, constructed, reconstructed, occupied, moved, altered, converted, enlarged or used without being in full compliance with this Code. No parcel of land shall be used and no Use shall be changed or expanded without being in full compliance with all provisions of this Code and the issuance of all necessary permits and/or certificates required by this Code.

**1230.04 INTERPRETATION AND CONFLICT**

The provisions of this Zoning Code shall be held to be minimum requirements. Where this Code imposes a greater restriction than is imposed by other provisions of law, or by other rules or regulations or codes, the provisions of this Code shall control.

It is not intended by this Code to interfere with abrogate, or annul any easements, covenants or other agreements between parties which do not violate this Code. Where any specific provisions of this Code conflicts with any other lawfully adopted rules, regulations, or codes, the most restrictive or those imposing a higher standard shall apply.

**1230.05 SEVERABILITY**

Each chapter, section, subsection, paragraph, sentence, clause, or other devisable part of this Zoning Code is hereby declared to be severable, and if any such chapter, section, subsection, paragraph, sentence, clause or other devisable part of this Zoning Code is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect the remaining articles, sections, subsections, paragraphs, sentences, clauses or other devisable parts of this Zoning Code.

**1230.06 ADOPTION**

The Zoning Code of the Village of Baltimore of Fairfield County, Ohio, any amendments thereto, and any other related Zoning Codes previously adopted by the Village of Baltimore Council are hereby repealed. This Zoning Code is adopted in whole and is a replacement of the Zoning Code of the Village of Baltimore of Fairfield County, Ohio any amendments thereto, or any other related Zoning Codes previously adopted by the Village of Baltimore Council.

**1230.07 EFFECTIVE DATE**

This Zoning Code shall become effective on \_\_\_\_\_.

This Zoning Code was passed and adopted by the Village Council of Baltimore, Ohio on

\_\_\_\_\_  
\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

Clerk of the Village Council

**1230.08            RELATIONSHIP TO COMPREHENSIVE PLANNING**

It is the intention of Council that this Code shall implement the planning policies adopted by the Council for Baltimore, as reflected in a comprehensive plan, land-use plan, and all other planning documents formally adopted by the Council. It is also the intention of Council that any future text or map amendments be in conformance with the long range plans adopted by Council.

**CHAPTER 1232  
ADMINISTRATION**

1232.01	Purpose
1232.02	Zoning Administrator
1232.03	Planning and Zoning Commission
1232.04	Board of Zoning Appeals
1232.05	Duties of the Zoning Administrator, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

**1232.01      PURPOSE**

This chapter sets forth the powers and duties of the Zoning Administrator, Planning and Zoning Commission, and the Board of Zoning Appeals with respect to the administration of the provisions of this Zoning Code.

**1232.02      ZONING ADMINISTRATOR**

A.    Zoning Administrator Established.

A Zoning Administrator shall be designated by Village Council to administer and enforce this Zoning Code. He or she may be provided with the assistance of such other persons as the Village Council may direct.

B.    Duties of the Zoning Administrator.

The duties of the Zoning Administrator shall be as follows:

1.    Enforce the provisions of the Baltimore, Ohio Zoning Code and advise the Village Council, Planning and Zoning Commission, and the Board of Zoning Appeals as needed.
2.    Issue Zoning Permits and Certificates of Zoning Compliance when the procedures and standards of this Zoning Code have been met. The Administrative Assistant for the Zoning Administrator may assist with the collection of the fees and paperwork involved with the permit application.
3.    Maintain the Official Zoning Map.
4.    Conduct field inspections to ensure compliance with the Code.
5.    Assist the Village Administrator with statistical and other information concerning growth and economic trends in the Village.
6.    Advise developers, contractors, and property Owners on zoning matters.

7. Prepare reports for the Village Administrator and Village Solicitor when needed and prepare reports for the Planning and Zoning Commission and the Zoning Board of Appeals meetings.
8. Schedule and coordinate public hearings and coordinate any other zoning related meetings.
9. Attend all Planning and Zoning Commission and Board of Zoning Appeals meetings.
10. All duties as described in Section 1266.05(D) related to enforcement of the Flood Plain regulations.
11. Be in charge of drive-by inspections of local property to be sure that the Property Maintenance Codes are being followed and will have letters issued for noncompliance. The Zoning Administrator will also take the complaints of local residents and respond to them, and then follow up with inspections and appropriate letters.
12. Review and approve minor subdivisions per the Village of Baltimore Subdivision Regulations.
13. Upon finding that any of the provisions of this Zoning Code are being violated, the Zoning Administrator shall notify by certified mail the property Owners and those violating this Zoning Code and the person responsible for such violation(s) and order such action necessary to correct or remedy said violations. The Zoning Administrator shall order by certified mail:
  - a. The discontinuance of illegal uses of land, Buildings, or Structures in violation of this Code.
  - b. The removal of illegal Buildings and Structures or illegal additions or Structural Alterations
  - c. Any illegal work under way.
14. Take any other action authorized by the Zoning Code, any related code or ordinance, and/or the Village Solicitor to ensure compliance and prevent violations, including issuance of and actions on any Zoning Permits or certificates and other similar duties, including but not limited to making and keeping records necessary and appropriate to the office; collecting designated fees for Zoning Permits, Appeals, Variances, Conditional Uses and such similar administrative duties as are permissible under the law. The Zoning Administrator will notify in writing the Village Administrator and Solicitor of all violations of this Zoning Code and any related codes/ordinances.

### **1232.03 PLANNING AND ZONING COMMISSION**

#### **A. Planning and Zoning Commission Established.**

A Planning and Zoning Commission is hereby created consisting of five (5) members who reside in the incorporated area of the Village, per Ohio Revised Code (ORC) Section 713.01. The Planning and Zoning Commission shall consist of the Mayor, one member of the Village Council to be appointed by the Mayor after affirmed by council for the remainder of his or her term as such member of Village Council, and three additional citizens to be appointed by the Mayor. The terms of the citizen members shall be for a period of six years each and so arranged that the term of one member will expire every second year. All such members shall serve without compensation.

#### **B. Removal of Members.**

Members of the Planning and Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other reasonable cause by the Mayor and affirmed by council after public hearing upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing either personally or by registered mail, or by leaving the same at his or her place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.

#### **C. Quorum.**

Three (3) members of the Planning and Zoning Commission shall constitute a quorum. Any action by the Commission must be by concurring vote of a majority of the total Commission membership.

#### **D. Proceedings of the Planning and Zoning Commission.**

The Planning and Zoning Commission shall:

1. Organize and adopt rules necessary for carrying out its duties as specified in this Ordinance, including the election of a chair person and a vice-chairperson.
2. Hold meetings of the Planning and Zoning Commission at the call of the chairperson, and at such other times the Commission determines.
3. Open all meetings of the Planning and Zoning Commission to the public.
4. Subpoena witnesses, administer oaths, and require the production of documents under such regulations as it may establish.
5. Keep minutes of the Planning and Zoning Commission proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Such minutes shall be public record.

E. Duties of the Planning and Zoning Commission. The Planning and Zoning Commission shall have the following duties:

1. Review all proposed amendments to this Zoning Code, including text and Official Zoning Map, in accordance with Chapter 1238 and make recommendations to the Village Council for formal adoption.
2. Initiate Official Zoning Map changes or changes in the text of this Zoning Code in accordance with Section 1238.02(A) when necessary to promote public health, safety and welfare.
3. Review the Planned Unit Development and make recommendations to Village Council.
4. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.
5. Review and approve site Development plans, amended and revised Development plans in the planned District.
6. Initiate and participate in planning activities.
7. Such other powers and duties as specified in this Zoning Ordinance.

#### **1232.04 BOARD OF ZONING APPEALS**

A. Board of Zoning Appeals Established.

The Board of Zoning Appeals shall consist of five (5) members appointed by the Mayor and confirmed by Council, three of the members being current members of the Planning and Zoning Commission and two (2) of the members being residents of the incorporated portions of the Village. Except as otherwise specifically set forth herein, the term of all members shall be four years. The terms for the members from the Planning and Zoning Commission shall be the same as their terms for the Commission. The terms for the two residents shall be four years, except that the initial term shall be two years for one resident and four years for the second resident, so that the resident terms are staggered. Each member shall serve until his or her successor is appointed and qualified.

B. Removal of Members.

Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and affirmed by council after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing either personally or by registered mail, or by leaving the same at his or her place of residence. The member shall be given an



opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.

C. Quorum.

Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three (3) members of the Board shall be necessary to reverse an order of determination of the Zoning Administrator, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Zoning Code, authorize Conditional Use permits, or to grant any Variance from the requirements stipulated in this Zoning Code.

D. Proceedings of the Board of Zoning Appeals. The Board of Zoning Appeals shall:

1. Adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Code.
2. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.
3. All meetings shall be open to the public.
4. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.
5. Hear and decide Appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Code.
6. Authorize such Variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this Zoning Code will result in unnecessary hardship or practical difficulty as applicable, in accordance with the provisions of Chapter 1240 of this Zoning Code.
7. Grant Zoning Permits for Conditional Uses as specified in the District regulations and establish such additional safeguards as will uphold the intent of this Zoning Code.
8. Authorize the substitution or extension of nonconforming Uses, as specified in Chapter 1236 of this Zoning Code.
9. Review all special Uses as identified in the respective zoning Districts according to provisions and criteria stated in this Zoning Code.

E. Duties of the Board of Zoning Appeals. The Board of Zoning Appeals shall have the following duties:

1. Hear and decide Appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator.
2. Authorize such Variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardship or practical difficulty as applicable, and so that the spirit of this Zoning Code shall be observed and substantial justice done.
3. Authorize such Conditional Uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of the Zoning Ordinance.
4. Review design and location of Telecommunication Tower as outlined in Chapter 1244.

**1232.05 DUTIES OF THE ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL**

A. Intent of Duties.

It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on Appeal from the decision of the Zoning Administrator and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Zoning Code that the duties of the Village Council in connection with this Zoning Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Zoning Code. Under this Zoning Code, Baltimore Village Council shall have only the following duties:

1. Consideration and adoption or rejection of proposed amendments or the repeal of this Zoning Code as provided by law.
2. The establishment of a schedule of fees and charges as stated in Section 1232.05(C).
3. Approve the appointments of members to the Planning and Zoning Commission.
4. Approve the appointments of members to the Board of Zoning Appeals.

C. Schedule of Fees.

The Village Council shall by ordinance establish a schedule of fees for Zoning Permits, amendments, Appeals, Variances, Conditional Use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Zoning Code after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, Appeal, or administrative procedure.

**CHAPTER 1234  
ENFORCEMENT AND PENALTY**

1234.01	Enforcement
1234.02	Zoning Permit
1234.03	Certificate of Zoning Compliance
1234.04	Violation
1234.05	Schedule of Fees, Charges, Expenses

**1234.01 ENFORCEMENT**

It shall be the duty of the Zoning Administrator to enforce this Zoning Code in accordance with the provisions thereof. All officials and public employees of the Village of Baltimore shall conform to the provisions of this Zoning Code and shall issue no permit or license for any Use, Building, or purpose in conflict with the provisions of this Zoning Code. Any permit or license issued in conflict with the provisions of this Zoning code shall be null and void.

**1234.02 ZONING PERMIT**

A. Zoning Permit Required.

No Building or other Structure shall be erected, moved, added to, structurally altered, nor shall any Building, Structure, or land be established or changed in Use without a permit issued by the Zoning Administrator. The Zoning Administrator shall not issue a permit that does not conform with the provisions of this Zoning Code unless he receives a written order from the Board of Zoning Appeals deciding an Appeal, Conditional Use, or Variance as provided by this Zoning Code.

B. Application for Zoning Permit.

Three copies of an application for a Zoning Permit shall be signed by the Owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or Substantially Completed within two (2) years. At a minimum, the application shall contain the following information:

1. Name, address and telephone number of the applicant.
2. The legal description for the property as recorded in the Fairfield County Recorder's Office.
3. Existing and proposed Uses.

4. Plans and/or drawings drawn to scale, showing the dimensions and shape of the Lot and the dimensions and locations of existing and/or proposed Buildings or alterations.
5. Height of proposed Buildings or alterations.
6. Number and dimensions of existing and proposed off-Street parking or loading spaces, if applicable.
7. Number of Dwelling units.
8. Zoning District.
9. Location and design of access drives.
10. In every case where the Lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an approval by the Fairfield Department of Health of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Administrator.
11. If applicable, application for a Sign permit, or a conditional, special, or temporary Use permit, unless previously submitted.
12. Such other material as may be requested by the Zoning Administrator to determine conformance with, and provide for the enforcement of this Zoning Code.

C. Approval of Zoning Permit.

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Administrator, unless the provisions of Section 1234.02(D) or other specific sections of this Ordinance apply. All Zoning Permits shall, however, be conditional upon the Commencement of Work, as defined in Chapter 1274 within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Administrator after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Administrator, or his/her designated agent, on such copy. In the case of approval, one (1) copy is retained by the Zoning Administrator and one copy shall be forwarded to the County Auditor upon issuance of a Certificate of Zoning Compliance. The Zoning Administrator shall also issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the Use or alteration is in conformance with the provisions of this Zoning Code. In the case of disapproval, the Zoning Administrator shall state on the returned plans the specific reasons for disapproval. Two (2) copies of the disapproved plans, similarly marked, shall be retained by the Zoning Administrator.

D. Submission to the Director of the Department of Transportation.

Before a Zoning Permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public Street or highway, the Zoning Administrator shall give notice, by registered mail, to the Director of Transportation, and a Zoning Permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the office. If notified that the State is proceeding to acquire the land needed, then a Zoning Permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this Zoning Code. ORC Section 5511.01

E. Record of Zoning Permit.

The Zoning Administrator shall maintain a record of all Zoning Permits. Copies of a Zoning Permit shall be furnished upon the request to any persons having interest in the Building or land affected.

F. Expiration of Zoning Permits.

If the work described in any Zoning Permit has not begun within one (1) year from the date of issuance thereof, or has not been Substantially Completed, as defined in Chapter 1274 within two (2) years from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new Zoning Permit has been obtained or an extension has been granted by the Zoning Administrator.

**1234.03 CERTIFICATE OF ZONING COMPLIANCE**

A. Certificate of Zoning Compliance Required.

1. It shall be unlawful to use or occupy or permit the use or occupancy of any Building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or Structure until a Certificate of Zoning Compliance has been issued therefore by the Zoning Administrator stating that the work authorized in the Zoning Permit has been completed and conforms to the requirements of this Zoning Code and other regulations.
2. Certificates of Zoning Compliance shall be applied for simultaneously with the application for a Zoning Permit and shall be issued within ten (10) days after notice by the applicant that the work authorized in the Zoning Permit has been completed and conforms to the requirements of this Zoning Code.

3. A temporary Certificate of Zoning Compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a Building pending its completion.

B. Approval of Health Department Required.

If the property in question is not served by public water and sewer, a Certificate of Zoning Compliance shall not be issued by the Zoning Administrator until approval of the water and sewer disposal systems have been given by the Fairfield Department of Health or Ohio Environmental Protection Agency, when applicable.

C. Record of Certificate of Zoning Compliance.

The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual certificate shall be furnished upon request and upon payment of the established fee, to any person.

#### **1234.04 VIOLATION**

A. Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance.

Failure to obtain a Zoning Permit or Certificate of Zoning Compliance shall be a violation of this Zoning Code and punishable under Section 1234.04(J) of this Zoning Code.

B. Construction and Use to be as Provided in Application, Plans, Permits, Certificates.

Zoning Permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction shall be permitted. Use, arrangement, or construction at Variance with that authorized shall be deemed a violation of this Ordinance and punishable under this Zoning Code.

C. Complaints Regarding Violations.

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

D. Entry and Inspection of Property.

The Zoning Administrator, or designee, is authorized to make inspections of properties and Structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or Structure

for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the Owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the Solicitor in securing a valid search warrant prior to entry.

E. Stop Work Order.

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

F. Zoning Permit Revocation.

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

G. Notice of Violation.

Whenever the Zoning Administrator or his or her agent determines that there is a violation of any provision of this Zoning Code, a written notification shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing.
2. Identify the violation.
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
4. State the time by which the violation shall be corrected.

Service of notice of violation shall be by personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the Owner with a person of suitable age and discretion; or by certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or by posting a copy of the notice form in a conspicuous place on the premises found in violation.

H. Violation Procedure.



If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a violation. Such violation shall:

1. Be served by certified mail or in person; upon failure to deliver via certified mail or in person, then the Village may proceed with ordinary mail.
2. Be in writing.
3. Identify the violation.
4. State the time, date and place for appearance in court.
5. State the amount of the fine payable in lieu of a court appearance, if applicable.

I. Additional Remedies.

Nothing in this Zoning Code shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Administrator, 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.

J. Penalties for Violation.

The Zoning Administrator is authorized to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the Owner of the premises, the agent of the Owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the Owner of the premises, the agent of the Owner authorized to be responsible for the premises, occupant, lessee, or person having immediate beneficial use of the property. The non-occupant Owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations.

The initial citation for each violation shall be \$50.00. The Zoning Administrator may issue additional citations for each violation if said violation has not been corrected or contact has not been made with the Zoning Administrator. There must be a minimum of seven (7) days between the dates of citations for the same violation. The additional citations for the same violation may be issued in the following amounts:

Second Citation	\$100.00
Third Citation	\$150.00
All Additional Citations	\$200.00

The citation shall direct the violator to make payment to the Village within seven (7) days of the date of the citation. If the violator does not make such payment or does not mail the citation and payment within seven (7) days of the issuance, or does not make reasonable contact with the Zoning Administrator to address citation, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within seven (7) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of the debt. Nothing herein shall prevent the Village from taking such other lawful action including civil actions at law or equity, including temporary restraining orders, preliminary injunctions, and permanent injunctions as is necessary to prevent or remedy any violations.

#### **1234.05 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 Office 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.

**CHAPTER 1236  
NONCONFORMING USES**

1236.01	Intent
1236.02	Grace Period
1236.03	Conformance Required
1236.04	Nonconforming Lots
1236.05	Nonconforming Structures
1236.06	Nonconforming Uses
1236.07	Damage and Destruction

**1236.01 INTENT**

Within the Districts established by this Zoning Code or amendments hereinafter adopted there exists Lots, Structures, Uses of land and Structures, which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Code or future amendments. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Zoning Code shall be construed to require any change in the layout, plans, construction, size or use of any Lot, Structure, or Structure and land in combination, for which a Zoning Permit became effective prior to the effective date of this Zoning Code or any amendment thereto regardless of if the property is sold. It is the intent of this Zoning Code to permit these non-conformities to continue until they are removed, but not to encourage their survival.

**1236.02 GRACE PERIOD**

Any property purchased or acquired in good faith for any Non-Conforming Use prior to the adoption of this Zoning Code, upon which property the work of changing or remodeling or construction of such Non-Conforming Use has been legally commenced at the time of adoption of this Zoning Code, may be used for the Non-Conforming Use for which such changing, remodeling, or construction was undertaken provided that such work is completed within two (2) years of the date of adoption of this Zoning Code or amendment thereto making said Use Non-Conforming. Any change, modification, enlargement or alteration of such Use or site Development conditions shall only be permitted upon review and approval by the Board of Zoning Appeals according to the procedures for Conditional Uses set forth in this Zoning Code.

**1236.03 CONFORMANCE REQUIRED**

Except as hereinafter specified, no land, Building, Structure, or premises shall hereafter be used, and no Building or part thereof, or other Structure, shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the District in which it is located.

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

#### **1236.04 NONCONFORMING LOTS**

The construction of a conforming Structure and/or the conduct of a permitted Use shall be allowed on any single legal non-conforming Lot of Record on the effective date of this Zoning Code which has an area, Lot Width, and/or Frontage less than that required for such Structure or permitted Use in the zoning District in which the Lot is located. Such Lot must be in separate Ownership and not of continuous Frontage with other Lots in the same Ownership. If the Lot has less than the required public road Frontage, prior to the Zoning Administrator issuing a Zoning Permit, the Board of Zoning Appeals shall determine that adequate access can be provided. The Board of Zoning Appeals may require a shared access agreement or other similar arrangements to be made to ensure adequate access can be provided. Yard setback requirements shall conform to the regulations for the District in which such Lot is located. Variances of requirements listed in this Zoning Code other than Lot area or Lot Width shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 1240.

If two or more Lots, combination of Lots, or portion of Lots with continuous Frontage in single Ownership are of record at the time of adoption of this Zoning Code or amendments of this Zoning Code, and if all or part of the Lots without Buildings do not meet the requirements established for Frontage, Lot Width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Zoning Code. No portion of said parcel shall be used or sold in a manner which diminishes compliance with the Frontage, Lot Width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a Lot with a Frontage, width or area below the requirements stated in this Zoning Code.

#### **1236.05 NONCONFORMING STRUCTURES**

##### **A. Continuation.**

Any Structure which is devoted to a Use which is permitted in the zoning District in which it is located, but which is located on a Lot which does not comply with the applicable Lot sizes requirements and/or Development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of Sections 1236.05(B), 1236.05(C), and 1236.07.

##### **B. Enlargement, Repair, Alterations.**

Any such Structure described in Section 1236.05(A) may be enlarged, maintained, repaired or structurally altered; provided however that no such enlargement, maintenance, repair or structural alteration shall either create any additional non-conformity or increase/extend the degree of existing non-conformity of all or any part of such Structures.

C. Moving.

No Structure described in Section 1236.05(A) shall be moved in whole or in part for any distance whatever to any other location on the same or any Lot unless the entire Structure shall thereafter conform to the regulations of the zoning District in which it will be located after being moved.

**1236.06 NONCONFORMING USES**

A. Continuation.

Any lawfully existing Non-Conforming Use of part or all of a Structure or any lawfully existing Non-Conforming Use of land, not involving a Structure, may be continued, so long as otherwise lawful, subject to the restrictions of Sections 1236.06(B-F) and Section 1236.07.

B. Substitution.

A Non-Conforming Use may be changed to another Non-Conforming Use only by the Board of Zoning Appeals, provided that the Board shall find that the proposed Use is equally appropriate or more appropriate to the District than the existing Non-Conforming Use. In permitting such change, the Commission may require appropriate conditions and safeguards, which if violated are punishable under Section 1234.04 of this Ordinance.

C. Extension.

Except as hereinafter specifically provided, no Building containing a Non-Conforming Use, except when required to by law, shall be enlarged or extended.

1. The Board of Zoning Appeals may permit, on a once-only basis, a Building containing a Non-Conforming Use to be enlarged to an extent not exceeding twenty-five (25) percent of the ground Floor Area of the existing Building or Buildings devoted to a Non-Conforming Use at the time of enactment of this Zoning Code or at the time of its amendment making a Use Non-Conforming. The Board shall not authorize any enlargement which would result in a violation of the provisions of this Zoning Code with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Zoning Code. Any Building or portion of a Building being used for a permitted Use may be expanded provided it meets all applicable regulations provided in this Zoning Code and the Non-Conforming Use is not conducted within this expanded area.

2. The Board of Zoning Appeals may authorize the expansion of Non-Conforming Uses of Open Spaces being conducted upon the land at the effective date of this Zoning Code or the date of any amendment making such Use Non-Conforming, provided such extension is necessary and incidental to the existing properties and shall involve no Structure or Buildings.

D. Moving.

No Structure devoted in whole or in part to a Non-Conforming Use shall be moved to any other location on the same Lot or any other Lot unless the entire Structure and the Use thereof shall thereafter conform to the regulations of the District in which it will be located after being so moved. Moreover, no non-conforming land use shall be relocated, in whole or in part, to any other location on the same or any other Lot unless such use shall thereafter conform to the regulations of the District in which it is located after being moved.

E. Repairs and Maintenance.

Any Structure devoted to a Non-Conforming Use may be maintained, repaired, or structurally altered, provided, however, that no such maintenance, repair, or structural alteration shall either create any additional non-conformity or increase/extend the degree of the existing Non-Conforming Use. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any Building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a Building permit for such activities shall be required.

F. Discontinuance.

A Non-Conforming Use which has been discontinued or abandoned shall not thereafter be returned to a Non-Conforming Use. A Non-Conforming Use shall be considered abandoned whenever any one of the following conditions exists:

1. When the Use has been discontinued for a period of twelve (12) consecutive months. Upon the request of the Owner and for good cause shown, the Board of Zoning Appeals has the authority to extend the time of discontinuance of nonconforming Use from twelve (12) months to a length of time determined to be reasonable by the Board, in increments of six months. The intent to continue a nonconforming Use shall not be evidence of its continuance.
2. When the Non-Conforming Use has been replaced by a conforming Use.
3. When the existing Non-Conforming Use has been changed to another Non-Conforming Use under permit from the Board of Zoning Appeals per Section 1236.06(B) of this Zoning Code.

**1236.07            DAMAGE AND DESTRUCTION**

In the event that any Non-Conforming Building or other Structure or any Building or Structure devoted in whole or in part to a Non-Conforming Use is damaged or destroyed by any means, to the extent of more than fifty (50) percent of its fair market value at the time of the 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 (50) percent or less of its current fair market value, it may be reconstructed with the previous dimensional characteristics and the previous Use may be permitted, if a Building permit is obtained and restoration actually begins within one year of the date of such partial destruction.

**CHAPTER 1238  
AMENDMENTS**

1238.01	Intent
1238.02	Initiation of Zoning Amendments
1238.03	Transmittal to the Planning and Zoning Commission
1238.04	Submission to Ohio Director of Transportation
1238.05	Standards of a Proposed Amendment
1238.06	Public Hearing by Planning and Zoning Commission
1238.07	Public Hearing by Council
1238.08	Effective Date & Referendum

**1238.01 INTENT**

Whenever the public necessity, general welfare, or good zoning practice require, the Village Council may by Ordinance after receipt of recommendation thereof from the Planning and Zoning Commission, and subject to the procedures provided by law, amend, supplement, or change the regulations, restrictions, and boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

**1238.02 INITIATION OF ZONING AMENDMENTS**

- A. Amendments to this Zoning Code may be initiated in one of the following ways:
1. By referral of a proposed amendment to the Planning and Zoning Commission by the Village Council.
  2. By adoption of a motion by the Village Planning and Zoning Commission.
  3. By the filing of an application by at least one (1) Owner or lessee of property within the area proposed or affected by said amendment.
- B. Contents of Application. An application by property Owners pursuant to Section 1238.02 (A)(3) for a change of District boundaries shall be filed in writing with the Zoning Administrator. The application shall be filed at least thirty (30) days before the next Planning and Zoning Commission meeting. Prior to accepting such application, the Planning and Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Planning and Zoning Administrator, shall result in a refusal of acceptance. The applicant shall pay a fee in accordance with the schedule adopted and approved by Council to defray the cost of advertising, staff review and other costs incidental to the application. The application for a zoning amendment shall at a minimum contain the following information:



1. Name, address, and phone number of the applicant. The application shall include the signature of at least one of the Owners of the property in question attesting the information contained in the application is true and correct to the best of his/her knowledge
2. Present Use and existing zoning District.
3. Proposed Use and proposed zoning District.
4. A drawing, to scale, showing property lines, ownership, Street addresses when known, Streets, existing, and proposed zoning for the adjacent parcels, and such other items as the Zoning Administrator may require. The drawing shall be accompanied by a vicinity map that depicts all land within three hundred (300) feet of the boundaries of the area to be zoned.
5. A list of all property Owners, within, contiguous to, and directly across the Street from the parcel(s) proposed to be rezoned and their address as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Administrator when more than ten (10) parcels are proposed to be rezoned.
6. A statement on how the proposed amendment relates to the land use plan.
7. A fee as established by the Village Council.
8. A copy of any deed restrictions, easements, covenants and encumbrances to be imposed to control the Use, Development, and maintenance of the area to be zoned, when applicable.
9. In appropriate cases, at the request of the Chair of the Planning and Zoning Commission, an estimate of the impacts on water and sewer capacity shall be required, should the amendment be adopted.
10. For all Developments over twenty five (25) acres, and/or for commercial Developments over twenty five thousand (25,000) square feet and/or industrial Developments over fifty thousand (50,000) square feet and/or for any Development that requires direct access to a major thoroughfare and/or for any Development that is not contiguous with existing water and sewer, a fiscal/economic impact study will be required to determine if the Development will require immediate or short-term expenditures on the part of the village in terms of infrastructure and/or support services.

When an amendment is initiated by the Planning and Zoning Commission or Council pursuant to Section 1238.02(A) (1&2), a copy of the proposed ordinance shall be filed with the Zoning Administrator.

### **1238.03 TRANSMITTAL TO THE PLANNING & ZONING COMMISSION**

Immediately after the referral of the proposed Ordinance by the Village Council or the filing of an application by at least one (1) Owner or lessee of property, said referral or application shall be transmitted to the Planning and Zoning Commission and a public hearing shall be set. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.

### **1238.04 SUBMISSION TO OHIO DIRECTOR OF TRANSPORTATION**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Ohio Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning and Zoning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Planning and Zoning Commission may proceed as required by law; however, the Village Council shall not approve the amendment for one hundred and twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he or she shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest, or upon the expiration of the one hundred and twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property Owner, the Village Council shall proceed as required by law.

### **1238.05 STANDARDS OF A PROPOSED AMENDMENT**

In reviewing the proposed amendment and arriving at its recommendation, the Planning Commission shall consider the following factors:

1. Compatibility of the amendment sought with the Use of adjacent land, adjacent zoning and with land use plans for the general area.
2. Impact of the adoption of an amendment sought on Motor Vehicle access and traffic flow in the general area.
3. Impact of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the Village.
4. Impact of the adoption of the proposed amendment on available public facilities, general expansion plans of the Village, and the Village's schedule for improvement of capital facilities.

## **1238.06 PUBLIC HEARING BY PLANNING & ZONING COMMISSION**

1. Within thirty (30) days of receiving a referral or application for a zoning amendment, the Planning and Zoning Commission shall hold a public hearing. Nothing in this section shall prevent the Planning and Zoning Commission from granting a continuance of the public hearing.
2. At least one (1) notice shall be given at least ten (10) days prior to the public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include the time and location of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of the public hearing the matter will be referred to Council for further determination. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate adoption of the proposed amendment as an amending ordinance.
3. The Village shall also send written notice of the public hearing by first class mail at least ten (10) days prior to the scheduled date of a public hearing to all property Owners within, contiguous to, or directly across the Street from such area proposed to be rezoned. The notice shall contain the same information as the notice required in Section 1238.06 (2). The failure of delivery of such notice to the affected property Owners does not invalidate the Ordinance. This requirement shall be waived if more than ten (10) parcels are proposed to be rezoned.
4. Within thirty five (35) days after the public hearing, the Planning and Zoning Commission shall make one of the following recommendations to the Village Council on the proposed amendment:
  - a. Recommend approval as presented.
  - b. Recommend modification of the amendment.
  - c. Recommend that the amendment not be granted.

The written decision of the Planning and Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based.

## **1238.07 PUBLIC HEARING BY COUNCIL**

Upon receiving a recommendation on a proposed zoning amendment from the Planning and Zoning Commission, the Village Council shall schedule a public hearing on the proposed amendment.

1. The hearing shall be not more than sixty (60) days from the receipt of the recommendation from the Planning and Zoning Commission. Nothing in this Chapter shall prohibit the Council from granting a continuance of this public hearing.

2. At least one (1) notice of the public hearing shall be given at least thirty (30) days prior to the scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include the time and location of the public hearing, the nature of the proposed amendment, and a summary of the Planning and Zoning Commission's recommendation.
3. The Clerk of Council shall also send written notice of the public hearing by first class mail at least twenty (20) days prior to the scheduled date of a public hearing to all property Owners within, contiguous to, or directly across the Street from such area proposed to be rezoned or redistricted to the addresses of such Owners appearing on the County Auditor's current tax list or Clerk of Council mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this Chapter shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1238.07(2).
4. The text, maps, or plans, as well as any reports from the Planning and Zoning Commission on the proposed zoning amendment shall be on display in the Village's Administrative Offices for at least a thirty (30) day period prior to the scheduled public hearing by Village Council.
5. Within sixty (60) days after the public hearing required by Section 1238.07(1), the Village Council shall either adopt or deny the recommendation of the Planning and Zoning Commission, or adopt some modification thereof. To adopt the recommendation of the Planning and Zoning Commission, a majority vote of the membership of the Village Council is required. In the event the Village Council denies or modifies the recommendation of the Planning and Zoning Commission, it must do so by not less than three-fourths ( $\frac{3}{4}$ ) of the membership of the Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

#### **1238.08 EFFECTIVE DATE & REFERENDUM**

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Ordinance there is presented to the Village Clerk of Council a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the village for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

**Chapter 1240**  
**APPEALS AND VARIANCES**

1240.01	Appeals
1240.02	Variances
1240.03	Application for Appeals and Variances
1240.04	Public Hearing by the Board of Zoning Appeals
1240.05	Supplementary Conditions and Safeguards
1240.06	Action by the Board of Zoning Appeals

**1240.01 APPEALS**

Appeals concerning interpretation or administration of this Ordinance may be taken by any Owner of property or any other party with a substantial interest in the matter who is adversely affected. Such Appeal shall be taken within 30 days after the date of the decision, by filing with the Zoning Administrator or with the Board of Zoning Appeals a notice of Appeal specifying the decision of the Zoning Administrator from which the Appeal is being taken. If the request for the Appeal or Variance is denied, the applicant may seek relief through the Court of Common Pleas.

An Appeal shall stay all proceedings in furtherance of the action Appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after notice of Appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Administrator, or by judicial proceedings.

**1240.02 VARIANCES**

The Board of Zoning Appeals shall have the power to authorize, upon Appeal in specific cases, filed as hereinafter provided, such Variances from the provisions or requirements of the Ordinance as will not be contrary to the public interest. Such Variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep Lots, or other exceptional physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the Owner of the reasonable Use of the land and Buildings involved. No Variance from the strict application of any provision of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist:

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.

4. Whether the Variance would adversely affect the delivery of governmental services.
5. Whether the property Owner purchased the property with knowledge of the zoning restrictions.
6. Whether the problem can be solved by some manner other than the granting of a Variance.
7. Whether the Variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done granting the Variance.

### **1240.03 APPLICATION FOR APPEALS AND VARIANCES**

Any person owning or having interest in property may file an application to obtain a Variance or Appeal a decision of the Zoning Administrator. Three copies of the application shall be filed with the Zoning Administrator who shall forward one copy of the application to the Board of Zoning Appeals.

The applicant shall pay a fee in accordance with the fee schedule adopted and approved by Council to cover advertising, review, publishing and reporting the proceedings of the Board of Zoning Appeals.

The application for an Appeal or a Variance shall contain the following information:

1. Name, address, and phone number of the applicant.
2. The legal description of the property as recorded in the Fairfield County Recorder’s Office.
3. A map or drawing to scale, showing the dimensions of the Lot and any existing or proposed Buildings.
4. A list of all property Owners, within, contiguous to, and directly across the Street from the parcel(s) in question and their address as appearing on the County Auditor’s current tax list.
5. Each application for a Variance or Appeal shall refer to the specific provisions of this Ordinance from which the Variance or Appeal is sought.
6. A statement indicating the Use of the property in question.
7. A statement detailing the Variance or Appeal being sought and grounds on which it is claimed that the Variance or Appeal should be granted.
8. The application for a Variance must also indicate the reasons that applicant

believes the provisions of Section 1240.02 have been met.

9. Eight copies of a plot plan showing: Boundaries and dimensions of the property and the size and location of all proposed or existing Structures.
10. The Use of land and location of Structures on adjacent property.
11. Such additional information as may be required by this Zoning Code and/or requested by the Board and/or the Zoning Administrator to review the application.

#### **1240.04 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

- A. The Zoning Administrator shall hold a public hearing before the Board of Zoning Appeals, scheduled for the next meeting of the Board of Zoning Appeals provided a complete application for a Variance is filed with the Zoning Administrator at least thirty (30) calendar days prior to the next scheduled meeting. Prior to accepting any application, the Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Administrator, shall result in a refusal of acceptance. Nothing in this chapter shall prevent the Board from granting a continuance of the public hearing.
- B. Notice of the public hearing shall be placed in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the day of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed Appeal or Variance.
- C. At least ten (10) days before the public hearing, notices shall also be sent by first class mail to all parties of interest. Parties of interest shall include the surrounding property Owners as listed in the application pursuant to Section 1240.03(4). The notice shall contain the same information as required for the notice published in the newspaper as specified in Section 1240.04(B). Failure of delivery of such notice shall not invalidate the findings of the Board.

#### **1240.05 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting any Appeal or Variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Appeal or Variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1234.04 of this Ordinance.

No order of the Board of Zoning Appeals granting a Variance shall be valid for a period longer than eighteen (18) months from the date of such order unless the Zoning Permit is obtained within such period, and the erection or alteration of a Building is started or the Use is commenced within such period. Once initiated, construction must proceed in a typical, conscientious and continuous manner toward completion.

## **1240.06 ACTION BY THE BOARD OF ZONING APPEALS**

Within thirty (30) days of the conclusion of the public hearing required in 1240.04, the Board of Zoning Appeals shall either: approve, approve with supplementary conditions, or disapprove the request for Appeal or Variance. The Board of Zoning Appeals must provide consideration of the requirements listed in Section 1240.02 for Variance applications. Its decision shall be accompanied by written findings of fact specifying the reasons for the decision reached.

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. The Board of Zoning Appeals may prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the Variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the Variance has been granted, shall be deemed a punishable violation under this Zoning Code. If the request for Appeal or Variance is denied, the reasons for such denial shall be noted in writing. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Administrator, who shall forward such copy to the applicant by first class mail. If the request for the Appeal or Variance is denied, the applicant may seek relief through the Court of Common Pleas.

Upon approval of the Variance by the Board, the Zoning Administrator shall issue to the applicant a Zoning Permit which states all terms of the Variance as granted including any conditions imposed by the Board of Zoning Appeals



**CHAPTER 1242  
CONDITIONAL USES**

1242.01	Intent
1242.02	Application for Conditional Use
1242.03	Public Hearing by the Board of Zoning Appeals
1242.04	Standards for Conditional Use
1242.05	Supplementary Conditions and Safeguards
1242.06	Action by the Board of Zoning Appeals
1242.07	Expiration of Zoning Permit Issued Under Conditional Use Procedures
1242.08	Violations of Findings of Fact; Permit Revocation

**1242.01 INTENT**

Specifically listed Conditional Uses are provided within this Zoning Ordinance in recognition that such Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the principally permitted Uses of said zoning District. The intent of the procedure for authorizing a Conditional Use is to set forth the Development standards and criteria for locating and developing a Conditional Use to ensure such Uses will not negatively impact the surrounding area in which it is located.

**1242.02 APPLICATION FOR CONDITIONAL USE**

Any person owning or having interest in a property may file an application for one (1) or more Conditional Uses listed within the zoning District in which the property is located. An application for a Conditional Use shall be filed with the Zoning Administrator who shall forward a copy of the application to the Board of Zoning Appeals. The application shall be signed by the Owner(s) or lessee(s) of the property affected and shall state that the information provided is accurate and truthful. The application for a Conditional Use shall include:

1. Name, address, and phone number of the applicant.
2. The legal description of the property where such Use will be located (as recorded in the Fairfield County Recorder's Office).
3. Current zoning District.
4. Description of existing Use.
5. The proposed Use of the property.
6. A statement of the desirability and compatibility of the proposed Use to the surrounding neighborhood, community, and with the land use plan. Also include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.

7. A site plan for the proposed Development showing the location of proposed Buildings, parking, etc.; traffic circulation; Open Spaces; Landscaping; refuse and service areas; utilities; Signs; architectural renderings; and such other information required by the Board of Zoning Appeals.
8. A list of all property Owners within, contiguous to, and directly across the Street from the parcel(s) in question and their address as appearing on the County Auditor's current tax list.
9. Eight copies of a plot plan of the proposed site for the Conditional Use showing the location of all Buildings, parking and loading areas, Streets and traffic accesses, open spaces, refuse and service areas, utilities, Signs, yards, Landscaping features, lighting and illumination, and such other information as the Board may require.
10. A fee as established by ordinance.
11. A narrative addressing each of the applicable criteria contained in Section 1242.04.
12. Such other information regarding the property, proposed Use, or surrounding area as may be pertinent to the Planning and Zoning Commission.

**1242.03 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS**

- A. The Zoning Administrator shall set a public hearing before the Board of Zoning Appeals to review the application for a Conditional Use permit. The public hearing will be scheduled for the next meeting of the Board of Zoning Appeals provided a complete application for the Conditional Use permit is filed with the Zoning Administrator at least thirty (30) calendar days prior to the next scheduled meeting. Prior to accepting any application, the Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Administrator, shall result in a refusal of acceptance. Nothing in this chapter shall prevent the Board from granting a continuance of the public hearing.
- B. Notice of the public hearing shall be placed in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the day of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed Conditional Use.
- C. At least ten (10) days before the public hearing, notices shall also be sent by first class mail to all parties of interest. Parties of interest shall include the surrounding property Owners as listed in the application pursuant to Section 1242.02(8). The notice shall contain the same information as required for the notice published in

the newspaper as specified in Section 1242.03 (B). Failure of delivery of such notice shall not invalidate the findings of the Commission.

#### **1242.04 STANDARDS FOR CONDITIONAL USE**

- A. In order for the Board of Zoning Appeals to grant approval of Conditional Use, the proposed Use must meet the following general standards:
1. The proposed Use will be harmonious with the existing or intended character of the surrounding area and such Use will not adversely affect the public health, safety, and welfare, including economic welfare and will not create excessive additional requirements at public cost for public facilities and services. Specifically, will not involve Uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
  2. Is in fact a Conditional Use as established under the provisions of Chapter 1242 and appears on the Schedule of District Regulations adopted for the zoning District involved.
  3. The proposed Use will be served adequately by essential public facilities and services such as highways, Streets, police and fire protection, drainage Structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide adequately any such services.
  4. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with the proposed use; the size of the site in relationship to the proposed Use; and the location of the site with respect to Streets giving access to the proposed Use, shall be such that it will be in harmony with the appropriate and orderly Development of the District in which it is located.
  5. The location, nature, and Height of Buildings, Structures, walls, Fences, etc. on the site and the nature and extent of Landscaping and screening on the site shall be such that the Use will not unreasonably hinder or discourage the appropriate Development, Use, and enjoyment of adjacent land, Buildings or Structures; will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
  6. The proposed Use will be in accordance with the general objectives, or with any specific objective, of the Village's land use plan and/or the zoning ordinance.

7. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- B. In addition to the general standards listed above in Section 1242.04(A), additional conditions that are specific to a particular listed Conditional Use may also apply to ensure such Use is compatible with its surrounding areas. Such conditions are listed in Chapter 1244. The Board of Zoning Appeals shall not grant approval of a Conditional Use unless it finds that the proposed Use complies with both the general standards in Section 1242.04 and the applicable conditions in Chapter 1244.

#### **1242.05 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In granting approval of any Conditional Use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Zoning Code and punishable under Section 1234.04 of this Zoning Code.

#### **1242.06 ACTION BY THE BOARD OF ZONING APPEALS**

Within forty five (45) days after the public hearing required in Section 1242.03(A), the Board shall either: approve, approve with supplementary conditions pursuant to Section 1242.05, or disapprove the Conditional Use application as presented. The Board shall apply criteria in Section 1242.04 in reaching its determination. In approving a Conditional Use, the Board may prescribe additional conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use is approved, shall be deemed a violation of this Zoning Code and punishable as prescribed in Chapter 1234 and shall result in revocation of the Conditional Use approval and respective Zoning Permit. The Board's determination in taking action on a requested Conditional Use shall be accompanied by findings of fact and a statement of the reasons for the decision reached. If the application is approved or approved with supplementary conditions, the Board of Zoning Appeals shall direct the Zoning Administrator to issue a Zoning Permit listing the specific conditions specified by the Board for approval. Upon approval of the Board of Zoning Appeals, the Zoning Administrator shall issue to the applicant a Conditional Use permit which includes any conditions imposed by the Board of Zoning Appeals. Such permit shall become effective upon approval by the Board of Zoning Appeals.

If the application is disapproved by the Board of Zoning Appeals, the reasons for such disapproval shall be noted in writing, a copy of which is transmitted to the applicant by the Zoning Administrator. If the application is disapproved by the Board of Zoning Appeals or revokes the permit, the applicant may seek relief through the Court of Common Pleas. Such Appeal shall be filed within thirty (30) calendar days after the decision of the Board.

**1242.07            EXPIRATION OF ZONING PERMIT ISSUED UNDER CONDITIONAL USE PROCEDURES**

A Conditional Use permit shall be deemed to authorize only one particular Conditional Use and the approval of a Zoning Permit issued in accordance with Chapter 1242 shall become null and void if such Use is not commenced within one (1) year of the date of the Zoning Permit approval, or if for any reason such Use shall cease for more than six months. If Conditional Use is voluntarily ceased, the Zoning Permit for the Conditional Use shall automatically become null and void.

**1242.08            VIOLATION OF FINDINGS OF FACT; PERMIT REVOCATION**

- A. Whenever a previously approved Conditional Use is in violation of any of the findings of fact or other imposed conditions, the Zoning Administrator shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the Owner of record of the premises at the last known address, or to the address to which tax bills are sent. Such notice shall include reasons by which the Zoning Administrator finds the Conditional Use to be in violation, and a statement that the Owner shall have thirty (30) days to comply with the granted Conditional Use permit.
- B. Upon failure of the Owner to comply with the notice, the Zoning Administrator shall notify the Board of Zoning Appeals that the Conditional Use is in violation and itemize the reasons for revocation of the Conditional Use permit.
- C. The Board of Zoning Appeals shall continue or revoke the Conditional Use permit at its first regular meeting after the notice is received.

**CHAPTER 1244**  
**CONDITIONAL USE STANDARDS**

1244.01	Adult Entertainment Facilities
1244.02	Adult Group Homes, Large Residential Care Facilities, Personal Care Services (no drive through), Residential Facility- Type B, Nursing Homes, and Homes for the Aging
1244.03	Airports
1244.04	Animal Service Facilities
1244.05	Auto Oriented Commercial Facility
1244.06	Bed & Breakfast
1244.07	Cemeteries
1244.08	Childcare Facilities, Type A Family Day Care Homes
1244.09	Outdoor Recreation Facilities
1244.10	Free Standing Telecommunication Towers
1244.11	Funeral Services Facilities without Crematorium
1244.12	Funeral Service Facilities with Crematorium
1244.13	Indoor Recreation Facilities, Churches, Schools, Community Centers, Libraries, Museums, and Art Galleries
1244.14	Large Business Retail Uses/Wholesale Uses
1244.15	Maintenance and Storage Facilities
1244.16	Manufacturing Uses
1244.17	Neighborhood Business Retail Uses (No Drive Through); Personal Care Services
1244.18	Outdoor Service Facilities
1244.19	Junk Yards and Scrap Metal Processing Facilities
1244.20	Wind Farm, Small

**Refer to Chapter 1270 – Permitted and Conditional Use Table 1 for Use by District.**

**1244.01 ADULT ENTERTAINMENT FACILITIES**

**A. Intent.**

It is the purpose of this section to regulate Adult Entertainment Businesses to promote the health, safety, morals, and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Village. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing Businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of

property values. It is recognized that sexually oriented Businesses, due to their nature have serious objectionable operational characteristics particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent areas.

The Village Council desires to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of urban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety and welfare of the citizenry.

B. Applicability.

These standards shall apply when an Adult Entertainment Business is proposed within a District where it is considered to be Conditional Uses.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for an Adult Entertainment Business, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. The proposed sexually oriented Business is located more than one thousand (1,000) feet from:
  - a. A church.
  - b. A public or private elementary or secondary school.
  - c. A boundary of a residential District as established by the Board of Zoning Appeals.
  - d. A public park.
  - e. The Lot Line of Lot devoted to residential Use.
  - f. An already existing sexually oriented business or one that has received a Conditional Use permit.
  - g. Any Structure that contains a residence.

**1244.02 ADULT GROUP HOMES, LARGE RESIDENTIAL CARE FACILITIES, PERSONAL CASE SERVICES (NO DRIVE THROUGH), RESIDENTIAL FACILITY- TYPE B, NURSING HOMES, AND HOMES FOR THE AGING**

A. Intent

The intent of this section is to create standards for Adult Group Homes, Large Residential Care Facilities, Personal Care Services (no drive through), Residential Facilities- Type B, Nursing Homes, and Homes for the Aging when such Uses are proposed in a District where listed as Conditional Uses. Given the size and intensity of these Uses, it is important to provide Development standards for these Uses when located in certain areas of the Village to ensure that these Uses are designed in a manner that integrates them into the overall character of their surrounding area.

#### B. Applicability

These standards shall apply when an Adult Group Home, Large Residential Care Facility, Personal Care Service (no drive through), Residential Facility- Type B, Nursing Home, and Home for the Aging is proposed in a District where they are listed as Conditional Uses. These standards shall not apply in Districts where such Uses are listed as permitted.

#### C. Conditions

The Board of Zoning Appeals shall issue a Conditional Use permit for Adult Group Homes, Large Residential Care Facilities, Personal Care Services (no drive through), Residential Facilities- Type B, Nursing Homes, and Homes for the Aging if the proposed Use complies with all of the conditions listed below in addition to the general standards listed in Section 1242.04:

1. The proposed Use must be located on a minimum of one acre and comply with all other Lot Frontage, width, set back, height, and Lot Coverage requirements for the applicable zoning District.
2. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the District in which the Use is proposed.
3. The proposed architecture is compatible with the surrounding neighborhood.
4. The proposed signage complies with the Sign regulations for the applicable District.
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway and shall otherwise comply with Section 1272.10(B)(12) and 1272.15.
6. Sufficient evidence has been provided indicating that all required licenses and certificates from the State of Ohio have been obtained.
7. In the case of proposed Residential Facilities – Type B, there is no other Type B Residential Facility within one thousand (1,000) feet of the proposed facility.



8. Any other conditions that the Planning and Zoning Commission considers to be appropriate to ensure the compatibility of such Uses to the surrounding neighborhood.

### **1244.03 AIRPORTS**

#### **A. Intent.**

It is the intent of this section to create standards for Airports and other similar enterprises to ensure such Uses are compatible to the surrounding area in which the Use is located.

#### **B. Applicability.**

These standards shall apply when an Airport is proposed within a District where they are considered to be Conditional Uses.

#### **C. Conditions.**

The Board of Zoning Appeals shall issue a Conditional Use permit for an Airport, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. All Structures and runways shall be located at least one hundred (100) feet from any residential District boundary.
2. All Signs must comply with the Sign regulations for the applicable zoning District.
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway; no lighting shall shine directly on adjacent properties.
4. Such Uses should be located along a major thoroughfare, adjacent to nonresidential Uses such as commerce, industry, or recreation.

### **1244.04 ANIMAL SERVICE FACILITIES**

#### **A. Intent**

The intent of this section is to create standards for animal care facilities and the impacts of such Uses on the surrounding areas.

#### **B. Applicability**

These standards shall apply when such Uses are proposed in a District where they are listed as Conditional Uses.

C. Conditions

The Board of Zoning Appeals shall issue a Conditional Use permit for an Animal Service Facility if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. All Buildings shall be located no less than fifty (50) feet from any residential Lot Line.
2. Adequate ingress/egress shall be provided to the proposed site.
3. Outdoor pens shall be prohibited. All outdoor exercise runs shall be enclosed by a solid wall or Fence.
4. Adequate waste disposal methods shall be established to ensure that odor is not noticeable off-site.
5. Adequate sound proofing techniques shall be provided to help reduce the impact of noise on the surrounding neighborhood. These can include Landscaping, fencing, special Building materials, etc.
6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such Uses to the surrounding neighborhood.

**1244.05 AUTO ORIENTED COMMERCIAL FACILITY**

A. Intent.

It is the intent of this section to create standards for Automobile Service Stations, Automobile Repair Shops, Automobile Oil Changing Facilities, Drive-Through Facilities, and commercial parking lots to ensure proper controls are in place to protect the surrounding area from any potential impacts on access, circulation, etc., generally associated with such Uses. It is further the intent of this section to ensure that adequate buffers are provided around these auto-oriented Uses.

B. Applicability.

These standards shall apply when an Auto-Oriented Commercial Facility is proposed within a District where considered to be a Conditional Use.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for an Auto-Oriented

Commercial Facility if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. The proposed Use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed Use. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed Use.
2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of Use proposed and shall be located in accordance with appropriate access management principals. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Village Engineer or designee to ensure adequate access is proposed.
3. The proposed Use shall include proper on-site circulation within the Development, including appropriate stacking areas.
4. Any proposed fuel pumps or vehicle service areas shall be setback a minimum of fifty (50) feet from any Lot Line abutting a residential District.
5. Loud speakers or other sound emitting devices must be located a minimum of fifty (50) feet from a residential District boundary.
6. Stacking spaces for gas pumps, service bays, Drive-Through Facilities, etc. shall be provided to prevent Encroachment of vehicles into Parking Areas and/or adjacent road networks. There shall be at least one (1) stacking space for each gas pump, service bay etc. Each Drive-Through Facility shall have a minimum of three (3) stacking spaces between any ordering area and pick-up window(s), in addition to at least three (3) stacking spaces behind the ordering area. Each stacking space shall be nine (9) feet wide and twenty-two (22) feet deep. The Board of Zoning Appeals may require additional stacking areas when needed to ensure proper on-site circulation. Stacking spaces may encroach a required side or rear yard provided such spaces are no closer than five (5) feet from the property line. However, in no case shall a stacking space be located within a required side or rear yard that is adjacent to a residential District.
7. The buffering and Landscaping requirements in Section 1272.08(E) shall be met. The Board of Zoning Appeals may require additional Landscaping/buffering around the perimeter of the site to reduce the noise and visual impacts typically associated with auto-oriented Uses.
8. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, access points and buffering from adjacent Uses.

**1244.06 BED & BREAKFAST**

A. Intent

It is the intent of this section to create standards for Bed and Breakfast Establishments to ensure the Uses are compatible to the surrounding neighborhoods.

B. Applicability

These standards shall apply when a Bed and Breakfast Establishment is proposed in a District where it is considered to be Conditional Use.

C. Conditions

The Board of Zoning Appeals shall issue a Conditional Use permit for a Bed and Breakfast Establishment, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. The proposed Use shall not include more than eight (8) rooms. Any similar Use having more than eight (8) rooms shall be considered a Hotel or Motel and shall be limited to the Districts in which such Uses are permitted.
2. Sufficient off-Street parking shall be provided in accordance with Section 1272.10.
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway and shall otherwise comply with Section 1272.15.
4. The proposed architecture shall be compatible with the surrounding neighborhood.
5. Any other conditions as warranted by the Board of Zoning Appeals.

**1244.07 CEMETERIES**

A. Intent.

The intent of this section is to create standards for cemeteries where listed as Conditional Uses.

B. Applicability.

These standards shall apply to cemeteries when listed as a Conditional Use.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for a Cemetery, if the proposed Use complies with all of the conditions listed below in addition to the general standards listed in Section 1242.04:

1. All Buildings, including mausoleums, and all graves/burial Lots shall be located no closer than fifteen (15) feet from any Lot Line.
2. Sufficient evidence shall be provided to the Board of Zoning Appeals ensuring that the grounds will be properly maintained.
3. Any other conditions as warranted by the Board of Zoning Appeals.

**1244.08 CHILD CARE FACILITIES, TYPE A FAMILY DAY CARE HOMES**

A. Intent.

It is the intent of this section to create standards for Type A Family Day Care Homes and Child Day Care Centers to ensure the Uses are compatible to the surrounding neighborhood in which the Use is located.

B. Applicability.

These standards shall apply when a Type A Family Day Care Home or a Child Care Facility is proposed within a District where considered to be a Conditional Use.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for a Type A Family Day Care Home or a Child Care Facility, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 1242.04:

1. Parking and circulation shall be designed to reduce congestion, promote safety, and reduce the impact on the residential character of the area. The site layout shall provide for the separation of ingress and egress for vehicles during high volume periods and shall provide safe drop off point(s) for children that will not impede other traffic.
2. All outdoor play areas shall be fully enclosed by a minimum four (4) foot tall Fence, shall be located to the rear of the principal Structure, shall be screened from adjacent parcels by the use of hardy evergreen shrubs, and shall be located fifty (50) feet from a residential District boundary.
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway and shall otherwise comply with Section 1272.15.

4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.

## **1244.09 OUTDOOR RECREATION FACILITIES**

### **A. Intent.**

It is the intent of this section to create standards for Uses involving the assembly of people and/or community, recreational, educational, or cultural activities that will be conducted in areas where such Uses are listed as Conditional Uses. Such Uses may require some additional restrictions above and beyond those standards found within the zoning District in which they will be located. These additional standards are being required to ensure such Uses will not negatively impact their surrounding areas.

### **B. Applicability.**

These standards shall apply when an Outdoor Recreation Facility is proposed within a District where they are listed as a Conditional Use.

### **C. Conditions.**

The Board of Zoning Appeals shall issue a Conditional Use permit for an Outdoor Recreation Facility, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 1242.04:

1. Accessory Structures to Outdoor Recreation Facilities, such as shelter houses, concession stands, bath houses, and other similar Accessory Uses shall have a minimum setback of fifteen (15) feet from any residential District boundary. All other activities must be located a minimum of fifty (50) feet from any residential District boundary.
2. Music, loudspeakers, and other sound emitting devices shall be prohibited outside of any fully enclosed Building, unless located a minimum of fifty (50) feet from a residential District boundary.
3. Sufficient evidence shall be provided that all Off-Street Parking Spaces have been provided in accordance with Section 1272.10 and that any on-Street parking will be prohibited, unless such Use is located within the DMU District, then Section 1272.10(C)(5) shall apply. Parking shall not be permitted to encroach any required side or Rear Yard Setback that abuts a residential District.
4. A site plan shall be submitted as part of the Conditional Use application to demonstrate that adequate ingress/egress will be provided and that the sufficient on-site circulation patterns are proposed.

5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway and shall otherwise comply with Section 1272.15
6. All facilities shall meet any applicable local, county, and/or State of Ohio health, Building, electrical, or any other applicable codes.
7. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, and access points that will reduce any traffic impacts such Uses may have on the adjacent residential road network.

**1244.10 FREE STANDING TELECOMMUNICATION TOWERS**

**A. Intent**

The intent of this section is to regulate the placement and construction of telecommunication towers in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage Co-Location of antennas on existing towers in order to minimize tower locations and to protect the surrounding areas through the use of height, setback, and Lot area requirements.

**B. Applicability**

The following regulations shall apply, through the Conditional Use process, to Free-Standing Telecommunication towers located within Districts where Free-standing Telecommunication Towers are listed as Conditional Uses.

**C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit when a Free-standing Telecommunication Tower is proposed within a District where listed as a Conditional Use and complies with all of the conditions listed below. When measuring setbacks and Lot area, the dimension of the entire Lot shall control, even though the tower may be located on a leased area within such Lot.

1. The Minimum Lot Area shall comply with the Minimum Lot Area for the applicable zoning District.
2. The minimum setback shall be one hundred (100) feet with a 1:1.25 setback to height ratio for towers greater than one hundred (100) feet in height. No new Structures shall be permitted within this setback area.
3. The maximum height of Telecommunication Tower shall be as follows:

# of users for which

the tower is designed	Maximum Height
1	150 feet
2	165 feet
3	180 feet
4	195 feet

4. All towers shall be of a non-corrosive Monopole design, as opposed to a lattice design, and shall be non-contrasting gray or similar color. A galvanized steel finish will also be permitted. Alternative tower designs that camouflage the tower and/or antenna, such as man-made trees, may also be permitted as approved by the Board of Zoning Appeals.
5. A six (6) foot Fence shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider.
6. A landscaped buffer of not less than fifteen (15) feet in depth shall be placed between the Fence surrounding the tower and any adjacent public Right-Of-Way and any adjacent properties. The 15-foot buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional Landscaping upon review of an individual application. All required Landscaping shall be continuously maintained and promptly restored, if necessary.
7. No signage shall be permitted anywhere on the Telecommunication Tower, antenna, Fence, etc., except for a sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language shall be attached to the gate of the required Fence. Any other signage required by Federal Regulations shall be permitted.
8. No lighting shall be permitted, except as required by federal regulations.
9. One point of access from a public road to the free standing telecommunications tower shall be provided. The Board of Zoning Appeals may require review by the fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
10. The maximum cumulative total size of all equipment shelters accessory to a Telecommunication Tower on a Lot shall be one thousand (1,000) square feet and their maximum height shall not exceed twenty five (25) feet above the approved Grade at the site. Only one equipment shelter, or the configuration of more than one equipment shelter constructed to appear that there is only one equipment shelter shall be permitted on a Lot. The roof and Façade of the equipment shelter shall be compatible as to



architectural design and materials with the principal Building on the Lot, if any. Where it is technically feasible and reasonable practical, an existing Building or Structure on a Lot shall be used to shelter the equipment associated with the Telecommunication Tower.

11. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
12. The applicant shall demonstrate that Co-Location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing Telecommunication Towers in the Village of Baltimore. If the applicant cannot demonstrate that Co-Location is not feasible, the Board of Zoning Appeals may deny the Conditional Use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if Co-Location is not feasible:
  - a. Written documentation from the Owner of the existing tower(s) refusing to allow Co-Location;
  - b. The proposed antenna would exceed the structural capacity of the existing tower, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer.
  - c. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer.
  - d. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably as documented by a qualified R. F. engineer.
  - e. Co-Location would violate federal, state, county or Village regulations.
13. The tower shall be removed within one hundred and eighty (180) days after the use of the tower is discontinued.
14. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential Co-Location of other antenna to the extent possible.
15. Any other conditions as warranted by the Board of Zoning Appeals.

## **1244.11 FUNERAL SERVICE FACILITIES WITHOUT CREMATORIUM**

### **A. Intent.**

The intent of this section is to create standards for Funeral Service Facilities Without Crematorium where listed as Conditional Uses.

### **B. Applicability.**

These standards shall apply to Funeral Service Facilities when listed as a Conditional Use.

### **C. Conditions.**

The Board of Zoning Appeals shall issue a Conditional Use permit for Funeral Service Facilities, if the proposed Use complies with all of the conditions listed below in addition to the general standards listed in Section 1242.04:

1. A Minimum Lot Area of thirty thousand (30,000) feet squared is required to accommodate the funeral home and Accessory Uses.
2. In order to protect the stability and integrity of residential areas adjacent to proposed funeral homes, the access should generally be from arterial roads. Access to any collector roadway shall be prohibited if said collector provides a majority (i.e. 75% of the traffic flow) access to residential Development and the typically residential character of the collector would be jeopardized by the funeral home Use.
3. The placement of Structures and Parking Areas shall be designed to assure the standard zoning District requirements are met and additionally positioned to allow for specified on-site funeral procession staging area for vehicles. Said staging areas shall be illustrated on a conceptual plan at time of Conditional Use approval.
4. Any parcel proposed for this Use must maintain the physical separation of all Buildings and Structures associated with funeral home Use at least a minimum of fifty (50) feet from adjacent property lines zoned for residential Use.
5. The internal traffic circulation system and Parking Areas shall conveniently provide for safe and efficient on-site maneuvering of all vehicles using the site. All points of ingress and egress must be reviewed and approved by the Village Engineer to ensure that the traffic circulation standards will not be adversely affected and to minimize neighborhood disruption.
6. Traffic control for funeral processions shall be provided by the operator in a manner that is reviewed and approved by the Village Police Dept.

## **1244.12 FUNERAL SERVICE FACILITIES WITH CREMATORIUM**

### **A. Intent.**

The intent of this section is to create standards for Funeral Service Facilities with Crematoriums or Crematoriums as a standalone Use where listed as Conditional Uses.

### **B. Applicability.**

These standards shall apply to Funeral Service Facilities with Crematoriums or Crematoriums as a standalone Use when listed as a Conditional Use.

### **C. Conditions.**

The Board of Zoning Appeals shall issue a Conditional Use permit for Funeral Service Facilities with Crematoriums, if the proposed Use complies with all of the conditions listed below in addition to the general standards listed in Section 1242.04 and the Conditions listed in Section 1244.11(C):

1. The Crematorium shall comply with Section 1272.09 with the exceptions that reasonable heat radiation from the discharge device (smokestack) is permitted.
2. To the maximum extent possible, the discharge device (smokestack) shall be screened from view.
3. All activity relating to the deceased shall be handled discretely and screened from public view to the maximum extent possible, including delivery, handling, removal, transfer and storage of the remains. The method of screening may include any of the following: fencing, walls, and/or Landscaping consistent with that Use elsewhere within the Development, as determined at the time of approval.
4. The Crematorium shall not be used for the disposal of any waste materials, including medical or industrial.
5. Pet Crematoriums shall be limited to the preparation and Crematorium of pets.
6. All licensed funeral homes operating an approved Crematorium may perform cremation services for other licensed funeral homes.
7. The cremation shall secure and keep all current and necessary approvals, permits and certifications from applicable state and federal agencies.

**1244.13 INDOOR RECREATION FACILITIES, CHURCHES, SCHOOLS, COMMUNITY CENTERS, LIBRARIES, MUSEUMS, AND ART GALLERIES**

A. Intent.

It is the intent of this section to create standards for Indoor Recreation Facilities, Churches, Schools, Community Centers, Libraries, Museums, Art Galleries, and other similar enterprises to ensure such Uses are compatible to the surrounding area in which the Use is located.

B. Applicability.

These standards shall apply when an Indoor Recreation Facilities, Churches, Schools, Community Centers, Libraries, Museums, Art Galleries, and other similar Enterprises is proposed within a District where they are considered to be Conditional Uses.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for an Indoor Recreation Facility, Church, School, Community Center, Library, Museum, Art Gallery, and other similar enterprises if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. Such Use is located a minimum of fifty (50) feet from any residential District boundary. Any activities conducted outside of a fully enclosed Building shall be located a minimum of fifty (50) feet from any residential District boundary.
2. Music, loudspeakers, and other sound emitting devices shall be prohibited outside of any fully enclosed Building, unless located a minimum of fifty (50) feet from a residential District boundary.
3. Sufficient evidence shall be provided that all Off-Street Parking Spaces have been provided in accordance with Section 1272.10 and that any on-Street parking will be prohibited, unless such Use is located within the DMU District, then Section 1272.10(C)(5) shall apply. Parking shall not be permitted to encroach any required side or rear yard setback that abuts a residential District.
4. A site plan shall be submitted as part of the Conditional Use application to demonstrate that adequate ingress/egress will be provided and that the sufficient on-site circulation patterns are proposed.
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway and shall otherwise comply with Section 1272.15.
6. All facilities shall not exceed a Height of thirty-five (35) feet.

7. All facilities shall meet any applicable local, county, and/or State of Ohio health, Building, electrical, or any other applicable codes.
8. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, and access points that will reduce any traffic impacts such Uses may have on the adjacent residential road network.

#### **1244.14 LARGE BUSINESS RETAIL USES/WHOLESALE USES**

##### **A. Intent.**

It is the intent of this section to create standards for Large Business Retail and/or Wholesale Use to ensure such Uses are compatible to the surrounding area in which the Use is located.

##### **B. Applicability.**

These standards shall apply when a Large Business Retail and/or Wholesale Use is proposed within a District where they are considered to be Conditional Uses.

##### **C. Conditions.**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Large Business Retail and/or Wholesale Use, if the proposed Use complies with the following conditions in addition to the general conditions listed in Chapter 1272.

1. A minimum of two (2) acres shall be provided.
2. All Buildings shall be Setback a minimum of one hundred (100) feet from the Street Right-Of-Way Line.
3. In no case shall a Building be located closer than fifty (50) feet from a side or Rear Lot Line and no closer than seventy-five (75) feet from any side or Rear Lot Line that abut a residential Zoning District.
4. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of Use proposed and shall be located in accordance with appropriate access management principles. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Village Engineer's office to ensure adequate access is proposed.
5. The proposed Development shall be serviced by adequate water and sewer services.

6. The applicant shall demonstrate that adequate storm drainage improvements will be provided. The Board of Zoning Appeals may require the proposed storm drainage plans be reviewed by the Village Engineer's office to ensure adequate drainage has been provided.
7. Sufficient Landscaping shall be provided. At a minimum, the standards in Section 1272.08.
8. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such Uses to the surrounding Development.

#### **1244.15 MAINTENANCE AND STORAGE FACILITIES**

A. Intent.

It is the intent of this section to create standards for Maintenance and Storage Facilities to ensure they are properly screened from adjacent rights-of-way and adequately set back from residential Districts.

B. Applicability.

These standards shall apply to Maintenance and Storage Facilities when proposed within a District where Maintenance and Storage Facilities are listed as a Conditional Use.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for Maintenance and Storage Facilities, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. In addition to the requirements of Section 1264.04, such Uses shall be located no closer than one hundred (100) feet from a residential District boundary.
2. The buffering and Landscaping requirements in Section 1272.08 shall be met. The Board of Zoning Appeals may require additional Landscaping/buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
3. Any other conditions as warranted by the Board of Zoning Appeals.

#### **1244.16 MANUFACTURING USES**

A. Intent.

It is the intent of this section to create standards for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Material, Goods or Products; Laboratories; Printing, Publishing, and Allied Professions to ensure such Uses to not negatively impact the surrounding areas.

B. Applicability.

These standards shall apply to the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; Laboratories; Printing, Publishing and Allied Professions when such Uses are proposed within a District where they are listed as Conditional Uses.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; Laboratories; Printing, Publishing, or Allied Professions, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. In addition to the requirements of Section 1264.04, such Uses shall be conducted a minimum of one hundred (100) feet from any residential District boundary and said operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason described in Section 1272.09.
2. The buffering and Landscaping requirements in Section 1272.08 shall be met. The Board of Zoning Appeals may require additional Landscaping/buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
3. The proposed site shall have adequate ingress/egress for the type of vehicles utilized for transporting such materials, goods, or products, and proper on-site circulation shall be provided within the Development, including appropriate loading/unloading areas.

**1244.17 NEIGHBORHOOD BUSINESS RETAIL USES (NO DRIVE THROUGH); PERSONAL CARE SERVICES**

A. Intent.

It is the intent of this section to create standards for Neighborhood Business Retail Use and Personal Care Services to ensure such Uses do not negatively impact the surrounding areas.

B. Applicability.

These standards shall apply to Neighborhood Business Retail Uses and Personal Care Services when such Uses are proposed within a District where they are listed as Conditional Uses.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for Neighborhood Business Retail Use and Personal Care Services, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. The maximum size of individual neighborhood serving retail sales and service Uses shall be five thousand (5,000) square feet of gross Floor Area.
2. All neighborhood serving retail sales and services shall be located on the ground floor of a mixed Use Building of at least two (2) stories, with no more than two (2) such retail sales and services Uses on a single zoning Lot.
3. Drive-Through Facilities shall be prohibited.
4. Wholesale and off-premise sales shall be prohibited.

**1244.18 OUTDOOR SERVICE FACILITIES.**

A. Intent.

It is the intent of this District to create standards for Outdoor Service Facilities that will minimize the noise and visual impacts such uses could have on their surrounding areas.

B. Applicability.

These standards shall apply when an Outdoor Service Facility is proposed within a District where it is considered to be a Conditional Use.

C. Conditions.

The Board of Zoning Appeals shall issue a Conditional Use permit for an Outdoor Service Facility, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. All Outdoor Service Facilities shall be located a minimum of fifty (50) feet from any residential District boundary.
2. The buffering and Landscaping requirements in Section 1272.08 shall be met. The Board of Zoning Appeals may require additional Landscaping/buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
3. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the intent of this section are met.



## **1244.19 JUNK YARDS AND SCRAP METAL PROCESSING FACILITIES**

### **A. Intent.**

It is the intent of this section to create standards for Junk Yards and Scrap Metal Processing Facilities to ensure they do not negatively impact the surrounding areas.

### **B. Applicability.**

These standards shall apply to Junk Yards and Scrap Metal Processing Facilities when proposed within a District where they are listed as Conditional Uses.

### **C. Conditions.**

The Board of Zoning Appeals shall issue a Conditional Use permit for Junk Yards and Scrap Metal Processing Facilities, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. Such Uses shall be located on a minimum of twenty (20) acres and shall be setback a minimum of two hundred (200) feet from the boundary of a residential District and shall otherwise comply with the requirements in Section 1264.04.
2. In addition to the buffering and Landscaping requirements in Section 1272.07, the area of use shall be completely enclosed by a six foot Fence. Sufficient Landscaping shall be provided between the Fence and the property line. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
3. Truck routes shall be established for movement in and out of the Development in such a way that it will minimize the wear on public Streets and prevent hazards and damage to other properties in the community.
4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.
5. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
6. The Owner or operator shall employ every reasonable means of reducing the Encroachment of dust upon surrounding properties.
7. There shall be no burning of refuse, garbage, or other waste material.

## **1244.20 WIND FARM, SMALL**

### **A. Intent.**

It is the intent of this section to create standards for Small Wind Farms to ensure they do not negatively impact the surrounding areas.

### **B. Applicability.**

These standards shall apply to Small Wind Farms when proposed within a District where they are listed as Conditional Uses.

### **C. Conditions.**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Small Wind Farm, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 1242.04:

1. A wind turbine generator or anemometer tower shall, in all cases, be set back one and point twenty five (1.25) times the WECS tower height plus the length of a rotor blade at maximum vertical rotation to an inhabited structure, public road/right-of-way, third party transmission lines, or adjacent property lines.
2. A Wind Energy Conversion System shall be separated from any other Wind Energy Conversion System by a minimum of two hundred (200) feet, measured from the tip of the blades when the blades are parallel with the ground.
3. The Tower Height of the Wind Energy Conversion System shall not exceed four hundred (400) feet; however, the Board of Zoning Appeals commission may approve an increased height if it will not result in increased intensity on lighting of the tower due to Federal Aviation Administration regulations.
4. The lowest point of the arc created by rotating wind vanes or blades on a wind generator shall be no less than fifteen (15) feet above the ground.
5. All Wind Energy Conversion System Towers, including any climbing aids, shall be secured against unauthorized access by means of a locked barrier or security Fence (six) 6 feet in height.
6. Electrical Wires- The electrical transmission lines connecting the wind turbine generator to the public utility electricity distribution system shall be located underground, unless the Planning Commission finds that it is technologically infeasible or finds that the cost of placing those electrical transmission lines underground is unreasonably burdensome. If the Planning Commission allows overhead electrical transmission lines to connect the wind turbine generator to the public utility electricity distribution system, then those electrical transmission

lines shall be placed at a height consistent with industry standards to ensure public safety.

7. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
  - A. Shall be the lowest intensity allowable under Federal Aviation Administration regulations.
  - B. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the Federal Aviation Administration. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the Federal Aviation Administration.
  - C. May be a red top light that does not pulsate or blink.
  - D. Shall be shielded to the extent possible and acceptable to the Federal Aviation Administration to reduce glare and visibility from the ground.
8. Unless located underground, any electrical equipment associated with a wind energy system shall be located under the sweep area of a blade assembly to the extent practicable.
9. The exterior surface of any visible components of a Wind Energy Conversion System must be a non-reflective, neutral color. Wind Energy Conversion System Towers and turbines in an established wind farm system that are located within one thousand (1,000) feet of each other must be of uniform design, including tower type, color, number of blades, and direction of blade rotation to the extent practicable.
10. Signal Interference - The Owner of a Wind Energy Conversion System must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with television, microwave, navigational, cellular, or radio reception caused by the wind energy system.
11. Noise- Any proposed wind turbine generator shall not result in sound levels in excess of sixty (60) decibels as measured on the dB(A) scale at the property lines of the site in question.
12. Landscaping shall be designed to counter the effects of shadow flicker on any neighboring residences or roadways caused by the rotor rotation in the sunlight.

13. Standards outlining decommissioning include a “security” that ensures the turbines will be removed and restoration will be completed no matter who owns the facility. All underground equipment and foundation systems of Wind Energy Conversion System shall be removed to a depth of at least three (3) feet to allow for cultivation of crops or restoration of pasture.

**CHAPTER 1246**  
**Establishing Districts and Zoning Map**

1246.01	Purpose
1246.02	Establishment of Districts
1246.03	Adoption of Official Zoning Map
1246.04	Official Zoning Map Legend
1246.05	Identification of Official Zoning
1246.06	Interpretation of Districts
1246.07	Zoning Upon Annexation
1246.08	Zoning Map Amendments
1246.09	Similar Uses

**1246.01        PURPOSE**

The purpose of this article is to establish zoning Districts to realize the general purposes set forth in the preamble of this Zoning Code, to provide for orderly Development and to protect the property rights of all individuals by assuring the compatibility of Uses and practices within Districts.

**1246.02        ESTABLISHMENT OF DISTRICTS**

The following zoning Districts are hereby established for the Village of Baltimore, Ohio:

- A – Agricultural District
- R-1 – Residential Estate District
- R-2 – Suburban Single Family Residential District
- R-3 – Village Single Family Residential District
- MRV – Mixed Residential Village District
- OI – Office Institutional District
- DMU – Downtown Mixed Use District
- GB – General Business District
- LM – Limited Manufacturing District
- FP – Flood Plain Overlay District
- PUD – Planned Unit Development District

**1246.03        ADOPTION OF OFFICIAL ZONING MAP**

The boundaries of the Districts established in Section 1246.02 are shown on the Zoning Map for the Village of Baltimore. Said Zoning Map and all data, references, notations, and other matters shown hereon shall be and are hereby made a part of this Ordinance. Said Zoning Map shall be and remain on file in the Village Administrative office.

**1246.04 OFFICIAL ZONING MAP LEGEND**

The Official Zoning Map shall have a legend which shall list the name of each Zoning District and indicate the symbol for that District. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning District in such legend.

**1246.05 IDENTIFICATION OF OFFICIAL ZONING MAP**

The Zoning Administrator shall maintain and keep the official Zoning Map for the Village of Baltimore.

**1246.06 INTERPRETATION OF DISTRICTS**

- A. Except where referenced and noted on the Zoning Map by a designated line and/or dimensions, the District boundary lines are intended to follow property lines, Lot Lines, centerlines of Streets, Alleys, streams, and/or railroads as they existed at the time of passage of this Ordinance. The Zoning Administrator shall interpret the boundary lines from the Zoning Map. When and if the Zoning Administrator’s interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.
  
- B. Whenever any Street, Alley, or other public way is vacated by official Council action, the Zoning District adjoining each side of such Street, Alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall be subject to all regulations appropriate to the respective extended Districts.

**1246.07 ZONING UPON ANNEXATION**

All land annexed into the Village shall retain the township zoning classification until such time the zoning for such property is amended in accordance with these regulations. It shall be a policy of the Village Planning Commission to initiate a zoning amendment for said property to a village zoning classification within sixty (60) days of the land being annexed into Baltimore.

**1246.08 ZONING MAP AMENDMENTS**

Within sixty (60) days of the effective date of any change of a zoning District classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change. The map shall reflect the effective date of such change and reference the ordinance authorizing such change.

**1246.09 SIMILAR USES**

- A. 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 Chapter, shall be submitted to the Board of Zoning Appeals.

- B. Determination as to whether a Use is similar to Uses permitted by right shall be considered as an expansion of Use regulations of the District and not as a Variance applying to a particular situation. Any Use found similar shall thereafter be considered as a permitted Use in that District.
- C. Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested Use is similar to those Uses permitted in the specific District. In order to find that a Use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:
  - 1. Such Use is not listed as a permitted or Conditional Use in another zoning District.
  - 2. Such 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. Such Use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from Uses listed in the classification to which it is added.

**CHAPTER 1248**  
**A – AGRICULTURAL DISTRICT**

1248.01	Purpose
1248.02	Permitted Uses
1248.03	Conditional Uses
1248.04	Development Standards

**1248.01      PURPOSE**

The purpose of the A – Agricultural District is to preserve productive Agricultural land and the character and quality of the rural environment and to prevent urbanization where roads and other public facilities are scaled to meet only rural needs.

**1248.02      PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the A-Agricultural District.

**1248.03      CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the A – Agricultural District.

**1248.04      DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the A – Agricultural District:
1. The Minimum Lot Area shall be ten acres.
  2. The minimum Lot Frontage shall be 500 feet on a dedicated, improved Street or highway.
  3. The minimum Depth to Width Ratio shall be 1:1.
  4. The maximum Depth to Width Ratio shall be 3:1.
  5. The minimum Front Yard Setback shall be 60 feet.
  6. The minimum Side Yard Setback shall be:
    - a. 30 feet for the Principal Structure
    - b. 15 feet for an Accessory Structure
  7. The minimum Rear Yard Setback shall be:
    - a. 60 feet for the Principal Structure
    - b. 25 feet for an Accessory Structure
  8. The maximum Building Height shall be 40 feet.
- B. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the A – Agricultural District.



**CHAPTER 1250**  
**R-1 – RESIDENTIAL ESTATE DISTRICT**

1250.01	Purpose
1250.02	Permitted Uses
1250.03	Conditional Uses
1250.04	Development Standards

**1250.01      PURPOSE**

The purpose of the R-1 – Residential Estate District is to accommodate single-family residential Developments at low densities consistent with the existing character of the surrounding area. All Lots shall be served with public water and sewer.

**1250.02      PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the R-1 Residential Estate District.

**1250.03      CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the R-1 – Residential Estate District.

**1250.04      DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the R-1- Residential Estate District.
1. The Minimum Lot Area shall be 20,000 square feet.
  2. The minimum Lot Frontage shall be 125 feet on a dedicated, improved Street or highway.
  3. The minimum Depth to Width Ratio shall be 1:1.
  4. The maximum Depth to Width Ratio shall be 3:1.
  5. The minimum Front Yard Setback shall be 50 feet.
  6. The minimum Side Yard Setback shall be:
    - a. 20 feet for the Principal Structure
    - b. 10 feet for an Accessory Structure
  7. The minimum Rear Yard Setback shall be:
    - a. 50 feet for the Principal Structure
    - b. 25 feet for an Accessory Structure
  8. The maximum Building Height shall be 35 feet.
  9. Each Single Family Dwelling in the R-1 District shall have a Minimum Livable Floor Area of 2,000 square feet.

- B. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the R-1 – Residential Estate District.

**CHAPTER 1252**  
**R-2 – SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT**

- 1252.01 Purpose
- 1252.02 Permitted Uses
- 1252.03 Conditional Uses
- 1252.04 Development Standards

**1252.01 PURPOSE**

The purpose of the R- 2 – Suburban Single Family Residential District is to accommodate single-family residential Developments at low to medium densities consistent with the existing character of the surrounding area. All Lots shall be served with public water and sewer.

**1252.02 PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the R-2 – Suburban Single Family Residential District.

**1252.03 CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the R-2 – Suburban Single Family Residential District.

**1252.04 DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the R-2 – Suburban Single Family Residential District.
  - 1. The Minimum Lot Area shall be 15,000 square feet.
  - 2. The minimum Lot Frontage shall be 100 feet on a dedicated, improved Street or highway.
  - 3. The minimum Depth to Width Ratio shall be 1:1.
  - 4. The maximum Depth to Width Ratio shall be 3:1.
  - 5. The minimum Front Yard Setback shall be 35 feet.
  - 6. The minimum Side Yard Setback shall be:
    - a. 15 feet for the Principal Structure
    - b. 8 feet for an Accessory Structure
  - 7. The minimum Rear Yard Setback shall be:
    - a. 45 feet for the Principal Structure
    - b. 15 feet for an Accessory Structure
  - 8. The maximum Building Height shall be 35 feet.
  - 9. Each Single Family Dwelling in the R-2 District shall have a Minimum Livable Floor Area of 1,500 square feet.

- B. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the R-2 – Suburban Single Family Residential District.

**CHAPTER 1254**  
**R-3 – VILLAGE SINGLE FAMILY RESIDENTIAL DISTRICT**

- 1254.01 Purpose
- 1254.02 Permitted Uses
- 1254.03 Conditional Uses
- 1254.04 Development Standards

**1254.01 PURPOSE**

The purpose of the R-3 – Village Single Family Residential District is to provide for the Development and redevelopment of single family residential Uses within the Village. It is further the intent of this District to create Development standards that mimic traditional Village Development patterns so that the Village character may be maintained throughout these residential areas. These areas shall be served by central water and sanitary sewer systems.

**1254.02 PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the R-3 – Village Single Family Residential District.

**1254.03 CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the R-3 – Village Single Family Residential District.

**1254.04 DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the R-3 – Village Single Family Residential District.
  - 1. The Minimum Lot Area shall be 6,500 square feet.
  - 2. The minimum Lot Frontage shall be 50 feet on a dedicated, improved Street or highway.
  - 3. The minimum Depth to Width Ratio shall be 1:1.
  - 4. The maximum Depth to Width Ratio shall be 3:1.
  - 5. The minimum Front Yard Setback shall be 5 feet.
  - 6. The minimum Side Yard Setback shall be:
    - a. 4 feet for the Principal Structure
    - b. 2 feet for an Accessory Structure
  - 7. The minimum Rear Yard Setback shall be:
    - a. 10 feet for the Principal Structure
    - b. 2 feet for an Accessory Structure
  - 8. The maximum Building Height shall be 35 feet.

9. Each Single Family Dwelling in the R-3 District shall have a Minimum Livable Floor Area of 1,000 square feet.
- B. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the R-3 – Village Single Family Residential District.

**CHAPTER 1256**  
**MRV- MIXED RESIDENTIAL VILLAGE DISTRICT**

1256.01	Purpose
1256.02	Permitted Uses
1256.03	Conditional Uses
1256.04	Maximum Density
1256.05	Dimensional Requirements

**1256.01      PURPOSE**

The purpose of the MRV – Mixed Residential Village District is to permit a range of housing types in a pedestrian-oriented neighborhood with a sense of community and place and to create a mixed residential village character that compliments existing Village Development. These areas shall be served by central water and sanitary sewer systems.

**1256.02      PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the MRV – Mixed Residential Village District.

**1256.03      CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the MRV – Mixed Residential Village District.

**1256.04      MAXIMUM DENSITY**

- A. The maximum overall density of a mixed residential village Development shall be four (4) Dwelling units per acre. This can be achieved by utilizing any combination of permitted Uses developed in accordance with the standards outlined in this Chapter.

**1256.05 DIMENSIONAL REQUIREMENTS**

	Single Family Detached (One Unit Per Lot)	Single-Family Semi-Detached (One Unit Per Lot)	Single Family Attached (One Unit per Lot)	Multi-Family Dwellings
Min. Lot Area	9,000 sq. feet	5,000 sq. feet per Dwelling unit	2,500 sq. feet per Dwelling unit	10,000 square feet per Building with at least 2,500 square feet provided per Dwelling unit.
Min. Lot Width	60 feet	40 feet per Unit	45 feet for end units 24 feet for interior units	100 feet
Required front Façade location, when front Façade faces collector or higher classification Streets	Not less than 30 or more than 40 feet from the ROW as defined on the Thoroughfare Plan	Not less than 30 or more than 40 feet from the ROW as defined on the Thoroughfare Plan	Not less than 30 or more than 40 feet from the ROW as defined on the Thoroughfare Plan	Not less than 30 or more than 40 feet from the ROW as defined on the Thoroughfare Plan
Required front Façade location, when front Façade faces any other Street classification	Not less than 20 or more than 30 feet from the ROW as defined on the Thoroughfare Plan	Not less than 20 or more than 30 feet from the ROW as defined on the Thoroughfare Plan	Not less than 20 or more than 30 feet from the ROW as defined on the Thoroughfare Plan	Not less than 20 or more than 30 feet from the ROW as defined on the Thoroughfare Plan
Min. Side Yard	15 feet	12 feet	12 feet per end unit	15 feet
Min. Rear Yard	25 feet	25 feet	30 feet	30 feet
Min. Building Setback from Residential Tract Boundaries	35 feet	35 feet	40 feet	40 feet
Min. Parking Setback from Residential Tract Boundaries	10 feet	10 feet	15 feet	20 feet
Max. Building Coverage	20%	20%	45%	25%
Max. Impervious Coverage	30%	35%	66%	60%
Min. Green Space in Front Yard	70%	55%	45%	60%
Max. Building Height	35 feet	35 feet	35 feet	35 feet
Max. Units per Building	NA	2	4	8
Min. Distance Between Buildings on the Same Lot	N/A	N/A	N/A	30 feet
Max. Building Length	N/A	N/A	N/A	80 feet



**1256.06 GENERAL REQUIREMENTS.**

- A. All Developments must provide Open Space in compliance with Section 1256.09.
- B. All Developments shall be served by public water and public sewer.

**1256.07 BUILDING DESIGN STANDARDS**

- A. All Dwelling units must have at least one primary entrance in the front Façade. For Single Family Semi-Detached Units, this requirement may be met if at least one of the units has its primary entrance in the front Façade.
- B. All residential Buildings shall have pitched roofs covering at least eighty percent (80%) of the Building with a pitch of at least six (6) vertical inches to every twelve (12) horizontal inches.

**1256.08 PARKING DESIGN STANDARDS**

- A. The required number of Off-Street Parking Spaces shall comply with Section 1272.10.
- B. To ensure Garages and Driveways don't dominate Building design, as seen from the Street, when Garage doors face a Street, the Garage shall comprise no more than thirty percent (30%) of the total area of the front Façade elevation of a Dwelling Unit, measured from ground level to the lower edge of the roof. A Garage door facing a Street shall not exceed a width of ten (10) feet. No more than two (2) Garage doors facing a Street may be located in a row, and such rows of Garage doors must be separated from any other Garage door facing a Street by at least two (2) feet.
- C. Garages for Single Family Detached and Single Family Semi-Detached Units shall meet one of the following design options:
  - 1. The Garage is side entry, so Garage doors are perpendicular or radial to the Street which the front Façade faces.
  - 2. The Garage door is front-entry and set back at least ten (10) feet from the front Façade of the house.
  - 3. The Garage is located behind the rear Façade of the house. This Garage may be detached from or attached to the house, and the Garage doors may face any direction.
  - 4. The Garage is rear entry, so Garage doors are on the opposite side of the house from the front Façade.
- D. Garages for Single Family Attached Units shall comply with the following requirements:

1. Interior Units.

- a. Garages may be located behind the unit or may be located in the front, with the Garage door facing the Street, provided the Garage complies with Section 1256.08.
- b. Two Off-Street unenclosed Parking Spaces may be located in the front yard and must be a designated Driveway or parking surface adjacent to the Structure. All other unenclosed Off-Street Parking Spaces must be located to the rear of the unit or in a common parking to the side of the Building.

2. End Units.

- a. Garages may be located behind the rear Façade of the Dwelling unit or may be side entry so the Garage doors are perpendicular or radial to the Street in which the front Façade faces.
- b. Off-Street unenclosed Parking Spaces may be located to the side or rear yards. They may not be located in front yard areas.

E. Multi-Family Units. Parking Areas and/or garages for all multi-family Buildings may not be located between the front Façade of the Building and Street; instead Parking Areas and/or garages shall meet one of the following requirements:

- 1. The parking, whether consisting of surface spaces or garages, is located behind the rear Façade of the Building or Buildings.
- 2. The parking is in garages located to the side of multi-family Buildings and the Garage doors are side entry, so Garage doors are perpendicular or radial to the Street which the front Façade faces.
- 3. Surface parking may be located to the side of the multi-family Building provided the side of the parking lot facing the Street Frontage(s) is screened by both of the following mechanisms:
  - a. A low architectural wall, no less than three (3) feet and no more than four (4) feet in height (made of brick or stone).
  - b. Screen planting in the form of one (1) canopy tree, two (2) ornamental trees, two (2) evergreen trees, and five (5) shrubs per one hundred (100) linear feet of road Frontage.

**1256.09 OPEN SPACE STANDARDS**

A. The following quantities of Open Space shall be provided by all Developments containing ten or more Dwelling units:

Type of Open Space	Minimum Amount to be Provided
Total Open Space	20% of gross tract area. Total Open Space includes central Open Space.
Central Open Space	15,000 square feet minimum

B. Open Space may consist of Central Open Space, wetlands, storm water retention areas, landscaped medians, cul-de-sac islands, and other similar types of Open Space.

C. No portion of any Building Lot or road right-of-way may be used for meeting the minimum required amount of total Open Space.

D. Central Open Space Requirements.

1. All Central Open Space shall be at least fifteen thousand (15,000) square feet in area and shall comply with the following requirements:
  - a. All units within the Development shall be located within eight hundred (800) feet of the Central Open Space.
  - b. Street trees shall be provided along the perimeter of the Central Open Space areas that border the Streets.
  - c. All portions of the Central Open Space areas, except for those areas under sidewalks, water, furnishings, and recreational Structures, shall be landscaped with trees, shrubs, ground cover, or grass.
  - d. Wetlands and storm water detention areas, except for permanent wet ponds, may not be located in Central Open Space areas used to meet the minimum amount of required Central Open Space. These areas can be utilized to comply with the overall Open Space Requirements as permitted in Section 1256.08(B).

**1256.10 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES**

A. The following methods of ownership may be used for common open lands and facilities, either individually or in combination:

1. Fee Simple dedication to the Village, although the Village need not accept the offer of dedication.

2. Homeowners' or Condominium Association. Open Space and associated facilities may be held by a homeowners or condominiums association.
  3. Transfer of Title to a Private Conservation Organization. With the permission of the Village, an Owner may transfer title to a private, nonprofit organization whose purpose is to conserve Open Space and/or natural resources, provided access to and use of the Open Space for all homeowners in the Development is guaranteed.
  4. Private Landowner. If this form of ownership is used, then a deed restriction and conservation easement permanently restricting the land from further subdivision or Development is required. Access to and use of the Open Space for all homeowners in the Development must be guaranteed before private ownership of the Open Space will be permitted.
- B. Conservation of Open Land. All common open land shall be permanently deed restricted from further subdivision and Development. The deed restrictions shall be reviewed with the land Development process.

**CHAPTER 1258**  
**OI – OFFICE – INSTITUTIONAL DISTRICT**

1258.01	Purpose
1258.02	Permitted Uses
1258.03	Conditional Uses
1258.04	Development Standards

**1258.01      PURPOSE**

This District is established to encourage and provide for the orderly Development of office and institutional Uses in consideration of their unique demands for adequate space and traffic accessibility.

**1258.02      PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the OI – Office – Institutional District.

**1258.03      CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the OI – Office – Institutional District.

**1258.04      DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the OI – Office – Institutional District.
  - 1. There shall be no Minimum Lot Area, however, the Lot size shall be adequate to comply with the Parking and Setback Requirements.
  - 2. There shall be no minimum Lot Width, however, all Lots shall abut a publicly dedicated and improved Street and shall have adequate width to comply with the Setback requirements.
  - 3. The minimum Front Yard Setback shall be 25 feet.
  - 4. The minimum Side Yard Setback shall be 25 feet.
  - 5. The minimum Rear Yard Setback shall be 25 feet.
  - 6. The maximum Building Height shall be 35 feet.
  
- B. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Section 1272.08 of this Zoning Code.
  
- C. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the OI – Office – Institutional District.

**CHAPTER 1260**  
**DMU – DOWNTOWN MIXED USE DISTRICT**

1260.01	Purpose
1260.02	Permitted Uses
1260.03	Conditional Uses
1260.04	Development Standards

**1260.01      PURPOSE**

This District is established to provide for business opportunities within the old village centers while maintaining the existing residential pockets within this District. It is further the intent of this District to maintain the historic character that currently exists within the downtown areas of the Village by promoting the re-use of existing Buildings. The Development standards for this District, however, have been designed to mimic traditional downtown land use patterns should new Development be proposed.

**1260.02      PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the DMU – Downtown Mixed Use District.

**1260.03      CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the DMU – Downtown Mixed Use District.

**1260.04      DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the DMU – Downtown Mixed Use District.
  - 1. There is no Minimum Lot Area required. However the Lot size shall be adequate to comply with the Parking and Setback requirements.
  - 2. There is no minimum Lot Width required. However all Lots shall abut a publicly dedicated and improved Street.
  - 3. The Front Yard Setback shall match the Front Yard Setbacks of the Buildings on both sides. If Buildings do not exist on either side, the Front Yard Setback shall be the average of the nearest five Buildings on each side.
  - 4. There are no minimum Side or Rear Yard Setback requirements. However, any new Structure shall not straddle an existing Lot Line.
  - 5. The maximum Lot Coverage shall be 80 percent of the Lot Area.
  - 6. Individual Uses within the Downtown Mixed Use District shall have a first Floor Area of 5,000 square feet or less.
  - 7. The maximum Building Height shall be 45 feet.

- B. Buildings shall provide a primary pedestrian entrance from the public Street. Primary pedestrian entrances shall not be from an Alley.
- C. The Building shall contain fenestration of at least sixty (60%) percent of the front Façade and comprised of clear windows.
- D. Building mechanicals and utilities must be screened from view at their full height.
- E. Appliance vents, exhaust fans, and similar roof penetrations should be located so as to not be visible from the Street. The placement of mechanical penetrations especially exhaust vents, should consider the visual impacts on nearby residential Uses.
- F. No parking or maneuvering shall be permitted between the Principal Building and the public Street.
- G. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Section 1272.08.
- H. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the DMU – Downtown Mixed Use District.

**CHAPTER 1262**  
**GB – GENERAL BUSINESS DISTRICT**

1262.01	Purpose
1262.02	Permitted Uses
1262.03	Conditional Uses
1262.04	Development Standards

**1262.01 PURPOSE**

This District is established to provide suitable areas for the orderly Development of a broad range of commercial activity. The General Business District is intended to provide for a more intense type of retail and commercial activity than the Downtown Mixed Use District.

**1262.02 PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the GB – General Business District.

**1262.03 CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the GB – General Business District.

**1262.04 DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the GB – General Business District.
  - 1. The minimum Lot Width shall be 80 feet.
  - 2. The minimum Front Yard Setback shall be 25 feet.
  - 3. The minimum Side Yard Setback shall be 15 feet.
  - 4. The minimum Rear Yard Setback shall be 25 feet.
  - 5. The maximum Building Height shall be 45 feet.
  
- B. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Section 1272.08 of this Zoning Code.
  
- C. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the GB – General Business District.



**CHAPTER 1264**  
**LM – Limited Manufacturing District**

1264.01	Purpose
1264.02	Permitted Uses
1264.03	Conditional Uses
1264.04	Development Standards

**1264.01 PURPOSE**

It is the intent of this District to provide for an area where limited industrial Uses may be permitted in close proximity to residential or other similar land Uses. It is further the purpose of this District to allow for more intense industrial land Uses through the conditional Use process where adequate design standards may be applied to help reduce the effects of noise, odor, dust, smoke, glare or other hazards on the adjacent community.

**1264.02 PERMITTED USES**

Only those Uses listed with a “P” in Table 1 of Chapter 1270 shall be permitted in the LM – Limited Manufacturing District.

**1264.03 CONDITIONAL USES**

Only those Uses listed with a “C” in Table 1 of Chapter 1270 shall be considered by the Board of Zoning Appeals as Conditional Uses within the LM – Limited Manufacturing District.

**1264.04 DEVELOPMENT STANDARDS**

- A. The following Lot Area, Frontage and Setback Standards apply to all Lots and Structures within the LM – Limited Manufacturing District.
  - 1. The minimum Lot Width shall be 100 feet.
  - 2. The minimum Front Yard Setback shall be 25 feet.
  - 3. The minimum Side Yard Setback shall be 25 feet, unless located adjacent to a residential District, and then a 50-foot Side Yard Setback shall be required.
  - 4. The minimum Rear Yard Setback shall be 50 feet.
  - 5. The maximum Lot Coverage shall be 80 percent.
  - 6. The maximum Building Height shall be 50 feet.
  
- B. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Section 1272.08 of this Zoning Code.
  
- C. The Development Standards in Chapter 1272 shall apply to all Lots and Structures within the LM – Limited Manufacturing District.

**CHAPTER 1266**  
**(FP) Flood Plain Overlay District**

- 1266.01 Purpose.
- 1266.02 Finding of fact.
- 1266.03 Definitions.
- 1266.04 Scope and application.
- 1266.05 Administration.
- 1266.06 Permitted Uses in the Floodway.
- 1266.07 Prohibited Uses in the Floodway.
- 1266.08 Permitted Uses in the Floodway Fringe.
- 1266.09 Prohibited Uses in the Floodway Fringe.
- 1266.10 Development standards for Flood hazard reduction.

**1266.01 PURPOSE.**

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of Flood waters in the Village of Baltimore by restricting or prohibiting Uses which are dangerous to health, safety of property in times of Flooding or cause excessive increases in Flood heights or velocities, requiring that Uses vulnerable to Floods be protected from Flood damage at time of initial construction, controlling the filling, grading, dredging and other Development which may increase Flood damage, and controlling the alteration of natural Flood plains, stream channels, and natural protective barriers which are involved in the accommodation of Flood waters.

**1266.02 FINDING OF FACT.**

The Flood hazard areas of the Village of Baltimore are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These Flood losses are caused by:

- A. The cumulative effect of obstructions in Flood plains, causing increased Flood heights and velocities.
- B. The occupancy of Flood hazard areas by Uses vulnerable to Floods and which are not adequately elevated or protected from Flood damage.

### **1266.03 DEFINITIONS**

See Chapter 1274.

### **1266.04 SCOPE AND APPLICATION.**

#### **A. Applicable Lands.**

This chapter shall apply to all lands within the Village boundaries shown on the official Zoning District Map within the boundaries containing areas of special Flood hazard and as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map Numbers 39045C0151G, 39045C0152G, 39045C0153G and 39045C0154G all dated January 6, 2012 and any revision thereto as adopted by reference and declared to be a part of this Zoning Code. All lands annexed by, and under the jurisdiction of, the Village are subject to these regulations.

#### **B. Overlay District Designation.**

1. The Flood plain constitutes two overlays which are hereby established for and effective in the Floodway and Floodway Fringe of the Village and which shall be subject to the regulations of this chapter. These overlays, the Floodway overlay and the Floodway Fringe overlay, are detailed on the Flood profile and Flood Insurance Rate Map (FIRM) contained in the Flood Insurance Study (FIS) and are subject to the provisions of this chapter. These two overlays distinguish between the hazards to life and property associated with that portion of the Flood plain required to carry and discharge the waters of a Base Flood (the Floodplain overlay) and the remaining portion of the Flood plain that is subject to inundation during a Base Flood (the Floodway Fringe overlay).
2. Delineation of Floodway and Floodway Fringe Overlay.
  - a. The selection of the Floodway overlay shall be based on the principle that the area chosen for the Floodway must be sufficient to carry the waters of the base Flood without increasing the water surface elevation of that Flood more than one (1) foot at any point within the watercourse or an affected watercourse reach. This Floodway overlay designation is established on the Flood Insurance Rate Map (FIRM).
  - b. The landward boundary of the Floodway Fringe overlay shall be that of the Base Flood. The channelward boundary of the Floodway Fringe overlay shall be that of the abutting Floodway.
  - c. Warning and Disclaimer of Responsibility. The degree of Flood protection required by this Zoning Code is considered reasonable for regulatory purposes. Larger Floods may occur or Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Zoning Code does not imply that areas outside

the Flood Plain Overlay District boundaries or land Uses permitted within such District will be free from Flooding or Flood damages. This Zoning Code shall not create liability on the part of the Village of Baltimore or any officer or employee thereof for any Flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

- d. Abrogation. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **1266.05 ADMINISTRATION.**

##### **A. Flood Plain Development Permit.**

A Flood plain Development permit shall be obtained before the Start of Construction or Development of land in the Flood Plain Overlay District. This permit shall be in addition to the Zoning Permit required in Chapter 1234.02 of this Zoning Code. Application for a Flood plain Development permit shall be made concurrently with the application for a Zoning Permit, on forms as furnished by the Zoning Administrator.

##### **B. Contents of Application for Flood Plain Development Permit.**

The application for a Flood plain Development permit shall contain the following information:

1. Plans in duplicate drawn to scale showing the location, dimensions, and topography of the area in question, existing and proposed Structures, fill, storage of materials, drainage facilities and the location of the foregoing.
2. Elevation in relation to mean sea level of the lowest floor, including Basement of all proposed Structures.
3. Elevation in relation to mean sea level to which any proposed Structure will be Floodproofed.
4. Certification by a registered professional engineer or architect that the Floodproofing methods for any Structure meet the Floodproofing criteria in Section 1266.10.
5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed Development that the Flood carrying capacity of the watercourse will not be diminished.
6. Base Flood elevation data as provided by the Federal Emergency Management Agency. If such Base Flood elevation data is not available from that source, the

applicant shall provide Base Flood elevation data available from another federal or state agency, or the Fairfield County Regional Planning Commission. Where such Base Flood elevation data is not available from any other source, the applicant can supply the Base Flood elevation data in accordance with a hydrologic and hydraulic engineering analysis, performed and certified by a professional engineer, who shall demonstrate that the technical methods used correctly reflect currently accepted technical practices.

7. Other information as requested by the Zoning Administrator to determine conformance with this Zoning Code.

8. Application fee, as established by separate ordinances.

C. Exemption from Filing a Flood Plain Development Permit.

An application for a Flood plain Development permit shall not be required for maintenance work such as roofing, painting, Basement sealing; or for small Development activities (except for grading and filling) valued at less than five thousand dollars (\$5,000.00).

D. Duties and Responsibilities of Zoning Administrator.

The duties of the Zoning Administrator, in processing the Flood plain Development permit, shall include the following. In the performance of these duties, the Zoning Administrator may receive input from the Chairperson of the Planning and Zoning Commission, and the Village Engineer, as needed:

1. Review all Flood plain Development permits to assure that the requirements of this chapter have been met.
2. Review all Flood plain Development permits to assure that all necessary permits have been received from those federal, state, and local agencies from which prior approval is required.
3. Review all Flood plain Development permits involving alterations or relocations of watercourses to assure that the Flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
4. Review all Flood plain Development permits to determine if the proposed Development is located within the Floodway component of the Flood Plain Overlay District. If the proposed Development is located within the designated Floodway as shown on the Flood Boundary and Floodway Map, assure that the Encroachment provisions of Section 1266.06(C) are complied with.
5. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management

Agency.

6. Obtain and maintain all information concerning actual elevation of new or Substantially Improved Structures.
7. Enforce the provisions of this Chapter.
8. Provide information, testimony, or other evidence as needed during Variance hearings.
9. Inspect Building and lands to determine whether any violations of these regulations have been committed.
10. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special Flood hazard areas, determinations of whether Development is in or out of special Flood hazard areas for the purpose of issuing Floodplain Development permits, elevation certificates, Variances, and records of enforcement actions taken for violations of this chapter.

E. Variances and Appeals.

The Board of Zoning Appeals shall hear and decide Appeals and requests for Variances from the requirements of this chapter, in conformance with the criteria, standards, and procedures stated in Chapter 1240 of this Zoning Code. In deciding Appeals and Variances from the requirements of this chapter, the Board of Zoning Appeals shall consider the following items in addition to the criteria stated in Chapter 1240:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to Flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual Owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed Use that are not subject to Flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed Use with existing and anticipated Development.

8. The relationship of the proposed Use to the comprehensive plan and Floodplain management program for that area.
9. The safety of access to the property in times of Flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the Floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and Streets and bridges.

In addition, a Variance shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the Variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of this chapter does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a Variance will not result in increased Flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the Structure or other Development is protected by methods to minimize Flood damages.
5. A determination that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.
6. The importance of the services provided by the proposed facility to the community.
7. The availability of alternative locations for the proposed Use which are not subject to Flooding or erosion damage.
8. The necessity to the facility of a waterfront location, where applicable.
9. The compatibility of the proposed Use with existing and anticipated Development.
10. The relationship of the proposed Use to the land use plan and Flood plain

management program for that area.

11. The safety of access to the property in times of Flood for ordinary and emergency vehicles.
12. The expected heights, velocity, duration, rate of rise, and sediment transport of the Flood water and the effects of wave action, if applicable, expected at the site.
13. The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and Streets and bridges.
14. No Variance shall be issued within the Floodway if any increase in Flood levels during the Base Flood discharge would result.

#### **1266.06 PERMITTED USES IN THE FLOODWAY.**

- A. Within a Floodway, no Buildings or Structures shall be used and no Buildings or Structures shall be erected, constructed, altered or enlarged for any purpose and no premises shall be used which are arranged, intended, or designed to be used for other than one of the following Uses as permitted by the underlying zoning District:
  1. Agricultural Use.
  2. Public or private recreational Use.
  3. Public or private water oriented facility for recreational or navigational Use and water measuring or control device.
  4. Public utility such as an underground culvert or pipe, Street or railroad not requiring fill, and watercourse crossing bridge or transmission line above the Flood protection elevations.
- B. No Building, alteration of an existing Building, Structure or other Encroachment, whether public or private, shall be permitted in the Floodway which acting alone or in combination with existing or reasonably anticipated Uses would impair the designated Floodway's ability to carry and discharge the water resulting from the Base Flood.
- C. No Structure with Uses listed in Section 1266.06(A)(1-4), including the supporting members of bridges and other public facilities crossing a watercourse, shall be permitted unless an engineering analysis by a registered engineer demonstrates that Encroachment will not result in any increase in the water surface elevation during the base Flood.
- D. Any Building expansion or Structure in addition to being Floodproofed in accordance with Section 1266.10 shall meet the following requirements:



1. Have a low Flood damage potential.
2. Be located on the site outside the Floodway whenever possible.
3. Be aligned so as to minimize its potential as an obstruction to the flow of water.
4. Minimize the barrier effect of appurtenant works such as Fences and walls.
5. Maintain the terrain.

**1266.07 PROHIBITED USES IN THE FLOODWAY.**

- A. Within the Floodway no Building, Structure or premises shall be used, and no Building or Structure shall be erected which is designed to be used for overnight accommodations by human habitants.
- B. Any alteration of the Floodway terrain through the shifting, addition or removal of material acting alone or in combination with other reasonably anticipated alterations would impair the designated Floodway's ability to carry and discharge the waters resulting from the Base Flood is prohibited. The applicant shall provide an engineering analysis performed in accordance with standard engineering practices for any proposed alteration of the Floodway terrain.
- C. Storage of hazardous material.

**1266.08 PERMITTED USES IN THE FLOODWAY FRINGE.**

- A. Any Use expressly permitted by the underlying zoning District is also permitted in the Floodway Fringe.
- B. Any Building, Structure or premises located on any portion of any parcel that is within, or partially within, the Floodway Fringe shall be erected, arranged or designed to be used as specified by the underlying zoning District and in accordance with the following specifications:

1. Residential.

Each residential Building or alteration of an existing residential Building shall be elevated such that the lowest floor, including the Basement, cellar or crawl space, is equal to or above the Flood Protection Elevation for the site. A residential Building shall have a means of ingress and egress to land outside the Flood plain that is above the Flood Protection Elevation and substantial enough for both pedestrian and vehicular access during a Base Flood.

2. Commercial, manufacturing and other.

New construction of, or Substantial Improvement to, any Building, Structure or appurtenant work shall be elevated as provided for in Section 1266.08(B)(1), or, together with attendant utility and sanitary facilities, shall be Floodproofed as provided in Section 1266.10 to a point at or above the Flood Protection Elevation. Accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations.

3. Public Streets.

Public Streets shall be at a point equal to or above the Flood Protection Elevation, or in developed areas shall meet the maximum elevation already established.

4. Railroads, transmission lines, pipes, well fields and related facilities.

Protection to a point equal to or above the Flood Protection Elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area.

5. Storage of material.

Material that, in time of Flooding, is buoyant, flammable, explosive or could be injurious to human, animal or plant life shall be stored at or above the Flood Protection Elevation, Floodproofed or protected by structural measures consistent with the standards set forth in Section 1266.10.

6. Utilities.

Any new or replacement water supply system or sanitary sewage system shall be designed to minimize or eliminate infiltration of Flood waters into the system. Any new or replacement sanitary sewage system shall also be designed to minimize discharge from the system into Flood waters. An on-site waste disposal system shall be located so as to avoid impairment or contamination during Flooding.

**1266.09 PROHIBITED USES IN THE FLOODWAY FRINGE.**

- A. Within the Floodway Fringe no Building, Structure or premises shall be used and no Building or Structure shall be erected in such a manner as to result in an Encroachment into the Floodway.
- B. Landfill is prohibited in the Floodway Fringe unless associated with a specific site Development the extent of which shall be fully detailed on the application for a Certificate of Zoning clearance and the certificate issued therefore.

**1266.10 DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.**

- A. General Standards.

The following development standards apply to all areas within the Floodway Fringe:

1. Anchoring.
  - a. All new construction and Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. All Manufactured Homes not otherwise regulated by the Ohio Revised Code pertaining to Manufactured Home Parks shall be anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Construction materials and methods.
  - a. All new construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to Flood damage.
  - b. All new construction and Substantial Improvements shall be constructed using methods and practices that minimize Flood damage.
  - c. All new construction and Substantial Improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding.
3. Utilities.
  - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Floodwaters into the system.
  - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Floodwaters into the systems and discharge from the systems into Floodwaters.
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.
4. Subdivision proposals.
  - a. All subdivision proposals, including Manufactured Home Subdivisions,

shall be consistent with the need to minimize Flood damage.

- b. All subdivision proposals, including Manufactured Home Subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.
- c. All subdivision proposals, including Manufactured Home Subdivisions, shall have adequate drainage provided to reduce exposure to Flood damage.
- d. All subdivision proposals, including Manufactured Home Subdivisions, shall meet the specific standards of Section 1264.04.

5. Residential construction.

New construction and Substantial Improvement of any residential Structure, including Manufactured Homes, shall have the lowest floor, including Basement, elevated to or above the Flood Protection Elevation. Where Flood protection data are not available, the Structure shall have the lowest floor, including Basement, elevated at least two feet above the highest adjacent natural Grade.

6. Nonresidential construction.

New construction and Substantial Improvement of any commercial, industrial or other nonresidential Structure shall either have the lowest floor, including Basement, elevated to the level of the Flood Protection Elevation; or where Flood protection data are not available, the Structure shall have the lowest floor, including Basement, elevated at least two feet above the highest adjacent natural Grade; or, together with attendant utility and sanitary facilities, shall:

- a. Be Floodproofed so that below the Flood protection level the Structure is watertight with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection.

7. Manufactured Home Standards.

The following standards shall apply to all new and Substantially Improve Manufactured Homes not subject to the Manufactured Home requirements of Ohio R.C. 3733.01.

- a. Manufactured Homes shall be anchored in accordance with Section

1266.10(A)(1) of this Chapter.

- b. Manufactured Homes shall be elevated on a permanent foundation such that the lowest floor of the Manufactured Home is at or above the base Flood elevation.

8. Enclosures Below the Lowest Floor.

The following standards apply to all new and Substantially Improved residential and nonresidential Structures which are elevated to the Base Flood elevation using pilings, columns or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, Building access or storage in an area other than a Basement and which are subject to Flooding shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Floodwaters. Designs for meeting this requirement shall:

- a. Be certified by a registered professional engineer or architect; or
- b. Must meet or exceed the following criteria:
  - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided.
  - 2. The bottom of all openings shall be no higher than one foot above Grade. Openings may be equipped with screens, louvers, valves or other openings provided that they permit the automatic entry and exit of Floodwaters.
  - 3. Any enclosure which meets these criteria shall be considered as having met the requirements of division Section 1266.10(A)

**CHAPTER 1268  
PLANNED UNIT DEVELOPMENT**

1268.01	Purpose
1268.02	Conflict
1268.03	Development Plan Required
1268.04	Development Plan Review
1268.05	Permitted Uses
1268.06	Development Standards
1268.07	Zoning Permit
1268.08	Modification to Approved Development Plan
1268.09	Expiration

**1268.01 PURPOSE**

The purpose of the Planned Unit Development (PUD) is to provide a means of Development that is flexible and innovative when Development of a site by standard, more rigid, conventional zoning District regulations may produce a less desirable result.

PUDs are promoted in the Village of Baltimore as a way for the Village to encourage high quality Development focused on efficient Use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful Open Space; and to create better living, working, and shopping environments.

**1268.02 CONFLICT**

Wherever there is a conflict or difference between Chapter 1268 and other Chapters within the Village of Baltimore Zoning Code, the provisions of Chapter 1268 shall prevail for the Development of land within the PUD District. Subjects not addressed within Chapter 1268 shall be governed by the respective provisions found elsewhere in this Ordinance.

**1268.03 DEVELOPMENT PLAN REQUIRED**

Planned Unit Development (PUD) Districts shall be approved as a District on the Zoning Map in accordance with the procedures set forth in Chapter 1246. It is the intent of this Chapter 1268 to incorporate the review and approval of a Development plan with the amendment process. In addition to the items required in Chapter 1246, the applicant shall submit a written statement from the property Owners setting forth the reasons why, in the applicant's opinion, the Planned Unit Development would be in the public interest and would be consistent with the stated intent of these Planned Unit Development standards. The application shall also be accompanied by a Development plan for the entire tract to be rezoned drawn to scale showing:

- A. Layout of proposed Lots and Building Lines, indicating Dwelling unit types and the total number of Dwelling units proposed in the Development plan.

- B. Layout, dimensions, and names of existing and proposed Streets and rights-of-way.
- C. Existing topography at two (2) – foot or five (5) – foot intervals.
- D. Location, type, and size of commercial Uses.
- E. Utility easements.
- F. Any existing features on the tract of land to be rezoned to PUD, including, but not limited to existing water bodies, Buildings, utilities, rights-of-way or Streets, easements, wetlands, parks, wooded areas, and other significant topographic or natural features.
- G. Proposed parks, community spaces, and Open Spaces and any proposed amenities included within these areas.
- H. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
- I. Any proposed Landscaping.
- J. Any proposed signage.
- K. The proposed schedule of site Development.
- L. Name, address (es), and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the Development plan.

**1268.04 DEVELOPMENT PLAN REVIEW**

The Development plan shall be made available for viewing at the public hearings required in the rezoning process. Prior to the Planning and Zoning Commission making its recommendation to the Village Council, the Commission shall determine if the facts submitted with the application/Development plan and presented establish that:

- A. The site has been designed in the most efficient manner possible. Maintaining community character and compatibility with neighboring as well as nearby land uses.
- B. The proposed roads will be able to carry the traffic generated by the Development.
- C. The proposed Development will not be detrimental to the existing road networks outside of the proposed District.
- D. The Development has been designed in a manner that protects existing critical resources and creates new, usable Open Space, and facilitates pedestrian and vehicular connectivity and circulation.

The Ordinance passed by the Village Council approving the rezoning application shall incorporate the Development plan, including any conditions that may be imposed by the Village Council. Any violation of such conditions when made part of the terms under which the Development plan is approved, shall be deemed a violation of this Ordinance and subject to the provisions of Section 1234.04.

**1268.05 PERMITTED USES**

**See Chapter 1270 Permitted and Conditional Use Table 1**

**1268.06 DEVELOPMENT STANDARDS**

A. Arrangement of Areas.

The location and arrangement of various densities within the PUD shall be distributed so that the more intense Uses are balanced with Open Space and less intense Uses. Less intense Uses and Open Spaces should be placed around critical resource area, such as existing water bodies, drainage patterns, wetlands, wooded areas, etc.

B. Open Space.

A minimum of twenty (20) percent of the gross acreage of the tract of land shall be set aside as common Open Space. Yard space on individual Lots shall not count towards the Open Space requirements. Open Space shall be placed within a reserve or protected by deed, easements, or covenants. Open Space shall be owned and maintained in accordance with Section 1268.07.

C. Lot Area.

No Minimum Lot Area shall be required for an individual unit.

D. Setbacks.

Minimum front, side and rear setbacks for individual Lots within the PUD shall be determined by the approved Development plan.

E. Height.

No Structure within a PUD shall exceed thirty – five (35) feet in Height.

F. Utilities.

Potable water and adequate sewage facilities shall be provided to accommodate the Development.

G. Signs.



Only those Signs approved within the Development plan shall be permitted within the PUD, except for temporary Signs, which shall be regulated by Section 1272.14.

H. Parking.

Parking, unless otherwise approved with a Development plan, shall be provided in accordance with Section 1272.10.

I. Landscaping.

The Village Council, upon recommendation from the Planning and Zoning Commission, may require Landscaping for non-single – family Developments within the PUD. The required Landscaping shall be as approved by the Development plan.

**1268.07 OWNERSHIP AND MAINTENANCE OF OPEN SPACE**

A. Maintenance

1. Open Space shall be maintained so as to not allow the growth of noxious weeds and invasive plant species and shall be kept free of litter, garbage, peelings of fruits or vegetables, rubbish, ashes, cans, bottles, wires, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil or anything else of an unsightly or unsanitary nature.

B. Ownership.

1. Open Space within the PUD may be owned by an Association, a Land Trust, or other conservation organization recognized by the Village, or by a similar entity approved by the Village Council as part of the rezoning to the PUD designation. The ownership of the Open Space shall be specified in the Development Plan and shall be subject to the approval of the Village.

C. Associations.

The Open Space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity.

1. A Condominium Association may be either an unincorporated Association or an Ohio nonprofit corporation. A Homeowners' Association shall be an Ohio nonprofit corporation.
2. A Condominium Association shall be organized by the Developer as provided for in ORC Section 5311.08, and to the extent permitted by statute, shall be operating with financial subsidization by the Developer prior to the sale of any condominium units. A Homeowners' Association shall be organized by the

Developer and operating with financial subsidization by the Developer before the sale of any Lots within the development.

3. At the time of Development Plan approval, the applicant shall provide the village's legal advisor with copies of the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations/Deed Restrictions (for a Homeowners' Association), as well as any other documents ensuring compliance with these requirements. No Development Plan shall be approved without a written opinion by the village's legal advisor that these submitted documents demonstrate full compliance with the provisions of this Section in that these documents, read in their entirety, contain appropriate provisions implementing all of the requirements of this Section.
  - a. Memberships, as applicable, in the Homeowners' Association or the Condominium Association shall be mandatory for all purchasers of Lots in the development or units in the condominium. The conditions and timing of transfer of control from the Developer to the unit or Lot owners shall be either as provided for by statute (Condominium Association) or as specified in the Association's Declaration or Code of Regulations (Homeowners' Associations).
  - b. The Homeowner's or Condominium shall not authorize its dissolution or the sale, transfer or other disposal of any Open Space within the approved Development Plan without: an affirmative vote of seventy-five (75) percent of its members, having established a successor entity to take over and maintain said property pursuant to this Ordinance, and the approval of the Village Council.
4. The Homeowners' or Condominium Association shall:
  - a. Be responsible for maintenance, control and insurance of the Open Space.
  - b. Have the right to impose assessments on members, enforceable by liens against their individual properties, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the Open Space.
  - c. Have the authority to enforce reasonable rules and regulations governing the use of and payment of assessment for maintenance, control and insurance of the Open Space by such means as reasonable monetary fines, suspension of the right to vote and the right to use any recreational facilities in the Open Space, the right to suspend any services provided by the Association to any owner, and the right to exercise self-help to cure violations.

- d. It shall be the responsibility of the Association to maintain the Open Space and to make necessary improvements affecting the public health, safety, and welfare and per the provisions of 1268.07A.
- e. The Bylaws, Code of Regulations, and any other final covenants and restrictions and maintenance agreements shall give the majority of the members of the Association the right to force the Association to maintain the Open Space through any legal means available including but not limited to filing suit against and instituting removal procedures against the Association's governing body. The failure of the Association or other organization or entity responsible for maintaining and operating the Open Space, to maintain said Open Space in reasonable order and condition in accordance with the Development Plan, shall constitute a violation of both the Development Plan and this Zoning Ordinance.
- f. The Association shall convey to the village or any other appropriate governmental bodies the right, after proper notice, to enter any Open Space for emergency health and safety purposes.

#### **1268.08 ZONING PERMIT**

The Zoning Administrator shall not issue a Zoning Permit for any Structure in any portion of a PUD for which a plat is required by the Village of Baltimore Subdivision Regulations until the plat has been approved by the Village Planning and Zoning Commission, certified by the Village Council, and is recorded. All Structures shall also comply with the approved Development plan. Any modifications to a Development plan approved by the Village Council must be approved by the Village Council in accordance with Section **1268.08**.

#### **1268.09 MODIFICATIONS TO AN APPROVED DEVELOPMENT PLAN**

The Village Council may approve minor modifications to an approved Development plan without a public hearing. If major modifications are proposed, such as a substantial change in Use, density, Open Space, layout of roads, access points, etc., the Village Council shall require the modification to be considered through the public hearing process followed in the original application for rezoning.

#### **1268.10 EXPIRATION**

If construction has not commenced within two (2) years of Development plan approval, the Development plan shall be void and a new Development plan shall be approved through the process followed in the original application for rezoning, unless an extension is granted by the Village Council.

**CHAPTER 1270  
PERMITTED AND CONDITIONAL USE TABLE 1**

	<b>A</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>MRV</b>	<b>OI</b>	<b>DMU</b>	<b>GB</b>	<b>LM</b>
Agricultural	P								
Single Family Detached	P	P	P	P	P		P		
Single Family Semi-Detached					P		P		
Single Family Attached					P		P		
Multi-Family Dwellings					P		P		
Adult Family Home	P	P	P	P	P		P		
Adult Group Home				C	C	P	C		
Residential Care Facility - Small	P	P	P	P	P	P	P	P	
Residential Care Facility – Large				C	C	P	P	P	
Residential Facility – Type A	P	P	P	P	P	P	P	P	
Residential Facility – Type B				C	C	P	P	P	
Bed and Breakfast	C	C	C	C	C		C		
Accessory Uses	P	P	P	P	P		P		
Home Occupations	P	P	P	P	P		P		
<b>Business Related Uses</b>									
Animal Service Facilities	P						C	P	
Kennels	P							P	
Administrative Offices						P	P	P	
Professional Offices						P	P	P	
Medical and Dental Offices						P	P	P	
Government Offices						P	P	P	
Research and Development Facilities						P			P
Funeral Services without Crematorium						P	C	P	
Funeral Services with Crematorium						C		C	C
Neighborhood Retail Uses (No Drive Thru)				C			P	P	P
Medium Retail Uses (No Drive Thru)								P	P

	<b>A</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>MRV</b>	<b>OI</b>	<b>DMU</b>	<b>GB</b>	<b>LM</b>
Large Business Retail Uses								C	P
Wholesale Business Uses								C	P
Personal Care Services (No Drive Thru)				C			P	P	
Bars and Nightclubs							P	P	
Restaurant (No-Drive Thru)							P	P	
Financial Businesses (No-Drive Thru)							P	P	
Auto-Oriented Commercial Facilities							C	C	
Equipment rental or leasing (no outside storage)								P	
Automobile Sales Area								P	
Hotels and Motels								P	
Outdoor Service Facilities							C	C	C
<b>Recreational and Entertainment Uses</b>									
Outdoor Recreation Facilities		C	C	C	C		C	P	
Indoor Recreation Facilities							C	P	
Neighborhood Parks	P	P	P	P	P		P	P	
Private Family Swimming Pools	P	P	P	P	P		P		
Airports								C	
<b>Manufacturing</b>									
Manufacturing Uses									C
Contractor Offices									P
Warehousing									P
Distribution									P
Maintenance and Storage Facilities (Including Self Service Storage)									C
Junk Yards and Scrap Metal Processing Facilities									C

	<b>A</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>MRV</b>	<b>OI</b>	<b>DMU</b>	<b>GB</b>	<b>LM</b>
<b>Institutional</b>									
Churches or other places of assembly		C	C	C			P	P	
Child Care Facilities				C	C	P	P		
Family Day Care Home - Type A	C	C	C	C	C		C		
Family Day Care Home - Type B	P	P	P	P	P	P	P		
Elementary and Secondary Schools	C	C	C	C	C	P			
High School	C	C	C	C	C	P			
Business, technical, or trade schools; college or university						P			
Educational Support Services						P			
Libraries, museums, art galleries		C	C	C	C	P	P		
Cemeteries	P	C	C	C					
<b>Miscellaneous</b>									
Building Mounting Solar Energy Systems	P	P	P	P	P	P	P	P	P
Accessory Wind Energy Systems	P	P	P	P	P	P	P	P	P
Small Wind Farm						C		C	C
Adult Entertainment Businesses									C
Attached Telecommunication Towers	P	P	P	P	P	P	P	P	P
Free Standing Telecommunication Towers	C	C	C	C	C	C	C	C	C

**CHAPTER 1272  
GENERAL DEVELOPMENT STANDARDS**

1272.01	Purpose
1272.02	Building Size, Lot Area, Yard Requirements, Height Limits
1272.03	Accessory Structures
1272.04	Construction in Easements
1272.05	Fences
1272.06	Home Occupations
1272.07	Junk
1272.08	Landscaping
1272.09	Objectionable, Noxious or Dangerous Uses, Practices or Conditions
1272.10	Off-Street Parking and Loading Standards
1272.11	Portable Home Storage Units
1272.12	Principle Building Per Lot
1272.13	Satellite Dish Antennas
1272.14	Sign Regulation
1272.15	Site Lighting
1272.16	Solar Panels
1272.17	Swimming Pool Requirements
1272.18	Visibility at Intersections
1272.19	(Accessory) Wind Energy Conservation Systems
1272.20	Urban Chickens

**1272.01      PURPOSE**

The purpose of the General Development Standards is to promote the public health, safety, and welfare and to establish regulations that generally apply to all Development within the Village.

**1272.02      BUILDING SIZE, LOT AREA, YARD REQUIREMENTS, HEIGHT LIMITS**

- A.    The Minimum Lot Area, Yard Setbacks, and Height Limits shall be as established and listed within the applicable District.
  
- B.    Measurements.
  - 1.    The Front Yard Setback shall be measured from the Right-Of-Way Line of the existing dedicated Street Right-of-Way on which the Lot fronts. If a Lot fronts on a Street within the Right-of-Way easement (rather than dedicated Right-of-Way), then the Front Yard Setback shall be measured from the Right-of-Way easement line, provided there is a minimum Right-of-Way of sixty (60) feet. In the case where the Right-of-Way is less than sixty (60) feet, the Front Yard Setback shall be measured from a point thirty (30) feet from the centerline of the Street.

If the existing Right-of-Way width is less than the proposed Right-of-Way width on the Village's Thoroughfare Plan, then the Front Yard Setback shall be measured from the Right-of-Way as proposed in the adopted Village Thoroughfare Plan.

2. The Side Yard Setback shall be measured from the nearest Side Lot Line.
3. The Rear Yard Setback shall be measured from the Rear Lot Line.

C. Exceptions to Yard Setback Requirements.

1. A wall or Fence not over six (6) feet high may be erected in any required Setback, except a Front Yard Setback in which case the height of the wall or Fence shall not be over three (3) feet. If the wall is a retaining wall, the height shall be measured on the highest (Fill) side. No wall, Fence, tree or foliage shall be maintained on a Lot that will materially obstruct the view of a driver of a vehicle.
2. Eaves, cornices, window sills, bay windows, chimneys and other similar architectural features may project into any required Setback for a distance not to exceed three feet except however that such features in their aggregate do not occupy more than one-third (1/3) of the length of the Building wall on which they are located.
3. Steps, open and uncovered porches, decks, or other similar features where the top of said feature is not over three and one-half (3 ½) feet in height above the average Finished Grade may project into a Setback for a distance not to exceed five (5) feet, and no permit is required.
4. Driveways in all Districts except the MRV District shall be permitted in a required Setback, but shall be three feet or more from any Lot Line, except where such Driveways are developed jointly as a Common Drive to adjoining Lots. Driveways in the MRV District shall comply with the requirements in Section 1256.08.

D. Height Exceptions.

1. The height requirements shall not apply to chimneys, cupolas, domes, spires, or other similar architectural features.

**1272.03 ACCESSORY STRUCTURES AND DECKS (OVER 3 ½ FEET IN HEIGHT ABOVE THE AVERAGE FINISHED GRADE)**

A. Zoning Permit Required.

A Zoning Permit is required for any construction or addition of an Accessory Structure that is greater than one hundred (100) square feet in area and such Structures shall comply with the



regulations of this section. Any Accessory Structure under one hundred (100) square feet in area is exempt. All Zoning Permits must be filed in accordance with Section 1234.02. A Zoning Permit is required for any deck where the top of the deck is greater than three and one-half (3 ½) feet above the height of the average finished Grade. Such decks must only comply with subsection G herein.

B. Applicability.

The purpose of this section is to regulate and control the size, type, location, and operation of Accessory Structures in residential zoning Districts. These standards shall apply to all Accessory Structures, except Private Family Swimming Pools, which are regulated by Section 1272.17. Unless otherwise specified, Accessory Structures shall be permitted on a Lot in a residential zoning District in association with a principal Use or Structure provided the Accessory Structure meets the requirements of this section and the Development standards, in particular, Lot Coverage of the applicable residential zoning District. In the event of a conflict between the Development standards in this section and the Development standards in the applicable Use District, the standards of this section are to be used.

C. Location.

1. All Accessory Structures shall be located completely to the rear of the Principal Structure.
2. The Accessory Structure shall comply with the applicable setback requirements for Accessory Structures as listed within the applicable District.
3. Accessory Structures shall be no closer than ten (10) feet from any part of the Principal Structure.

D. Number.

1. The cumulative area of accessory structures shall not exceed one thousand (1,000) square feet or ten (10) percent of the lot area, whichever is smaller.
2. If ten (10) percent of the lot size is less than five hundred and eighty (580) square feet, a lot shall be permitted to have one accessory structure up to five hundred and eighty (580) square feet.

E. Size and Height.

1. Any Accessory Structure covered by an Impervious roof or consisting of an Impervious or paved surface shall meet the Lot Coverage requirement of the applicable District. In addition, the maximum permitted area of an Accessory Structure placed on a Lot in a residential zoning District shall be based on the following requirements:

- a. Lots less than twenty thousand (20,000) square feet: An Accessory Structure shall be no larger than seven hundred twenty (720) square feet, shall contain no more than one story, nor shall it exceed the total height of fifteen (15) feet as measured from the Grade at the lowest entrance to the top of the roof. No door serving the Accessory Structure shall exceed nine (9) feet in height.
- b. Lots of 20,000 square feet or greater: An Accessory Structure shall be no larger than 1,200 square feet and shall not exceed a height of 25 feet as measured from the Grade at the lowest entrance to the top of the roof.

F. Maintenance.

Accessory Structures shall be maintained in good condition and kept secure from the deteriorating effects of natural elements.

G. Decks.

Decks shall comply with this subsection, when the top of said deck is greater than three and one half (3 ½) feet above the average finished Grade. Such decks must be no closer than ten (10) feet from the rear property line.

**1272.04 CONSTRUCTION IN EASEMENTS**

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent Building or Structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction or flow of drainage channels within the easement. The easement area of each Lot, and any improvements within it, shall be maintained continuously by the Owner of the Lot, except for those improvements for which a public authority or a utility is responsible.

**1272.05 FENCES**

A. Applicability.

The section applies to all Fences in all Districts within the Village of Baltimore.

B. Permit Required.

Notwithstanding Section 1272.05(C), no Fence shall be constructed, altered or reconstructed without a Zoning Permit from the Zoning Administrator and after such application has been approved.

C. Exceptions for Temporary Fences.

The following temporary Fences shall be exempt from the provisions of this section:

1. Temporary construction Fences when such Fence is indicated as such on an approved Development plan.
2. Temporary Fences used for Special Events and shown on an approved plot plan for said event.
3. Temporary snow Fences installed by any Government agency.
4. Temporary Fences installed for the protection of the public from any obvious danger.

D. Types of Fences Prohibited.

1. Chain link, mesh wire, barbed wire or similar sharp point Fences are prohibited. Except, however, galvanized chain link Fence with rolled over top wires with a top horizontal support tube will be permitted in any residential District, other than the Planned Unit Development.
2. Electrically charged Fences shall be forbidden in all Districts except on sites of more than ten (10) acres to confine livestock.

E. Fence Height.

1. Any Fence located to the side or rear of a Principal Structure shall not exceed six (6) feet in height. Any Fence that extends in front of a Principal Structure shall not exceed three (3) feet in height. Such Fences may be used to enclose the entire perimeter of a Lot
2. These height requirements shall not apply to Fences around Private Family Swimming Pools. In such cases, Section 1272.17 shall apply.

F. Other Fence Requirements.

1. All Fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the Fence and the property line shall be well maintained.
2. All Fences and walls must present the finished non-structural face outward so that the finished side is facing the public right-of-way or neighboring Lots.
3. No Fence or wall may be placed within the sight visibility triangle defined in Section 1272.18.

4. No Fence or wall shall be permitted to encroach upon public rights-of-way or easements.
5. No Fence shall be constructed on the Lot Line. All Fences shall be a minimum of one (1) foot from the Lot Line.
6. No Fence or wall shall be constructed in any platted no-build zone, conservation/no disturb zone, Floodway, Floodplain or drainage easement for any parcel or subdivision, which would be detrimental to the public health, safety and welfare. All portions of the property shall remain accessible from outside the Fence area by means of a gate or other opening.
7. The material for a Fence must be the same for the entire rear yard. A second material may be permitted for the front yard. Changes in the types of materials utilized may only take place along the Side Lot Lines at some point between front and rear of the principal Structure.
8. Guard rails shall not be used as a Fence.
9. No Fence shall be constructed in the absence of surveyor pins being directly visible on the site. If the surveyor pins are not directly visible on the site, a survey must be done at the Owners' expense.

G. Inspections.

It shall be the duty of each property Owner to determine Lot Lines and to ascertain that the constructed Fence does not deviate from the plans approved by the Village, and that such Fence does not encroach upon another Lot nor is it in violation of any deed restrictions. The Village shall furnish such inspection as is deemed necessary to determine that the Fence is constructed in accordance with plans submitted with the approved Zoning Permit. However, the issuance of the permit by the Village shall not be construed to mean that the Village has determined that the Fence is not encroaching upon another Lot, nor shall it relieve the property Owner of the duty imposed upon him herein.

**1272.06 HOME OCCUPATIONS**

A. Applicability.

If a Home Occupation complies with the following criteria, it shall be permitted as an Accessory Use in residential Districts.

B. Location.

A Home Occupation shall be conducted entirely within a Dwelling Unit and shall be clearly subordinate to the Use of the Dwelling Unit. Home occupations shall not be conducted within Accessory Structures, such as Garages or sheds, on the Lot.

C. Standards.

All Home Occupations shall comply with the additional standards below:

1. The appearance of the Dwelling Unit in which the Home Occupation is conducted shall not be altered or the occupation within the Dwelling Unit shall not be conducted in a manner which would cause the premises to differ from its residential character either by colors, materials, construction, lighting, or Signs.
2. The Home Occupation shall not generate traffic greater in volume than normal for a residential neighborhood.
3. All Signs must comply with Section 1272.14 for the applicable District in which the Home Occupation is located.
4. The Home Occupation shall not include wholesale or retail sales, other than Home Based Retail Businesses.
5. No equipment or processes shall be used in such Home Occupation which creates noise, vibration, smoke, dust, heat, x-rays, radiations, 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.
6. The Home Occupation shall not occupy more than twenty five (25) percent of the Livable Floor Area of the Dwelling Unit.
7. The Home Occupation shall be operated by a Person who is a resident of the Dwelling Unit in which the Home Occupation is conducted. No more than two individuals who are not residents of the premises may participate in the Home Occupation as an employee or a volunteer.
8. No more than three vehicles, used by customers of the Home Occupation, may be parked at the location of the Home Occupation at one time.
9. There shall be no outside storage of any kind related to a Home Occupation, including the storage of vehicles. There shall be no display of products visible from the Street. Accessory Structures shall not be used for storage of materials related to the Home Occupation.

**1272.07 JUNK**

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as

junk in the Ohio Revised Codes shall be prohibited, outside an approved Junk Yard, in order to protect residents from conditions conducive to the infestation or breeding of vermin, insects, and rodents.

## **1272.08 LANDSCAPING**

### **A. Applicability.**

No Zoning Permit shall be issued for any site Development or construction or improvement of any Building, Structure, or Vehicular Use Area until such time a Landscaping plan has been approved. No Certificate of Zoning Compliance shall be issued for any Building, Structure, or Vehicular Use Area until such time the components of the Landscaping plan have been installed per the requirements of this section. Individual single family Lots are exempt from the requirements of this section following the transfer of ownership from the Developer or Builder to the homeowner, except that single family Lots must maintain Street trees and the Landscaping provided by the developer to comply with this section.

### **B. Existing Sites.**

No Building, Structure, or Vehicular Use Area shall be constructed, altered, or expanded unless the minimum Landscaping required in this Section is provided. In the case of an alteration or expansion, such Landscaping shall be provided to the extent required by only the alteration or expansion, unless there is a Substantial Improvement or Alteration. If the alteration or improvement is substantial, then the minimum Landscaping required shall be provided to the entire property.

### **C. Definitions.**

See Chapter 1274

### **D. Street Tree Requirements.**

The planting of trees along roadways for all new Development shall be according to the following Street Tree Requirements:

1. Deciduous canopy trees (Street trees) shall be planted no less than twenty (24) feet and no more than thirty six (36) feet on center unless otherwise approved by the Zoning Administrator upon consultation with the Tree Commission.
2. The minimum distance between the tree and the edge of the Street shall be two and one-half feet for a Large Tree, two feet for a Medium Tree and one and one-half feet for a Small Tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the Street and the sidewalks shall be two feet for a Large Tree, two feet for a Medium Tree and one and one-half feet for a Small Tree.

3. Street trees shall be a minimum of one and one half (1.5) inches caliper (trunk diameter at four and a half (4.5) feet above the ground).
4. Any tree on the list of undesirable species approved by the Tree Commission shall not be planted as Street trees.
5. Street trees shall be located so that the site visibility at intersections regulations are met in Section 1272.18.
6. Street trees shall be located no less than ten (10) feet from fire hydrants, Street lights, and/or utility poles.
7. Street trees should be of the same genus and species planted continuously along the length of each Street.
8. No person shall, as a normal practice, preform the topping of trees the public right-of-way.
9. Street tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalk. Tree limbs extending over Streets shall be trimmed so that no portion of the same shall interfere with the normal flow of traffic.
10. The Village, or any licensed utility, shall have the right to but will not be required to plant, prune, maintain and remove trees, plants, and shrubs within the established Right-Of-Way Lines of all Streets, highways, and Alleys as may be necessary to ensure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.
11. No person shall, by any type of construction, reduce the area of a tree lawn within the Street right-of-way.
12. On all properties within the DMU District, to avoid interference with pedestrian traffic, only Street trees approved by the Zoning Administrator upon consultation with the Tree Commission may be planted. Such trees shall conform to the size, spacing, and placement of similar trees already in place on adjacent and nearby properties. In addition to the approved Street trees, tree wells may also contain flowers or other ground cover plantings.

E. Landscaping and Screening.

1. Screening of Service Areas. For commercial, industrial, office, institutional and multiple-family uses, all service areas, loading and unloading activities shall be screened on those portions of the Lot which abut Districts where residences are a permitted Use. Screening shall consist of walls, landscaped earthen mounds, Fences,

natural vegetation or an acceptable combination of these elements, provided that screening must be at least six (6) feet in height. Natural vegetation screening shall have a minimum opacity of seventy-five percent (75%) during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

2. Screening of Trash Receptacles. For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, Fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning District. The height of such screening shall be at least six (6) feet in height. Natural vegetation shall have a maximum opacity of seventy-five percent (75%) at full foliage. The use of year-round vegetation, such as pines and evergreens, is encouraged.
3. Buffering and Screening Requirements. For commercial, industrial, office and institutional Uses which abut an existing residential Use, a buffer zone with a minimum width of twenty five (25) feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall have an opacity of seventy-five percent (75%) during full foliage and shall be a variety which will attain at a minimum ten (10) feet in height within five (5) years of planting.
4. Maintenance of Shrubbery and Hedges. No shrubbery or hedge shall be planted, in any District, in such a manner that any portion of growth extends beyond the property line. The Owner or occupant of property on which there is shrubbery, hedges, or trees so located shall comply with Section 1272.18, sight visibility regulations.
5. Minimum Trees. For commercial, industrial, office, institutional, and multiple family uses exceeding 5,000 square feet of ground coverage, one tree shall be planted on site for every 5,000 square feet of ground coverage.

F. Parking Lot Landscaping.

1. Parking Lot Islands.

- a. Landscape islands shall be provided in all Parking Areas as follows:

Parking Spaces Provided	Total Square Footage of Landscape Island Required
Less than 20	0
20-39	150
40-59	300
60-79	900
80-99	1800



100 or more

150 per each additional  
20 spaces provided

- b. One tree shall be planted within each landscape island, which shall have a minimum 1.5 inch caliper (measured at 4.5 feet above the ground) at the time of planting and a clear trunk of at least five (5) feet above the ground. An evergreen shrub that is three feet in height at the time of planting may be installed in lieu of the required tree. The remaining areas of the island shall have a ground cover not to exceed two feet in height.
- c. The design and layout of all landscaped islands must comply with Section 1272.18.

G. Landscape Materials.

Landscape materials utilized in meeting requirements of this section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

1. Quality. All plant material shall conform to the standards adopted by the Tree Commission.
2. Type. Added landscape elements shall observe and respect the size, placement, character and type of such materials employed on adjacent or nearby properties.
3. Deciduous Trees. Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, determined by the Zoning Administrator upon consultation with the Tree Commission are prohibited.
4. Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 1/2) inches immediately after planting.
5. Shrubs and Hedges. Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to opacity and other requirements within four (4) years after planting.
6. Vines. Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or Fences.

7. Grass or Ground Cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or other areas, reducing net or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.
8. Maintenance and Installation. All Landscaping materials shall be installed in a sound and competent manner, according to accepted, good construction and planting procedures. The Owner of the property shall be responsible for the continued proper maintenance of all Landscaping materials, and shall keep them in a proper, neat and orderly appearance, free of refuse and debris at all times. All unhealthy or dead plant material installed pursuant to this section shall be replaced within one (1) year.

H. Wet and Dry Stormwater Basins.

The following regulations shall apply to the design of wet and dry stormwater basins:

1. Wet and dry stormwater basins shall be approved by the Zoning Administrator or designee to ensure that the basins have a natural shape and are Graded and planted in an attractive manner.
2. Wet and dry stormwater basins shall be approved in compliance with the ODNR Rainwater and Land Development Manual, latest edition, to meet water quality requirements.
3. For safety, maintenance, and aesthetic purposes, wet and dry stormwater basins shall have side slopes (above normal pool elevation) that are generally no steeper than 6:1 and no more gradual than 20:1 (horizontal:vertical).
4. The use of fountains and other plainly visible aeration devices shall be subject to the approval of the Zoning Administrator or designee.
5. Landscape treatments at the perimeter of wet and dry stormwater basins shall be designed either with maintained turf to the pond's edge or a naturalized planting of native landscape material, subject to approval of the Zoning Administrator or designee. The landscape plantings shall be in large masses and drifts, and shall not include decorative landscape boulders, large mulch beds, or specimen plantings. Under no circumstances shall the landscape design conflict with any of the safety, maintenance, or engineering requirements set forth in the Codified Ordinances or reference documents.
6. Temporary on-site wet or dry stormwater basins shall not be subject to the regulations in divisions 1-5 of this subsection. Temporary basins shall either be removed or replaced with a permanent basin prior to acceptance of infrastructure improvements when installed as part of new subdivisions or completion of the final engineering punch list in the case

of single site Developments. The time frame in which to install a permanent basin may be extended for good cause by the Village (Administrator) or their designee. In the case of a time extension, a performance bond must be provided to the Village in an amount to cover removal of the temporary basin and installation of the permanent basin. State and Federal safety and engineering regulations apply to all temporary ponds.

I. Tree Preservation.

In an effort to improve the appearance and value of properties and to promote character within the Village of Baltimore, preservation of existing trees and natural wooded areas is encouraged along with the replacement of damaged or removed trees. An attitude of preservation is established in order to recognize the vital importance of tree growth in the ecological system, while allowing for reasonable Development of lands in the Village of Baltimore.

**1272.09 OBJECTIONABLE, NOXIOUS OR DANGEROUS USES, PRACTICES OR CONDITIONS**

A. The purpose of this section is to limit the dangerous, injurious, and harmful conditions that could potentially be associated with some Uses. Any Use shall be in violation of this Zoning Code, if one or more of the following conditions are found to exist at any time:

1. Electromagnetic, Electrical Interferences.

No equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment.

2. Humidity, Heat, Glare, Smoke, Noise, Odor, Gas, Dust, Fumes, Particles, or Radiation.

Every Use shall be so operated that it does not emit any offensive, harmful, hazardous, or annoying amount of heat, glare, humidity, smoke, noise, odor, gas, dust, flames, particles or radiation at any point on any boundary line of the Lot which the Use is located.

3. Lighting.

Lighting facilities shall be arranged and positioned so that no direct light or reflection creates a nuisance or hazard on any adjacent property or right-of-way.

4. Vibration.

Every Use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments at any point on any boundary line of the Lot on which the Use is located.

## **1272.10 OFF- STREET PARKING AND LOADING STANDARDS.**

### **A. General requirements.**

1. In all Districts, except the Downtown Mixed Use District, at any time any Building, Structure or Use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every Use Off-Street Parking Spaces for automobiles in accordance with the provisions of this chapter. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access Driveways, circulation patterns, drainage and construction plans, and boundary walls, Fences and a screening plan, as appropriate.
2. Except in the Downtown Mixed Use District, whenever a Building or Use constructed or established after the effective date of this Zoning Code is changed or enlarged in Floor Area, number of employees, number of Dwelling units, seating capacity, or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a Building or Use existing prior to the effective date of this Zoning Code is enlarged to the extent of 50% or more in Floor Area or in the area used, such Building or Use shall then and thereafter comply with the parking requirements set forth herein.

### **B. Off-Street parking design standards.**

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

#### **1. Dimension Requirements.**

All Off-Street Parking Spaces shall be a minimum of 9 feet in width and 18 feet in length. Maneuvering Aisles shall be a minimum of 24 feet in width.

#### **2. Access.**

There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public Street or Alley, an access drive shall be provided, with a dedicated easement of access, as follows:

- a. For one single-, two- or three-family residential Dwellings, the access drive shall be a minimum of nine feet in width.
- b. For all other residential Uses and all other Uses, the access drive shall be a minimum of 18 feet in width.

- c. All parking spaces, except those required for single-, two-, or three-family Dwellings, shall have access to a public Street or Alley in such a manner that any vehicle leaving or entering the Parking Area from or into a public Street or Alley shall be traveling in a forward motion.

### 3. Paving.

All required parking spaces, concrete, asphaltic concrete, premixed asphalt pavement, blacktop, brick or grass pavers or the equivalent so as to provide a durable and dustless surface. Pervious surface materials may be used for spill over parking. Off-Street Parking Area designs shall be reviewed and approved by the Zoning Administrator prior to issuance of a Zoning Permit.

### 4. Drainage.

All parking spaces, together with Driveways, aisles, and other circulation areas shall be Graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public Streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

### 5. Barriers.

Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

### 6. Visibility.

Access of Driveways for Parking Areas shall be located in such a way that any vehicle entering or leaving such Parking Area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or Driveway from a public or private Street or Alley.

### 7. Marking.

All Parking Areas for 20 or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator, and shall be maintained in a clearly visible condition.

### 8. Maintenance.

Any Owner of property used for Parking Areas shall maintain such areas in good condition without holes and free of all trash or other debris.

### 9. Signs.

Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the Parking Area shall be clearly marked.

#### 10. Lighting.

Any Parking Area with 20 or more off-Street parking spaces, including residential, shall be illuminated during poor visibility to provide an average intensity of one-half foot candles of light as measured from the parking surface area. All lighting for vehicular use areas shall be full cutoff type. All outdoor lighting shall be of constant intensity and shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property Owner's rights.

#### C. Joint or collective parking facilities.

The joint or collective provision of required off-Street Parking Areas shall comply with the following standards and requirements:

1. All required parking spaces shall be located on the same Lot with the Building or Use served, except that where an increase in the number of spaces is required by a change or enlargement of Use, or where such spaces are provided collectively or used jointly by two or more Buildings or establishments, the required spaces may be located not farther than 500 feet from the Building served.
2. Not more than 50% of the parking spaces required for theaters, bowling Alleys, dance halls, night clubs, taverns and similar Uses, and up to 100% of the parking spaces required for churches, schools, auditoriums and similar Uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar Uses that are not normally open, used, or operated during the same hours as the Uses with which such spaces are jointly or collectively used.
3. In any case where the required parking spaces are not located on the same Lot with the Building or Use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a Zoning Permit.
4. When a commercial or mixed Use center is constructed, the Zoning Administrator may reduce the total number of parking spaces required by an amount not to exceed 35%.
5. In the Downtown Mixed Use District, any on-Street parking located within 500 feet of the subject side that can be accessed by sidewalks and crosswalks within that distance shall be counted toward off-Street parking requirement of the subject Use, except for residential and commercial lodging Uses.

D. Required number of Off-Street Parking Spaces.

1. The required number of off-Street parking spaces shall be determined by the following table:

Off-Street Parking Standards		
USE:	Requirement	Notes
<b>Residential</b>		
Single Family and Two Family Dwellings	2 per unit	
Multi-Family Dwellings	1.5 per unit	
Residential Care Facility	Requirement varies. Applicant must demonstrate the parking is adequate for the proposed use; in no case less than 0-1,000SF - 4 spaces, each additional 1,000SF - 1 space.	
Bed and Breakfast	2 plus 1 per guest room	
Accessory Dwelling Unit	1 space per ADU in addition to the requirements for the primary residence	
Home Occupations	Requirement varies. Applicant must demonstrate the parking is adequate for the proposed use; in no case less than 2 spaces.	
<b>Business Related Uses</b>		
Animal Care Facilities	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Kennels	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	Excluding animal exercise areas
Administrative Offices	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Professional Offices	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Medical and Dental Offices	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Government Offices	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Laboratories and Research Facilities	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Funeral Services	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
<b>Neighborhood Retail Uses</b>		
Medium Retail Uses	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	SF is defined as designated retail space
Large Retail Uses		
Wholesale Business Uses	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Restaurant (No-Drive Thru)	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Financial Businesses (No-Drive Thru)	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Barber and Beauty Shops	1 per chair	
Self Service Laundry/Dry Cleaning Establishments	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Auto-Oriented Commercial Facilities	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Equipment rental or leasing (no outside storage)	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
New and Used Car Sales and Service		
Hotels and Motels	1 per guest room plus 1 per emp.	
<b>Outdoor Service Facilities</b>		
Outdoor Market	Minimum of 4 spaces, applicant must demonstrate need for additional spaces	
Outdoor Storage Areas		
Garden Store		
<b>Recreational and Entertainment Uses</b>		
<b>Outdoor Recreation</b>		
Athletic Fields		
Parks		
Golf Related Facilities		
Swimming Pools		
<b>Indoor Recreation</b>		
Bar/Night Club	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Bowling Alley/Skating Rink	4 spaces per 500SF	
Dance Hall/Gym	4 spaces per 500SF	
<b>Manufacturing</b>		
Light manufacturing uses	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Contractor Offices	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Warehousing	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Distribution	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Maintenance and Storage Facilities (excluding self service storage facilities)	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Self Storage	Minimum of 5 spaces or 1 per 100 storage bays, whichever is greater	
<b>Institutional</b>		
Churches or other places of assembly	1 per 8 seats in the main assembly room	
Child Care Facilities	1 per 10 children plus 1 per employee	
Elementary and Secondary Schools	3 per room used for administration or classroom	
High School	3 per room used for administration or classroom, plus 1 per 4 students	
Business, technical, or trade schools; college or university	3 per room used for administration or classroom, plus 1 per 2 students	
Educational Support Services	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
Libraries, museums, art galleries	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	
<b>Miscellaneous</b>		
Small Wind Energy		
Adult Entertainment Facilities	0-1,000SF - 4 spaces, each additional 1,000SF - 1 space	



2. In the case of mixed Uses, the total requirements for off-Street parking facilities shall be the sum of the requirements for the various Uses, computed separately. Off-Street parking facilities for one Use shall not be considered as providing required parking facilities for any other Use. (See Section 1272.10(C)(4) for a potential to reduce the number of total spaces).

E. Off-Street storage areas for drive-in services.

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

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five storage spaces per window. Drive-in restaurants and other similar Uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.
3. Self-serve automobile washing facilities shall provide no less than three storage spaces per stall. All other automobile washing facilities shall provide a minimum of six storage spaces per entrance.
4. Motor Vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any Street Right-Of-Way Line.

F. Off-Street loading design standards.

All off-Street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions.

Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.

2. Setbacks.

Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-Street loading spaces may be located in the required rear or side yard of any DMU or GB District provided that not more than 75% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than (20) feet to any Residential Use nor closer than five feet from any Street or Alley.

3. Screening.

In addition to the setback requirements specified above, screening shall be provided on each side of an Off-Street Loading Space that abuts any Residential District. Screening shall comply with the requirements of Section 1272.08 of this Zoning Code.

4. Access.

All required off-Street loading spaces shall have access from a public Street or Alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.

5. Paving.

All required off-Street loading spaces together with Driveways, aisles, and other circulation areas, shall be surfaced with concrete, asphaltic concrete, premixed asphalt pavement or blacktop, so as to provide a durable and dustless surface.

6. Drainage.

All loading spaces, together with Driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public Streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

7. Lighting.

Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

H. Handicapped parking.

All Parking Areas shall provide handicap accessible parking spaces in accordance with the American Disability Acts requirements. All such handicapped parking spaces shall be designated by Freestanding Signs as provided for pursuant to the Ohio Manual of Uniform Traffic Control Devices, Type R-59-A and/or R-59-B.

### **1272.11 PORTABLE HOME STORAGE UNITS**

#### **A. Applicability.**

Portable Home Storage Units shall be permitted as Accessory Uses within any residential District, provided the following regulations are met. A Zoning Permit shall be obtained for any Portable Home Storage Unit.

1. Portable Home Storage Units shall be prohibited from being located within any Right-of-Way.
2. Portable Home Storage Units shall be kept in the Driveway of the property at the furthest accessible point from the Street.
3. Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
4. Portable Home Storage Units shall be permitted for 90 calendar days within any 365 calendar day period.
5. Portable Home Storage Units shall not be utilized for living purposes.

### **1272.12 PRINCIPAL BUILDING PER LOT**

Except in the DMU and MRV Districts, no more than one Principal Building may be constructed upon any one Lot for the purposes of this Zoning Code. Rear Dwellings shall be prohibited and shall be considered Non-Conforming Uses subject to the requirements of Chapter 1236 of this Code.

### **1272.13 SATELLITE DISH ANTENNAS**

- A. This section shall apply to the location and construction of Large Satellite Dish Antennas as defined in Chapter 1274. This section does not apply to Small Satellite Antennas as defined in Chapter 1274.
- B. The purpose of this section is to regulate the location and construction of Large Dish Antennas within the Village in order to protect the public, health, safety, and welfare of the residents, particularly in respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windload and the reasonable accommodation of the aesthetic concerns of neighboring property Owners.
- C. The Owner or occupant of any Lot within the Village who desires to erect a Large Satellite Dish Antenna shall apply to the Zoning Administrator for a Zoning Permit. In

addition to the requirements of Section 1234.02(B) of this Code, the application for the Zoning Permit shall include the following:

1. A description of the type of earth station proposed including details of the method of assembly and construction of the proposed earth station.
  2. A plot plan of the Lot showing the location of the proposed earth station and all other Structures on the Lot.
  3. Plans depicting the specifications and elevations of the proposed location.
  4. The address of the Lot and the name, address and telephone number of the Owner or occupant of the Lots. If the applicant is not the Owner of the Lot, the application shall include a statement by the Owner giving the applicant written consent to install the Large Satellite Dish Antenna on the Lot.
  5. A fee as required by Section 1234.05 for the review of the plans and specifications and the inspection of construction.
  6. A Landscaping plan showing the size, quantity and types of Landscaping materials to be used for screening.
- D. No Large Satellite Dish Antenna permit shall be issued, and no Large Satellite Dish Antenna shall be installed or maintained, unless the Large Satellite Dish Antenna complies with the following regulations:
1. Large Satellite Dish Antennas shall be located to the rear of the Principal Building.
  2. Large Satellite Dish Antennas shall not be mounted on trailers, vehicles or any device or Structure that is mobile.
  3. No rooftop installations will be permitted in Residential District. Rooftop installations shall be permitted in Non-Residential Districts, provided the Large Satellite Dish Antenna, including mounting hardware and guy wires, are permanently screened from view at the Street level. The apparatus, its mounting and all supporting devices shall not be mounted upon a spire, tower, turret, chimney, poles or any appurtenances.
  4. Large Satellite Dish Antennas shall be located no closer than twenty (20) feet to the Rear Lot Line and twenty feet (20) to the Side Lot Line.
  5. The maximum diameter of the Large Satellite Dish Antenna shall not exceed twelve (12) feet and its maximum height shall not exceed fifteen (15) feet from Grade level.

6. The Large Satellite Dish Antenna, including mounting hardware and guy wires, shall be permanently screened by the Landscaping a minimum of five (5) feet in height which visually screens the Large Satellite Dish Antenna on all sides during all seasons from adjacent residences. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved Fence.
7. The Large Satellite Dish Antenna foundation shall be concrete and shall consist of metal supports and/or galvanized construction. The Structure, including foundation, shall be designed to withstand wind forces up to seventy five (75) mph and shall comply with all requirements of the National Electric Code.
8. Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard.
9. The Large Satellite Dish apparatus shall be painted a color which complements its environment and shall bear no advertisement, lettering, picture, or visual image.
10. All wiring between the apparatus and any other Structure shall be placed underground in approved conduit.

#### **1272.14 SIGN REGULATIONS**

- A. All Signs located on property currently within or annexed into the Village shall comply with the standards in Section 1272.14.
  1. No Sign, Permanent or Temporary, unless otherwise exempted by Section 1272.14 (B), shall be located, constructed, or maintained on a Lot without first obtaining a Sign permit. Such permit is separate from a Zoning Permit. A separate Sign permit fee shall be required. Such permit fees shall be established by a separate Ordinance adopted by the Village Council.
  2. Any person, firm, corporation, partnership or association violating any provision of this section or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Section 1234.04.
  3. The contents of the Sign permit application shall include the following minimum information:
    - a. The names, address, and contact information for the applicant.
    - b. A scaled drawing or drawings showing the size and type of the Sign, the materials, lettering, symbols and colors to be utilized on the Sign in relationship to the Building and property lines.
    - c. Detailed specifications regarding the construction, erection, and attachment of the Sign and the method of illumination.

B. Signs Not Requiring a Permit.

1. One Sign plate face two (2) square feet or less in area affixed to the Structure of the property.
2. Signs clearly in the nature of decorations customarily associated with any local, state, national or religious holiday. Such Signs may be animated and illuminated provided they do not create safety hazards.
3. Temporary Signs that do not exceed sixteen (16) square feet in area or four (4) feet in height, provided such Signs are not displayed more than sixty (60) calendar days within any 180 day period. Such Signs shall be prohibited within the right-of-way. Temporary Signs that are seven (7) square feet in **area** or less and three (3) feet in height or less shall not be subject to the 60 day time limit.
4. Directional Signs denoting points of entry or exit from a facility or off-Street Parking Area, provided such Signs are limited to four (4) square feet in area and three feet in height. Such Signs shall not interfere with safe traffic circulation or obstruct the view of drivers existing onto adjacent Streets.

C. Signs Requiring a Permit.

1. Wall Signs, as defined in Chapter 1274, may be erected on a Building provided the location, height, and other characteristics of the Sign comply with Section 1272.14(F)(1). In addition, wall Signs shall be attached parallel to the Building face. However, they shall not extend outward perpendicular to the Building face more than twelve (12) inches, except as follows:
  - a. Signs may be painted on an Awning area or attached to a canopy, marquee or roof which projects beyond the Building provided that no part of such Sign may extend above the roof line, canopy or marquee.
  - b. Projecting Signs not to exceed eight (8) square feet in size, placed not less than eight (8) feet above the sidewalk or ground level, and projects no more than six (6) feet outward from the Building face. No Projecting Sign shall be erected which interferes with public safety.
2. Freestanding Signs, as defined in Chapter 1274, may be erected on a Lot provided the location, height, and other characteristics of the Sign meet the requirements in Table 1272.14(F)(1).
3. Window Signs, as defined in Chapter 1274, shall be limited to the ground floor or first floor windows only, unless a Use is located on the second floor or higher stories of a Building and has no first floor occupancy. Window Signs consisting of lettering or other graphic with a clear background, or letter or other graphic placed directly on the window glass and using it as a background, shall obscure no more than 50% of the window area. Only twenty five percent of the total

window area for a Building is allowed to have paper, cardboard, plastic or similar attachments.

4. Off-Premise Signs, as defined in Chapter 1274, shall be permitted within the GB and LM Districts and will be limited to one per parcel. Such Signs shall not exceed 25 square feet.
5. Temporary Signs, as defined in Chapter 1274, shall require a permit, unless otherwise exempted in Chapter 1272.14 (B) (3). Such Signs shall not exceed eight (8) feet in height or thirty-two (32) square feet in area and shall not be displayed for more than sixty (60) days within any one hundred eighty (180) day period. Such temporary Signs shall be prohibited within the right-of-way. No Temporary Sign shall be used as a Permanent Sign.
6. Joint Identification Signs shall be permitted on premises where there are 2 or more Uses located on 1 property. Such Signs shall be limited to either Wall or Freestanding Signs. If the property fronts on 1 public Street, only one Joint Identification Sign is permitted. If the property fronts on 2 public Streets, 1 Joint Identification Sign shall be permitted on each Street. Such Joint Identification Sign shall be in lieu of any Free Standing Signs permitted in Table 1272.14 (F) (1). However, Wall Signs will still be permitted as regulated in Table 1272.14 (F) (1). The Joint Identification Sign shall not exceed the following requirements:
  - a. Maximum Area – 100 square feet
  - b. Maximum Height – 25 feet
  - c. Minimum Setback – 10 feet or the height of the Sign, whichever is greater.
7. A permanent subdivision identification Sign shall be permitted at each entrance to the subdivision. Such Signs shall be limited to wall mounted Signs only, with placement on walls, entrance columns, or similar landscape features used to denote the entrance to the subdivision. Each Sign shall not exceed eight (8) feet in height and twenty (20) square feet in area. Each Sign shall be setback a minimum of 15 feet from the Right – of – Way.

D. Prohibited Signs.

The following Signs are prohibited:

1. Roof Signs.
2. Animated Signs.
3. Gas inflatable Signs.
4. Pennants, streamers, balloons or similar devices.
5. Off-Premise Signs.
6. Portable Signs, except in the Downtown Mixed Use District.

7. Ghost Signs.

E. General Requirements.

1. Construction.

- a. All Signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. Should any Sign be or become unsafe or be in danger of falling, the Owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such Sign in a safe and secure condition or remove the Sign.
- b. No Sign shall be placed in any public right-of-way except traffic control mechanisms.
- c. All Signs shall be designed and supported to carry the weight of the Sign and shall comply with the Building code.
- d. All Signs shall be secured in such a manner as to prevent significant movement due to wind.
- e. No Signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter.
- f. No Sign shall be attached in such manner that it may interfere with any required ventilation openings.
- g. No Sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.

2. Measurement of Sign

- a. The measurement of Sign area shall comply with the following standards:
  - i. Sign area shall include the face of all the display area of the Sign not including bracing, framing and structural supports of the Sign, unless such support members are made part of the message or face of the design.
  - ii. When a Sign has two or more display faces, the area of all faces of the Sign shall be included in determining the area of the Sign. For spherical Signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the Sign face. For cubical Signs, the



area of all display faces shall be included in determining the area of the Sign.

- iii. The area of the letters, numbers or emblems mounted on a Building wall or wall extension shall be computed by enclosing such Sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems and determining the area.

### 3. Sign Lighting.

- a. Any lighting used to illuminate a Sign shall comply with the following requirements:

- i. Sign lighting shall be consistent, understated, and properly disguised. 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.

- 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.

- ii. The level of illumination emitted or reflected from a Sign shall not be of 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.

- iii. Light fixtures shall be screened from view by site grading or evergreen shrubs.

### F. Schedule of On-Premise Sign Regulations.

All On-Premise Signs shall comply with the requirements in the following table:

**Table 1272.14 (F) (1)**

<b>District</b>	<b>Permitted Types</b>	<b>Max. # of Signs</b>	<b>Max. Height (Ft.)</b>	<b>Max. Sign Area (Sq. Ft.)</b>	<b>Min. Feet from R.O.W (Freestanding)</b>
R-1, R-2, R-3					
Permitted Uses	Wall	1	12	4	NA
Conditional Uses	Wall or Monument	1	25 (Wall) 6 Monument	20	15
MRV	Wall or Monument	1	25 (Wall) 6 Monument	20	15
DB	Projecting or Wall	1 per business	25	15% square footage of Façade of business	NA
OI, GB, LM	Wall, Pylon, or Monument	1 wall, pylon, or monument per Frontage**	25 (Wall) 15 (Freestanding)	30 (per Sign) for freestanding 40 (per Sign) for wall	15
PUD	Per Approved Development Plan				

**\*The base of a monument Sign shall be a maximum of three (3) feet from finished Grade.**

**\*\*There must be a minimum of 75 feet between Signs.**

**1272.15 SITE LIGHTING**

- A. All lighting, except for Single Family Detached and Semi-Detached Dwellings shall comply with the following requirements:
  - 1. Uplighting may be used to illuminate a unique architectural feature or a special landscape element. All uplights must be screened with Landscaping.
  - 2. Site lighting shall be prohibited from shining directly onto adjacent properties. Site lighting shall not constitute a nuisance nor shall in any way impair safe movement of traffic on any Street or highway.

**1272.16 SOLAR PANELS**

- A. This section shall apply to the location and construction of Building Mounted Solar Energy Systems as defined in Chapter 1274. The construction of Ground Mounted Solar Energy Systems or Large Solar Energy Systems, as defined in Chapter 1274, is strictly prohibited in all zones within the Village.
- B. The purpose of this section is to regulate the location and construction of Building Mounted Solar Energy Systems within the Village in order to protect the public, health, safety, and welfare of the residents, particularly in respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with wind load and the reasonable accommodation of the aesthetic concerns of neighboring property Owners.
- C. All Building Mounted Solar Energy Systems shall comply with the following requirements:
  - 1. Shall only be permitted if accessory to a principal Building/Use.
  - 2. Shall be installed according to manufacturer specifications and in accordance with all applicable Village codes and Ordinances.
  - 3. Electric solar energy system components must have a UL Listing.
  - 4. Utility Notification - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Zoning Administrator that the Owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
  - 5. If more than one roof area contains Solar Collectors that are Building Mounted, the Fire Department shall review and comment on the installation of the Solar

Collectors to verify that adequate roof access is provided to emergency personnel in the case of an emergency.

6. Any additional information and data reasonably necessary to evaluate the conformity of the small solar energy system with the Zoning Code pursuant to the request of the Zoning Administrator.

#### **1272.17 SWIMMING POOL REQUIREMENTS**

- A. A Zoning Permit shall be required for the construction or installation of any Private Family Swimming Pool. The Owner of the Lot, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the following requirements:
- B. No such Private Family Swimming Pool, exclusive of portable swimming pools with a depth of less than thirty six (36) inches, a diameter of less than twelve (12) feet or with an area of less than one hundred and fifty (150) square feet, shall be allowed in any residential District unless such pool complies with the following conditions and requirements. The Owner of the Lot, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.
  1. The pool is intended to be used solely for the occupants of the principal Use of the property on which it is located.
  2. Such pool, including any walks, paved areas, and appurtenances thereto, shall be located to the rear of the Principal Building and shall be no closer than fifteen (15) feet to any Lot Line or Easement. The Private Family Swimming Pool shall also be a minimum of ten (10) feet from the Principal Building.
  3. The area of the Private Family Swimming Pool, exclusive of decks, walks and other appurtenances shall not exceed ten percent (10%) of the area of the Lot.
  4. Any Private Family Swimming Pool, or the entire Lot on which the pool is located, shall be enclosed by a wall or Fence (the wall or side of the pool does not constitute a wall or Fence) constructed so as to prevent uncontrolled access. Such wall or Fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable gate and lock.
  5. No lights, diving boards or other accessories shall project more than ten (10) feet above the average Grade of the pool site.
  6. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the Lot on which the pool is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting Lots.

## **1272.18 VISIBILITY AT INTERSECTIONS**

- A. At every intersection of Street or Alley, a sight triangle shall be established as described by the Right-Of-Way Lines of the intersecting Streets and the third side being a line passing through a point on each Right-Of-Way Line that is a distance from their point of intersection equal to the sum of the width of both rights-of-way divided by four.
- B. Within the sight triangle there shall be maintained a clear visibility between the heights of two and one-half (2 ½) feet and ten (10) feet above the average center line Grade of the intersecting Streets within the sight triangle, except trunks of existing trees. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided, nor any access drive be allowed within the sight triangle.

## **1272.19 (ACCESSORY) WIND ENERGY CONSERVATION SYSTEMS**

- A. The Village of Baltimore recognizes the importance of clean, sustainable and renewable energy sources. To that end, Accessory Wind Energy Conservation Systems (WECS), as defined in Chapter 1274, may be permitted as noted in Table 1 of Chapter 1270, provided all of the following requirements are met:
  - 1. The maximum height of an accessory WECS tower shall be 120 feet. Notwithstanding the above, the height of the system shall not exceed the height recommended by the manufacturer or installer of the system.
  - 2. In no such case, shall an accessory WECS be located closer than 1.25 times the WECS tower height plus the length of a rotor blade at maximum vertical rotation to an inhabited Structure, public road/right-of-way, third party transmission lines, or adjacent property lines. New residential Structures shall not be permitted within this setback area.
  - 3. An accessory WECS shall have a maximum decibel level of 70. The decibel level shall be based upon the maximum decibel level provided by the manufacturer of the system.
  - 4. The accessory WECS shall be painted white or shall have a galvanized steel finish.
  - 5. The Accessory WECS shall include a grounding device/lightening protection device compatible with the type of system being proposed.
  - 6. All wires and electrical apparatuses associated with the operation of an Accessory WECS shall be located underground and shall conform to applicable local, state and national codes, and relevant national and international standards (ANSI).
  - 7. No signage shall be permitted on an Accessory WECS, unless otherwise permitted in Section 1272.14.

8. The Accessory WECS must comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations. No lighting shall be permitted on an Accessory WECS, unless otherwise required by the FAA.
  9. An Accessory WECS shall be maintained in good working order. The Owner of the Accessory WECS shall be required to submit an annual notice of operation on or before January 31<sup>st</sup> of each year. In the event that the Accessory WECS is no longer being operated or utilized, the Accessory WECS shall be removed within 180-days after the Use has been discontinued, including the removal of all above ground apparatuses, supports, foundation, and/or other hardware associated with the accessory WECS. In addition to removing the Accessory WECS, the Owner/operator shall restore the site to its original condition prior to the location of the Accessory WECS on said property.
- B. A Zoning Permit shall be required for the construction and installation of an Accessory WECS. An application for a Zoning Permit shall include all applicable information required in Section 1234.02(B) in addition to the following information:
1. The height of the WECS tower.
  2. The total size and depth of the foundation for the WECS tower, as well as soil data.
  3. A list or depiction of all safety measures that will be on the unit including grounding devices; and lightening protection.
  4. Data from the manufacturer specifying the generating capacity (kilowatts) of the accessory WECS.
  5. The maximum decibel level of the accessory WECS. This information must be obtained from the manufacturer of the system.
  6. A site drawing showing the location of the WECS tower to property lines, existing Structures on the property, roads, and other public rights-of-way, neighboring properties, and the location of all public and private airports in relation to the location of the WECS.
  7. Verification from the Health Department that the proposed accessory WECS will not disturb the areas reserved for existing or future on-site sewer treatment systems. This requirement shall not apply to a Lot that is serviced by central sanitary sewers.
  8. It shall be the responsibility of the person in charge of any WECS project to comply with all rules, laws and regulations of the United States Federal Aviation

Administration (FAA), including all necessary approvals for installations in close proximity to airports. Evidence of compliance or non-applicability shall be submitted with the zoning certificate application.

9. A maintenance schedule as well as a dismantling plan that outlines how the accessory WECS will be dismantled if and when its operation is terminated.
10. A certification from a registered professional engineer that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

#### **1272.20 URBAN CHICKENS**

- A. Raising chickens in the Village of Baltimore is permitted and shall comply with the standards in Section 1272.20.
  1. No resident will be allowed to keep more than 12 chickens.
  2. Residents are permitted to house one rooster on their property.
  3. Free-range chickens will not be allowed and residents must have a designated coop and a Fence for their chickens.
  4. The chicken coop must comply with all Accessory Structure regulations referenced in Section 1272.03, unless it is under 100 square feet.
  5. Butchering and cleaning of chickens will not be permitted.
  6. Residents will be required to get a Zoning Permit for their coop only if the proposed coop size is 100 square feet or larger.
  7. A fee shall be assessed in accordance with the Fee Schedule adopted by the Village Council in accordance with Section 1234.05.

## **CHAPTER 1274 DEFINITIONS**

For the purpose of this Resolution, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory; the word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted" or "intended to be used," and a "person" shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or Buildings.

**ACCESSORY DWELLING UNIT** – defined as a smaller, auxiliary dwelling unit on the same lot or within a house, attached house or manufactured home. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit. The unit may have a separate exterior entrance or an internal common area accessible to the outside.

**ACCESSORY STRUCTURE OR USE** – A use or structure not including those less than 100 square feet 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, and other similar type buildings. This definition does not include patios, uncovered porches, and decks that are less than three and one half (3 ½) feet above the average finished Grade.

**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 BUSINESS** – Any adult bookstore, adult cabaret, adult mini-theater, or adult motion picture theater.

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

**ADULT CARE FACILITY** – an adult family home or an adult group home as defined by Ohio R.C. 3722.01. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public.

**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 FAMILY HOME** – A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults.

**ADULT GROUP HOME** – A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**ADULT MINI-THEATER** – An enclosed building with a capacity of less than fifty (50) persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

**ADULT MOTION PICTURE THEATRE** – An enclosed building with a capacity of fifty (50) or more persons used for displaying adult entertainment through films, video, or other motion pictures for commercial purposes.

**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, except in zoning Districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as an accessory use, unless specifically permitted in a specific zoning District.
- C. Feeding garbage to animals, raising poultry or fur-bearing animals as a principal use, or operation or maintenance of a commercial stockyard or feed yard.
- D. Feeding, grazing or sheltering of animals or poultry in pens or confined areas, except as permitted in Section 1272.20.

**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.

**ANIMAL SERVICES FACILITIES** - any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases, and where the animals are not boarded or kept overnight except as necessary in the medical treatment of the animal. Animal care facilities may also include animal grooming establishments.

**APPEAL** – A request by an aggrieved party for a review of any adverse decision by a village official, council or commission.

**AREA OF SPECIAL FLOOD HAZARD**- the land in the Flood plain adopted by the Village, including that identified by the Federal Emergency Management Agency (FEMA), which is subject to a 1% or greater chance of Flooding in any given year. Flood hazard maps are available at the office of the Village and at the Fairfield County Regional Planning Commission.

**AUTO-ORIENTED COMMERCIAL FACILITY** – a facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-thru restaurants, drive-in restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations (including convenience market), facilities specializing in oil changes, car repair, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new and used) in addition to any facility that provides a fixed parcel pickup location is not included within this definition.

**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 to the vehicle being provided.

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

**AUTOMOBILE SERVICE STATION** – A place where gasoline, kerosene, or any other motor vehicle fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles.

**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.

**BARS and NIGHTCLUBS** - any commercial establishment serving alcoholic beverages and providing entertainment for patrons.

**BASE FLOOD** - the Flood having a 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 2 feet below and the ceiling is not more than 4 feet, 6 inches 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.

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

**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.

**BUILDING MOUNTED SOLAR ENERGY SYSTEM**– A solar energy system that is professionally mounted on the roof of a principal Building or accessory structure. A building mounted solar energy system includes building integrated, flush mounted, and non-flush mounted systems.

Building Integrated – A building mounted solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. building integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, skylights, shading devices and similar architectural components.

Flush Mounted – A building mounted solar energy system that is mounted to a finished roof surface where the solar collector, once installed, projects no further than six (6) inches in height beyond the roof surface.

Non-flush Mounted – A building mounted solar energy system that is mounted to a finished roof surface where the Solar Collector, once installed, projects more than six (6) inches in height beyond the roof surface.

**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 and the rendering of services that is incidental to the sale of the goods.

**BUSINESS, HOME BASED RETAIL** – a Retail Business where goods are sold in the home of the retail operator either using the Internet, a magazine, catalog or other similar mechanism, and in which the consumer is typically not required to visit the operator's home to choose, order, purchase or pick up the goods. Such Uses do not involve delivery trucks other than normal parcel delivery services.

**BUSINESS, NEIGHBORHOOD RETAIL** – a Retail or Wholesale business that is less than ten thousand (10,000) square feet in area and typically services nearby neighborhoods.

**BUSINESS, MEDIUM RETAIL** – a Retail or Wholesale business that is at least ten thousand (10,000) square feet in area, but less than twenty (20,000) square feet in area.

**BUSINESS, LARGE RETAIL**– a Retail or Wholesale business that is twenty thousand (20,000) square feet or larger.

**CEMETERY** – Land used for or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of the cemetery.

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

**CHILD CARE FACILITIES** – 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 which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time. 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.

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

**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.

**CONDITIONAL USE** – 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.

**CONTRACTOR OFFICE** - 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.

**CREMATORIUM** – A crematorium is a location containing properly installed, certified apparatus intended for the use in and the act of cremation.

**DAY-CARE HOME, FAMILY (TYPE A)** - a permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care 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 of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

**DAY-CARE HOME, FAMILY (TYPE B)** - a permanent residence of the provider in which child care 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 of 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.

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

**DISTRICT** – Any section of the village in which the zoning regulations are uniform.

**DRIVEWAY (ACCESSWAY)** - 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 city shall not be responsible.

**DRIVE – THROUGH FACILITIES** – A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle. Drive-through facilities may be developed in conjunction with another use including but not limited to a restaurant, pharmacy, bank, etc. or independently, such as a carry out, car wash, etc.

**DWELLING** – Any Building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**DWELLING, MULTI-FAMILY**- A Building designed or used as a residence with 4 or more independent residences.

**DWELLING, SINGLE FAMILY DETACHED** - A Building designed for or used exclusively for residence purposes by one family situated on a parcel having a Front, Side, and Rear Yard.

**DWELLING, SINGLE FAMILY SEMI-DETACHED-** A building designed for or used exclusively for two families living independently where each dwelling shares one common wall and the remaining sides of the Building are surrounded by open areas or street lines.

**DWELLING, SINGLE FAMILY ATTACHED** – Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services and attached garages.

**ENCROACHMENT** - the intrusion on another person's property or public right-of-way, intentional or unintentional.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets), is completed before the effective date of this Zoning Code.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

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

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** - the 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, 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, 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.

**FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or

- (2) The unusual and rapid accumulation or runoff of surface waters 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 Village.

**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 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 in order 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 the 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 6 feet in height be considered livable floor area.

**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 the lot frontage will be measured from only the segment that directly abuts the public street or street right – of – way and provides access to the lot. Property lines that abut limited access roads shall not be construed to be included within any calculation of lot frontage.

**FUNERAL SERVICES FACILITIES** - 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 crematoriums.

**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 on.

**GRADE** – The ground elevation established for the purpose of regulating the number of stories and the height of Buildings. The Building Grade shall be the level of the ground adjacent to the walls of the Building if the finished Grade is level. If the ground is not entirely level, the Grade shall be determined by averaging the elevation of the ground for each face of the Building.

**GROUND MOUNTED SOLAR ENERGY SYSTEM**– A free-standing solar energy system that is placed or mounted to the ground.

**HEIGHT** – The distance between the average Grade of a building to the highest point of the roof.

**HOMES FOR THE AGING** – A home that provides services as a residential care facility and a nursing home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment.

**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 are 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 to be



home occupations and shall be treated as permitted and conditional uses as listed in the applicable zoning district.

**HOSPITAL** – An institution providing health and services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or nursing homes.

**HOTEL** – A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.

**IMPERVIOUS SURFACE** – Any material that prevents absorption of storm water into the ground, such as concrete or asphalt. This does not include gravel.

**INDOOR RECREATION FACILITY** - an area that is fully enclosed by solid walls and a roof which includes, but are not limited to uses such as archery, athletic fields, bowling, billiards, court sports, fitness centers, gymnasiums, and similar recreation uses.

**INDUSTRIALIZED UNIT** - A building unit or assembly of closed construction fabrication in an off-site facility, that 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 Chapter 1274 of the Village of Baltimore Zoning Code.

**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 are not limited to boarding, training, and sale of animals.

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

**LARGE SOLAR ENERGY SYSTEM** – A solar energy system that contains multiple solar collectors and is primarily used to produce energy to be sold commercially.

**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.

**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 cumulative area of all buildings and impervious surfaces divided by the total lot area.

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

**LOT LINE** – A line bounding or demarcating a plot of land or ground.

**LOT LINE, FRONT** - The property line fronting a roadway right-of-way which provides the principle access; and used by the U.S. Postal Service for the delivery of mail to the structure located on the property. In the case of a Corner Lot, the owner may select which lot line abutting a street is the Front Lot Line.

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

**LOT OF RECORD** – A lot which is part of a subdivision or metes and bounds description that is recorded in the Fairfield 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.

**MAINTENANCE AND STORAGE FACILITY**- An area not fully enclosed by solid walls and a roof that is used for the storage of contractors’ equipment, heavy machinery, repair equipment, motor vehicles, trucks or other similar pieces of equipment or machinery.

**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, that 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 PARK** – 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 of the following criteria:

1. The structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. 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.
3. The structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The structure was manufactured after January 1, 1995.
5. The structure is not located within a manufactured home park.

**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, that 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 by Chapter 1274 of the Village of Baltimore Zoning Code. A mobile home shall not be considered to be 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 maid 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.

**NEW MANUFACTURED HOME PARK** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities either final site grading or the pouring of concrete pads, and the construction of streets), is completed on or after the effective date of this Zoning Code. This definition shall exclude any house trailer park, as defined in Ohio R.C. 3733.01 over which the Public Health Council has exclusive rule making power.

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

**NON – CONFORMING USE** - Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the district in which it is situated.

**NURSING HOME** – A home or facility used for the reception and care of individuals who, by reason of illness or physical or mental impairment, require skilled nursing care and of individuals who require personal care services, but not skilled nursing care.

**OPEN SPACE** – That part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

**OUTDOOR RECREATION FACILITY**– an area that is not fully enclosed by walls and a roof which includes, but are 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.

**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 are 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 Ordinance, outdoor service facilities include, but are 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 Offices.

**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 Ordinance.

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

**PERSONAL CARE SERVICES** – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This does not include laundry or dry cleaning services.

**PHOTOVOLTAIC CELL** – A semiconductor device that converts solar energy directly into electricity.

**RESIDENTIAL CARE FACILITY** – any Building or part thereof, regardless of by which name held out publicly, housing residents on a 24-hour basis, who, because of age, mental illness, severe mental instability, infirmity or other reason, live in a supervised residential environment which provides personal care service as a condition of licensing, and the occupants of which are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, residential care facilities holding themselves out as: board and care facilities, assisted living facilities, halfway houses, adult care or mental health group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers, and convalescent facilities with a maximum of 16 persons as residents.

**RESIDENTIAL CARE FACILITY, SMALL** – Accommodations for three (3) or more unrelated individuals, supervision or personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, skilled nursing care.

**RESIDENTIAL CARE FACILITY, LARGE**– Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment.

**RESIDENTIAL FACILITY – TYPE A** – A home or facility in which one (1) to eight (8) mentally retarded or developmentally disabled person(s) reside(s). This does not include the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

**RESIDENTIAL FACILITY – TYPE B** – A home or facility in which nine (9) or more mentally retarded or developmentally disabled persons reside. This does not include the home of

a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

**RIGHT-OF-WAY LINE** – The boundary of the strip of land occupied or intended to be occupied by a road, street, or alley.

**SATELLITE DISH ANTENNA, LARGE** - Any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short wave listeners.

**SATELLITE DISH ANTENNA, SMALL** - Any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

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

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

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

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

**SEXUAL CONDUCT** – Acts of sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight. Any penetration of the vagina or anus, however slight, by an object. Any contact between persons involving the sex organs of one person and the mouth or anus of another. Masturbation, manual or instrumental, of oneself or of one person by another. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

**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 Article. 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, DIRECTIONAL** – Any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.

**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, GHOST** – A painted wall sign that remains from an earlier time or advertises the use of a Building that provides evidence of the history of the use of the building or activities of the community.

**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, JOINT IDENTIFICATION** – A sign intended to provide the identity or name, for two or more uses within one Building or on one property or the name of the building or its address for property occupied by two or more businesses.

**SIGN, OFF – PREMISES** – Any sign that identifies or provides information for a good, service or event that is not located on the property where such sign is located.

**SIGN, ON-PREMISES** – Any sign that identifies or provides information related to a good, service or event that is located on the property where such sign is located.

**SIGN, PERMANENT** – A sign intended to be erected, displayed or used, or in fact which is used for time period in excess of 60 days within any 180 day period.

**SIGN, PORTABLE** – A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include:

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

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

**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.

**SMALL SOLAR ENERGY SYSTEM** – A professionally manufactured system accessory to the principal use that utilizes solar collectors to convert solar energy; from the sun into thermal, mechanical or electrical energy; for storage and use and is intended to primarily reduce on-site consumption of utility power. Energy produced in excess of on-site consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid. For the purposes of this ordinance a solar energy system includes Building mounted solar energy systems.

**SOLAR COLLECTOR** – A professionally manufactured device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, or electrical energy.

**SOLAR COLLECTOR SURFACE** – Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

**SPECIFIED SEXUAL ACTIVITIES** – simulated or actual display of human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus and fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

**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 or private vehicular right-of-way which provides access to abutting properties from the front.

**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.

**STRUCTURAL ALTERATIONS** – 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.

**SUBSTANTIAL IMPROVEMENT/ALTERATION** - any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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 the purpose of 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 or not 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, 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, COMMERCIAL** – A body of water in an artificial or natural receptacle or other 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 or not 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.

**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.

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

**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.

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

**TREE, MEDIUM** – any tree species which normally attains a full-grown height between 30-50 feet.

**TREE, LARGE** – any tree species which normally attains a full-grown height above 50 feet.

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

**VARIANCE** – A modification of the strict terms of this Resolution due to the strict enforcement of these regulations resulting in an unnecessary and undue hardship and where such modification will not be contrary to the public interest and such hardship is a result of a condition to the property (not the result of actions by the applicant).

**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 5 megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be

subject to the regulations within this Zoning Resolution.

**ZONING ADMINISTRATOR** – The authorized representative appointed by the Village Council to issue zoning permits and perform the other duties as specified in this Ordinance and/or the Village of Baltimore Subdivision Regulations.

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

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