

A large green square on the left and a smaller green vertical bar to its right.

VILLAGE OF  
GREENFIELD LAND  
DEVELOPMENT  
CODE

1101

INTRODUCTION

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# Title One Introduction

## Section 1101.01 Title

- A. This Code shall hereinafter be known and cited as “Village of Greenfield,” and hereinafter referred to as the/this “Code” or “these regulations.”

## Section 1101.03 Purpose and Intent

- A. In adopting this Code, Council has given reasonable consideration to, among other things:
- (1) The comprehensive plan;
  - (2) Current conditions and the character of current structures and uses in each district;
  - (3) The most desirable use for which the land in each district is adapted;
  - (4) The conservation of property values throughout the Village of Greenfield; and,
  - (5) Responsible development and growth of the Village of Greenfield and hereby adopts this Code for the following purposes:
    - i. To promote the achievement of the Comprehensive Land Use Plan for the Village;
    - ii. To advance the position of the Village as a center of commerce, industry, recreation and culture;
    - iii. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space;
    - iv. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to share services;
    - v. To ensure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy;
    - vi. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of the Village’s environment and to provide adequate off-street parking;
    - vii. To stabilize expectations regarding future development of the Village’s, thereby providing a basis for wise decisions with respect to such development;
    - viii. To preserve and enhance the quality of the Village’s environment;
    - ix. To provide for effective signage that is compatible with the surrounding urban environment; and
    - x. To maintain the safety and potability of public water supplies located within the Village.

## Section 1101.05 Applicability

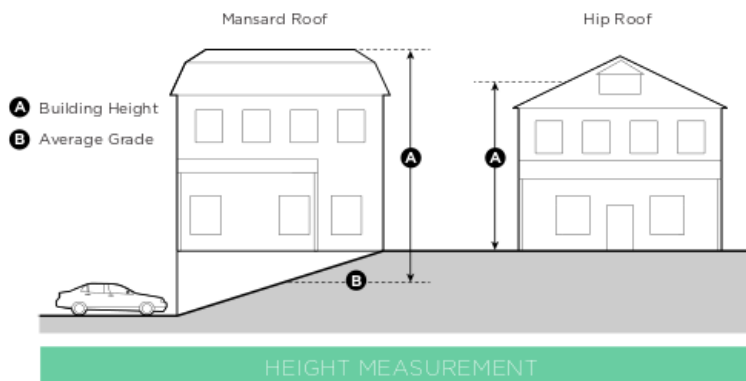
- A. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements (unless a maximum standard is established) adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of the Code are at variance with the requirements of any other lawfully adopted rules, regulations, codes, deed restrictions or covenants, the provisions of this Code shall control.
- B. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or altered except in conformity with all of the regulations herein specified for the zone or district in which it is located.

## Section 1101.07 Rules for Interpreting District Boundaries

- A.** The following rules shall apply to the interpretation of district and zone boundaries on the Zoning Map:
- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
  - (3) Boundaries indicated as approximately following Village limits shall be construed as following such Village limits;
  - (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
  - (5) Boundaries indicated as following shorelines shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
  - (6) Boundaries indicated as parallel to or extensions of features listed above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- B. Lots Divided by District Boundaries**
- (1) Where a district boundary line divides a lot that was in single ownership at the time of passage of this Code, the Planning Commission may permit the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

## Section 1101.09 Rules of Measurement and Calculation

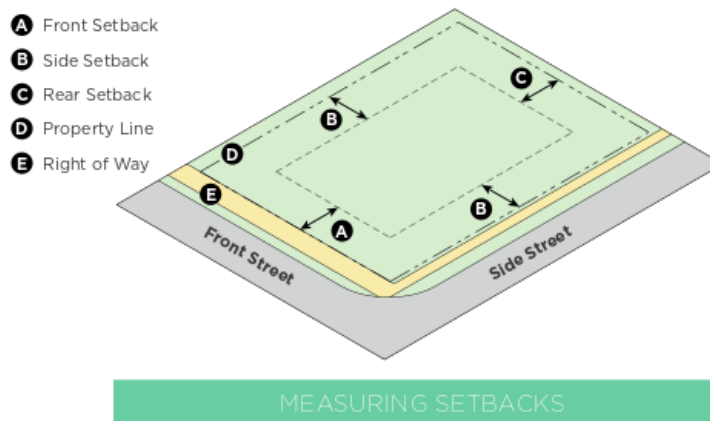
- A. Height Measurement**
- (1) Building height is measured as the distance between a horizontal line at the average existing pre-development grade of the lot directly beside the structure, and the highest point of the coping of a flat roof, the top of a mansard roof, the midpoint of any pitched gable, hip or the upper portion of a gambrel roof, or measured between the top floor ceiling and the peak of the roof on an "A" framed structure. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy are not included in calculating height and may extend above the height limit.



**B. Measuring Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between them.

**C. Measuring Setbacks**

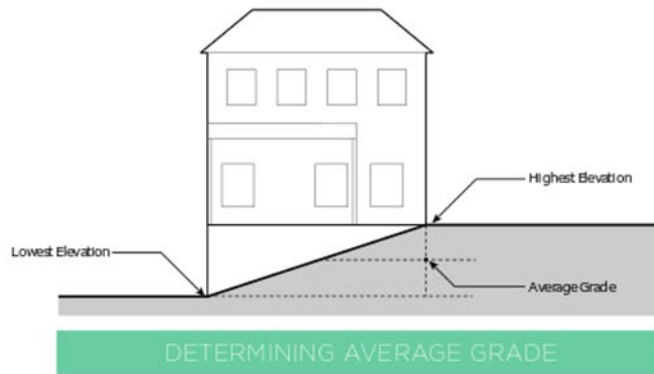
- (1) The front street setback is measured at a right angle from the right-of-way line.
- (2) Where a lot extends through the block from street to street, the required front yard must be provided along each street.
- (3) The side street setback is measured at a right angle from the side street right-of-way line.
- (4) The rear setback is measured at a right angle from the rear lot line or the rear right-of-way or easement line where there is an alley. The rear lot line is the lot line opposite to the front street lot line. Where there is more than one front street, the Zoning Administrator will determine the rear lot line
- (5) All lot lines which do not front a street, side street or rear lot lines are considered side interior lot lines.
- (6) For the purpose of measuring setbacks, side interior setbacks are measured at a right angle from the side lot line.



**D. Determining Average Grade.** Average grade is determined by calculating the average of the highest and lowest elevation along.

**E. Yards, Open Space, and Parking.** Unless otherwise permitted herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

**F. Lot or Yard Dimensions.** No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum or maximum requirements established by this Code. The Zoning Administrator will determine setbacks for irregular shaped lots.



**G. Permitted Encroachments into Setbacks**

- (1) Fences and walls may encroach into a required setback.
- (2) Sidewalks and driveways may encroach into a required setback.
- (3) A required buffer yard may encroach into a required setback.
- (4) Landscaping may encroach into a required setback.
- (5) Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten (10) feet wide, chimneys, flues, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to three (3) feet into a required setback, provided that such extension is at least two (2) feet from the vertical plane of any lot line.
- (6) Unenclosed patios, decks, terraces or porte cochere may encroach into a side interior or rear setback, provided that such extension is at least three (3) feet from the vertical plane of any lot line.
- (7) An awning, canopy or gallery may encroach into a front or side street setback provided that such extension is at least one (1) foot from the vertical plane of any lot line.

**Section 1101.11 Rules of Interpretation**

- A. Whenever a defined word appears in the Code, its meaning is as set forth in this article. Words not defined in this Code are interpreted in accordance with their usual dictionary meaning and customary usage.
- B. All references to other regulations or manuals in this Code refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Code requirements for compliance are no longer in effect.
- C. Illustrations, diagrams, and flowcharts are included in this Code to illustrate the intent requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.
- D. Except as otherwise notes, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
- E. The language of this Code shall be interpreted in accordance with the following regulations:
  - (1) The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.

- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
- (3) The word “shall” is mandatory, the word “may” is permissive.
- (4) The words “used” or “occupied” include the words “intended”, “designed”, “constructed”, “altered”, or “arranged” to be used or occupied.
- (5) The word “lot” includes the words “plot”, “tract”, or “parcel”.
- (6) The terms “standards”, “regulations”, and “requirements” are used to mandate a specific course of action or built outcome.
- (7) Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
- (8) Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “either ... or”, the conjunction shall be interpreted as follows:
- (9) “And” indicates that all the connected items, conditions, provisions or events shall apply.
- (10) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (11) “Either ... or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

### **Section 1101.13 Minimum Requirements**

- A. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements (unless a maximum requirement is expressly provided) adopted for the promotion of the public health, safety, morals, and general welfare. Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, codes, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. Wherever special or unusual conditions or circumstances exist, or wherever there is an apparent safety hazard, the Planning Commission may prescribe additional requirements in order to promote and protect the health, safety, morals and general welfare of the Village. The regulations contained in each district or zone herein shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

### **Section 1101.15 Effect of Annexation on Zoning**

- A. When a lot developed with an agricultural use or one (1) single-family dwelling is annexed into the Village, it shall be classified as Residential Estate (RE) zone upon passage of the ordinance accepting the annexation.
- B. When a lot developed with a use other than agriculture or one (1) single-family dwelling is annexed into the Village, the applicant may file for a district amendment within six (6) months from the date of the passage of the accepting ordinance without assessment of a fee. The applicant may request the zoning classification be changed in accordance with the procedures set forth under Title 7. Otherwise, the lot shall be classified as Neighborhood Suburban (NS) zone upon adoption of the ordinance accepting the annexation.
- C. When a lot owned by any public authority is annexed into the Village via annexation, it shall be classified as Neighborhood Suburban (NS) zone upon adoption of the ordinance accepting the annexation.
- D. Any land within the Village not designated or otherwise included within another zoning district shall be included in the Neighborhood Suburban (NS).



### **Section 1101.17 Private Provisions**

- A. The provisions of this Code are not intended to nullify, abolish or repeal any easement, covenant or other private agreement or restriction.

### **Section 1101.19 Conflicting Provisions**

- A. In the case of any conflict or inconsistency between two or more provisions of this Code (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a base district) or any other Village ordinance, the provision which imposes the greater or higher or more restrictive standard shall control.

### **Section 1101.21 Determination of Land Uses Not Listed in this Code**

- A. It is recognized that this Code may require interpretation to assign all possible uses to individual zones or districts. Therefore, any use which is not specifically set forth in this Code shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted within those zones or districts. Based upon this review, the City Manager shall determine the appropriate district or zone for any use which is not specifically set forth herein. In case of disagreement with the determination of the City Manager in assigning a use to an appropriate district or zone, any aggrieved party may file an appeal with the Board of Zoning Appeals.

### **Section 1101.23 Saving Provision for Impending Enforcement Actions**

- A. Except as shall be expressly provided for in this Code, the adoption of this Code shall not:
  - (1) Nullify or make void any action pending under, or by virtue of, any prior zoning code or subdivision code;
  - (2) Discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning code or subdivision code;
  - (3) Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning code or subdivision code;
  - (4) Waive any right of the Village under any section or provision of any prior zoning code or subdivision code; or,
  - (5) Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Village under, or by virtue of, any prior zoning code or subdivision code.

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ZONING

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# Title Three Zoning

## Section 1103.01 General Requirements

- A. No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except in conformity with all of the regulations, compliance with all design standards, and upon performance of all conditions attached to any special or conditional use permit (CUP), variance, appeal, conditional rezoning, or master site plan approved pursuant to this Section.
- B. No person, firm, or corporation and no officer or employee (either as owner or as participating principal, agent, servant, or employee of such owner) shall sell, rent, or lease, or offer or attempt to sell, rent, or lease, any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this Section.

## Section 1103.03 Establishment of Districts

- A. Tier System
  - (1) The Village of Greenfield finds that its rural, sub-urban, and urban areas have substantially different physical, geographic, and functional characteristics that require alternative regulatory treatment. Rural areas are largely undeveloped and are characterized by woodlands, agricultural lands, horse farms, and scattered residential and commercial uses at very low densities. Suburban areas are automobile oriented, with auto-medium densities, front-loaded garages, and separate commercial areas. Residents of suburban neighborhoods desire a living environment that favors the values of security and privacy. Urban neighborhoods are more compact and pedestrian friendly, reflecting traditional community character and architecture. Residents of urban neighborhoods prefer a strong sense of community and a mixed-use living environment.
  - (2) A rural tier, a suburban tier, and a traditional tier are established by this section in order to provide a framework for assigning land-use categories, zoning districts, and development standards. The tiers are shown on the official zoning map.

**Table 1103-1  
Tier and Zoning Ordinance Correspondence**

Zoning District	Tier
“RE” (Residential Estate)	Rural or suburban
“NS” (Neighborhood Suburban)	Suburban
“NU” (Neighborhood Urban)	Traditional
“CN” (Commercial Neighborhood)	Traditional or suburban
“CG” (Commercial General)	Traditional or suburban
“D” (Downtown)	Traditional
“IL” (Industrial Light)	Suburban
“IH” (Industrial Heavy)	Traditional or suburban

- B. Base Zoning District.** The Village of Greenfield is divided into the zoning districts shown in Table 1103-1.
- C. Zoning Districts (Additional).** Additional zoning districts may be added from time to time upon the recommendation of the planning commission to the Village of Greenfield Council pursuant to Code Amendments in Title 7, Administration and Procedures, of the Planning and Zoning Code.

### Section 1103.05 Official Zoning Map

The maps delineating the boundaries of the various zoning districts, together with all matters and things shown on such maps, are adopted and approved, and collectively constitute the “official zoning map.” The official zoning map is incorporated by reference and made a part of the zoning code. These maps are on file in the office of the Building and Zoning Inspector and in the office of the clerk or recorder of the Village of Greenfield. All amendments to the official zoning map shall be listed in the order adopted in a separate register maintained in and kept current by the Building and Zoning Inspector. The official zoning map carries the zoning district designations established in this Section.

### Section 1103.07 Zoning District Boundaries

**A. When definite distances in feet are not shown on the zoning map, the following rules apply:**

- (1) Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways, or alleys shall be construed to follow such right-of-way or centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following Village of Greenfield limits shall be construed as following Village of Greenfield limits;
- (4) Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the Village of Greenfield, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all areas so involved shall then be subject to all regulations of the extended districts; and
- (5) Where physical or cultural features existing on the ground vary from those shown on the official zoning maps, or in other circumstances where the zoning boundary is unclear, the Building and Zoning Inspector shall interpret the district boundaries with appeal to the board of adjustment.

### Section 1113.09 Base Zoning Districts – Generally

No development approval shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. Rules for interpreting the design regulations are included in the lot layout, height, and density/intensity standards.

## Section 1103.11 Use Regulations

- A. Generally.** No use is permitted unless it is listed as a permitted or conditional use in this section. Those uses permitted as principal uses or buildings within each zoning district are those uses listed in the use matrix (Table\_1103-2).
- B. Uses Not Mentioned.** A use not specifically mentioned or described by category in the use matrix (Table 1103-2) is prohibited. Evaluation of these uses shall be as set forth in Interpretation—Materially Similar Uses of this Section.
- C. Uses Preempted by State Statute.** Notwithstanding any provision of this section to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the use matrix (Table 1103-2).
- D. Interpretation – Materially Similar Uses.** The Building and Zoning Inspector shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the Village Council upon recommendation by the planning commission at a regularly scheduled meeting. It is the intent of this Section to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a CUP. Uses not listed as a permitted use or CUP are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the use matrix (Table 1103-2), and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Building and Zoning Inspector shall determine whether a materially similar use exists in this section. Should the Building and Zoning Inspector determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed, and the Building and Zoning Inspector’s decision shall be recorded in writing. Should the Building and Zoning Inspector determine that a materially similar use does not exist, the matter may be referred to the Planning Commission for consideration for amendment to the zoning code to establish a specific listing for the use in question. Unless an appeal is timely filed pursuant to Section 1107.09 of the code, the Building and Zoning Inspector’s decision is valid. If, when seeking periodic ratification of interpretations, the Building and Zoning Inspector’s interpretation is reversed then decisions made in reliance on the Building and Zoning Inspector’s interpretation are in violation of the zoning code.

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
<b>Residential buildings</b>							
Single-family detached dwellings	P	P	—	—	P	—	—
Single-family attached dwellings	—	P	—	—	P	—	—
Two-family dwelling	—	P	—	—	P	—	—
Zero lot line or row houses	—	P	—	—	P	—	—
Accessory dwelling units	P	P	—	—	P	—	—
Accessory apartments	P	P	—	—	P	—	—
Townhouses	—	P	—	—	P	—	—
Manufactured housing, residential design	—	P	—	—	—	—	—
Manufactured housing, other	—	—	—	—	—	—	—
Multifamily dwellings	—	P	—	—	P	—	—
Retirement housing services	—	P	—	—	P	—	—
Congregate living services	—	P	—	—	P	—	—
Assisted living services	—	P	—	—	P	—	—
Life care or continuing care services	—	P	—	—	P	—	—
Skilled nursing services	—	P	—	—	P	—	—
Community home	P	P	P	—	P	—	—
Single-room occupancy units	—	—	—	—	P	—	—
Temporary structures, tents, etc., for shelter	—	C	—	C	P	—	—
Other structurally converted buildings	—	—	—	—	P	—	—
<b>Hotels, motels, or other accommodation services</b>							
Bed-and-breakfast inn	—	C	P	P	P	—	—
Rooming and boarding house	—	C	P	C	P	—	—
Hotel, motel, or tourist court	—	—	P	P	P	P	—
<b>Commercial buildings</b>							
Commercial center	P	P	P	P	P	P	P

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Shop or store building with drive-through facility	—	—	—	P	P	—	—
Restaurant, with incidental consumption of alcoholic beverages	—	—	—	—	P	P	—
Stand-alone store or shop building	—	—	P	P	P	—	—
Department store building	—	—	P	P	P	—	—
Warehouse discount store/superstore	—	—	—	P	P	—	—
Market shops, including open markets	—	—	P	P	P	—	—
Market shops, including open markets	—	—	P	P	P	—	—
Gasoline station	—	—	—	—	—	—	P
Automobile repair and service structures	—	—	—	—	—	—	P
Car dealer	—	—	—	P	—	—	—
Bus, truck, mobile home, or large vehicle dealers	—	—	—	—	—	—	P
Bicycle, motorcycle, all- terrain vehicle dealers	—	—	—	P	P	—	—
Boat or marine craft dealer	—	—	—	P	—	—	—
Parts, accessories, or tires	—	—	C	P	P	—	—
Gasoline service	—	—	—	—	—	—	P
Lumberyard and building materials	—	—	—	P	C	P	P
Outdoor resale business	—	—	—	P	P	P	P



Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Beer, wine, and liquor store (off-premises consumption of alcohol)	—	—	—	—	P	—	—
Shopping center	—	—	P	P	P	—	—
Convenience stores or centers	—	—	P	P	P	—	—
Car care center	—	—	—	—	—	—	P
Car washes	—	—	—	P	—	—	P
Office or bank building, stand-alone (without drive-through facility)	—	—	P	P	P	—	—
Office building (with drive-through facility)	—	—	—	P	P	—	—
Office or store building with residence on upper floor(s)	—	—	P	P	P	—	—
Office building over storefronts	—	—	P	P	P	—	—
Research-and- development services (scientific, medical, and technology)	—	—	C	P	P	P	P
Car rental and leasing	—	—	—	—	—	—	P
Leasing trucks, trailers, recreational vehicles, etc.	—	—	—	—	—	—	P
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking, and crating)	—	—	—	P	P	P	P
Bars, taverns, and nightclubs	—	—	—	—	P	—	—
Camps, camping, and related establishments	C	—	—	P	—	—	—
<b>Industrial buildings and structures</b>							
Light industrial structures and facilities	—	—	—	—	—	P	P

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Loft building	—	—	—	—	P	P	P
Mill-type factory structures	—	—	—	—	—	C	P
Manufacturing plants	—	—	—	—	—	—	P
Industrial parks	—	—	—	—	—	P	P
Laboratory or specialized industrial facility	—	—	—	—	P	P	P
Assembly and construction-type plants	—	—	—	—	—	—	P
Process plants (metals, chemicals, etc.)	—	—	—	—	—	—	P
Construction-related businesses	—	—	—	—	P	C	P
Automotive wrecking and graveyards, salvage yards, and junkyards	—	—	—	—	—	—	P
Demolition business	—	—	—	—	—	—	P
Recycling business	—	—	—	—	—	—	P
<b><i>Warehouse or storage facility</i></b>							
Mini warehouse	—	—	—	P	C	P	P
High-rise mini warehouse	—	—	—	—	—	C	P
Warehouse structure	—	—	—	—	—	C	P
Produce warehouse	—	—	—	—	—	C	P
Refrigerated warehouse or cold storage	—	—	—	—	—	C	P
Large area distribution or transit warehouse	—	—	—	—	—	C	P
Wholesale trade— durable goods	—	—	—	—	—	C	P
Wholesale trade— nondurable goods	—	—	—	—	—	C	P

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Warehouse and storage services	—	—	—	—	—	C	P
Tank farms	—	—	—	—	—	C	P
<b><i>Public assembly structures</i></b>							
Performance theater	—	—	P	P	P	—	—
Movie theater	—	—	P	P	P	—	—
Amphitheater	—	—	P	P	P	—	—
Indoor games facility	—	—	P	P	P	—	—
Amusement, sports, or recreation establishment (not specifically enumerated)	—	—	P	P	P	—	—
Amusement or theme park	—	—	—	P	—	—	—
Arcade	—	—	P	P	P	—	—
Miniature golf establishment	—	—	C	P	C	P	P
Fitness, recreational sports, gym, or athletic club	—	—	P	P	P	P	P
Bowling, billiards, pool, etc.	—	—	P	P	P	—	—
Skating rinks	—	—	P	P	P	—	—
Sports stadium or arena	—	—	—	P	P	P	P
Racetrack	—	—	—	P	—	—	—
Exhibition, convention, or conference structure	—	—	P	P	P	—	—

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Churches, temples, synagogues, mosques, and other religious facilities	P	P	P	P	P	P	P
Covered or partially covered atriums and public enclosures	—	—	P	P	P	P	P
Active open space/ athletic fields/golf courses	P	P	P	P	P	P	P
Passive open space	P	P	P	P	P	P	P
<b><i>Institutional or community facilities</i></b>							
Hospital building	—	—	—	P	P	P	P
Medical clinic building	—	—	P	P	P	P	P
Child and youth services	—	—	P	P	P	—	—
Day care center	C	C	P	P	P	P	P
Community Bakery services	—	—	C	P	P	—	—
Emergency and relief services	—	—	C	P	P	—	—
Other family services	—	—	C	P	P	—	—
Services for elderly and disabled	—	—	P	P	P	—	—
Animal hospitals	C	C	P	P	P	P	—
Hospital building	—	—	—	P	P	P	P
Fire and rescue station	—	—	P	P	P	—	—
Police station	—	—	P	P	P	—	—
Emergency operation center	—	—	P	P	P	—	—
Correctional or rehabilitation facility	—	—	—	—	—	—	P
Cemetery, monument, tombstone, or mausoleum	C	C	C	C	C	C	C
Funeral homes	—	—	C	P	P	—	—
Cremation facilities	—	—	—	—	—	—	P

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Public administration	—	—	P	P	P	P	P
Post offices	—	—	P	P	P	P	P
Space research and technology	—	—	—	—	P	P	—
Clubs or lodges	—	—	—	P	P	—	—
<b><i>Transportation-related facilities</i></b>							
Automobile parking facilities	—	—	—	P	P	—	—
Surface parking, open	—	—	C	P	P	P	P
Surface parking, covered	—	—	C	C	C	C	P
Multistoried parking structure with ramps	—	—	—	C	C	P	P
Bus or truck maintenance facility	—	—	—	—	—	C	P
Truck and freight transportation services	—	—	—	—	—	C	P
Road, ground passenger, and transit transportation	P	P	P	P	P	P	P
Local transit systems— includes mixed mode	P	P	P	P	P	P	P
Local transit systems— bus, special needs, and other motor vehicles	P	P	P	P	P	P	P
Taxi and limousine service	—	—	P	P	P	P	P
School and employee bus transportation	P	P	P	P	P	P	P
Towing and other road services	—	—	—	P	P	P	P
Railroad facility	—	—	—	—	—	—	P
<b><i>Utility and other nonbuilding structures</i></b>							
Utility structures on right-of-way	P	P	P	P	P	P	P
Water supply pump station	P	P	P	P	P	P	P

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Water tank (elevated, at grade, underground)	P	P	P	P	P	P	P
Wells	P	P	P	P	P	P	P
Water treatment and purification facility	—	—	—	C	—	P	P
Water reservoir	—	—	—	P	—	P	P
Irrigation facilities	P	P	P	P	P	P	P
Wastewater Institutional or pumping station facility; lift stations	—	—	—	—	—	P	P
Solid waste landfill facility						P	P
Incinerator, composting, or similar facility	—	—	—	—	—	—	P
Hazardous waste collection	—	—	—	—	—	—	P
Hazardous waste treatment and disposal	—	—	—	—	—	—	P
Solid waste collection	—	—	—	—	—	—	P
Waste treatment and disposal	—	—	—	—	—	—	P
Septic tank and related services	—	—	—	—	—	—	P
Hazardous waste storage facility	—	—	—	—	—	—	P
Sewer treatment plant	—	—	—	—	—	—	P
Gas or electric power generation facility	—	—	—	—	—	—	P
Communication towers	—	—	—	—	—	—	P
Radio, television, or wireless transmitter	C	C	C	C	C	C	C
Weather stations or transmitters	—	—	—	—	—	—	P
Environmental monitoring station (air, soil, etc.)	—	—	—	—	—	—	P

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Sign, free-standing (must comply with the Village of Greenfield code)	A	A	A	A	A	A	A
Billboard (must comply with the Village of Greenfield code)	—	—	—	—	—	—	—
Highway rest stops and welcome centers	P	P	P	P	P	P	P
Roadside stand, pushcarts, etc.	P	P	P	P	P	P	P
Kiosks	P	P	P	P	P	P	P
Playground equipment	P	P	P	P	P	P	P
Fountain, sculpture, or other aesthetic structure	P	P	P	P	P	P	P
Outdoor stage, bandstand, or similar structure	—	—	C	P	P	P	P
<b><i>Agriculture, forestry, fishing, and hunting</i></b>							
Grain silos and other storage structure for grains and agricultural products	P	P	P	P	—	P	P
Animal production, including slaughter	—	—	—	—	—	—	—
Greenhouses/nurseries	—	—	—	—	P	—	P
Stables and other equine-related facilities	—	—	—	—	—	—	P
Kennels and other canine-related facilities	—	—	P	P	P	P	P
Apiary and other related structures	P	P	P	P	P	P	P
Crop production	P	P	P	P	P	P	P
Support functions for agriculture and forestry	—	—	P	P	P	P	P
<b><i>Mining and extraction establishments</i></b>							

Table 1103-2							
Uses	RE, NS	NU	CN	CG	D	IL	IH
Oil and natural gas	—	—	—	—	—	—	P
Metals (iron, copper, etc.)	—	—	—	—	—	—	P
Coal	—	—	—	—	—	—	P
Nonmetallic mining	—	—	—	—	—	—	P
Quarrying and stone cutting	—	—	—	—	—	—	C

*RE = Residential Estate; NS = Neighborhood Suburban; NU = Neighborhood Urban; CN = Commercial Neighborhood; CG = Commercial General;; D = Downtown; IL = Industrial Light; IH = Industrial Heavy; P = permitted uses; C = conditional uses; A = accessory uses; and NAICS = North American Industry Classification System. A dash (“—”) indicates prohibited uses*



**Table 1103-3  
Dimensional Standards**

Zoning District	RE	NS	NU	CN	CG	D	IL	IH
Lot size (minimum, square feet)	43,560	20,000	5,000	—	—	—	—	—
Density (maximum, dwelling units per gross acre)	1.5	2	12	—	—	—	—	—
Frontage (minimum, feet)	100	65	30	10-150	40	—	50	50
Lot width (minimum, feet)	100	65	40	—	—	—	50	50
Lot width (maximum, feet)	—	—	150	—	—	—	—	—
Height (maximum, feet)	35	35	35	35	48	80	50	50
Stories (maximum)	2½	2½	2½	2½	4	6	5	5
Front setback (minimum, feet)	30	20	10	0	5	0	20	20
Maximum front setback (maximum, feet)	—	—	35	15	100	10	—	—
Side setback (minimum, feet)	15	5	5	10	—	—	20	20
Rear setback (minimum, feet)	30	20	20	30	30	—	30	30
Lot coverage (percent)	15	15	10	70	80	—	70	80

**Section 1103.15 Dimensional Regulations**

The lot design (frontage, setback, and coverage) and building design (height) requirements are established in each zoning district regulation below. Each district includes an illustration of the design regulations. To the extent that there is any inconsistency between the illustration and written regulations in each district, the written regulations govern. A summary of the dimensional regulations is provided in Table 1103-3 for the convenience of the reader. To the extent of any inconsistency between the summary provided in Table 1103-3 and the zoning district regulations, the zoning district regulations control.

**Section 1103.17 Residential Estate (RE)**

Residential Estate districts are the designation for a low-density residential use on a lot that is a minimum of 1 acre. “RE” districts implement the following policies by:

- Ensuring that proposed land uses and development are compatible in their use, character, and size to the site and the surrounding areas;
- Based on a comprehensive land-use plan, encouraging more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implementing these changes through zoning; and
- Encouraging patterns of urban development that provide a full range of housing choices and promoting a sense of community, urban vitality, and the efficient provision of infrastructure.

**A. Permitted Uses**

See 1103.11 Use Regulations of this Section.

**B. Dimensional Standards**

The dimensional standards within the “RE” (Residential Estate) district are outlined in Table 1103-4 (see Figure 1103-1).

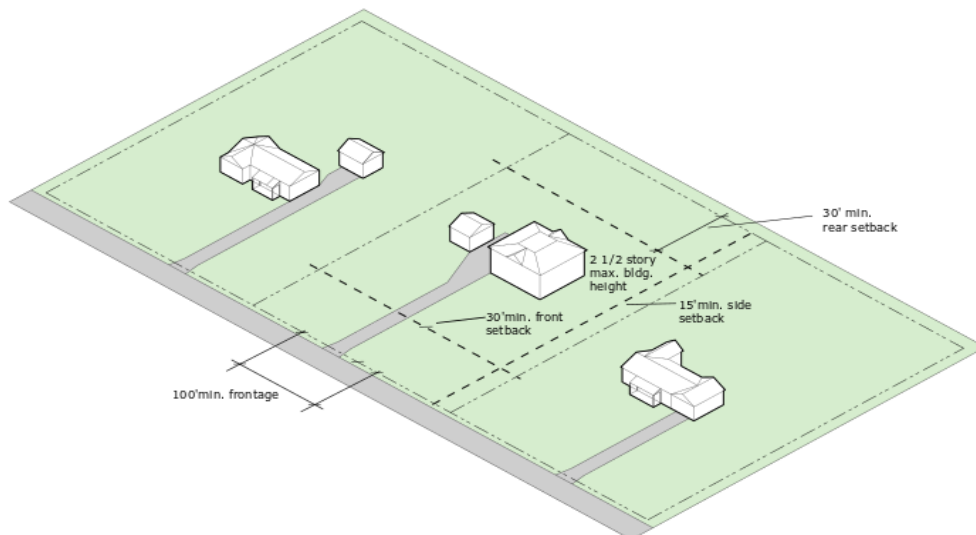
**C. Building Design**

Building design shall conform to the appropriate building type design standards (Section 1105.27 Building Design).

**Table1103-4  
Dimensional Standard - “RE”  
(Residential Estate)**

Zoning District	“RE”
Lot size (minimum, square feet)	43,560
Density (maximum, dwelling units per gross acre)	1.5
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	—
Height (maximum, feet)	35
Stories (maximum)	2½
Front setback (minimum, feet)	30
Maximum front setback (maximum, feet)	—
Side setback (minimum, feet)	15
Rear setback (minimum, feet)	30
Lot coverage (maximum, percent)	10

**Figure1103-1  
Dimensional Standards— “RE”  
(Residential Estate)**



### Section 1103.19 Neighborhood Suburban (NS)

Neighborhood Suburban districts provide areas for low-density, single-family uses that provide a buffer between the agricultural and “RE” (Residential Estate) classifications and higher density. Minimum lot size requirements are provided in order to allow for market and design flexibility while preserving neighborhood character. “NS” districts encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers. They provide a full range of housing choices and promote a sense of community, urban vitality, and the efficient provision of infrastructure.

**A. Permitted Uses**

See 1103.11 Use Regulations of this Section.

**B. Dimensional Standards**

The dimensional standards within the “NS” (Neighborhood Suburban) district are outlined in Table 1103-5 (see Figure 1103-2).

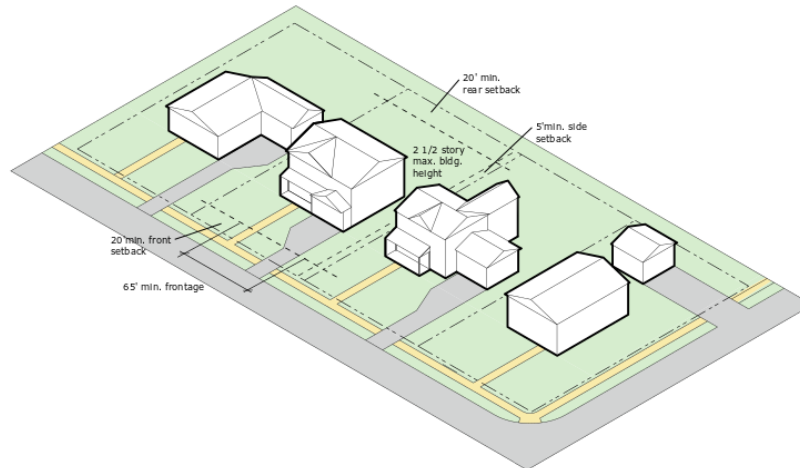
**C. Building Design**

Building design shall conform to the appropriate building type design standards (Section 1105.27 Building Design).

**Table 1103-5  
Dimensional Standards - “NS”  
(Neighborhood Suburban)**

Zoning District	“NS”
Lot size (minimum, square feet)	20,000
Density (maximum, dwelling units per gross acre)	2
Frontage (minimum, feet)	65
Lot width (minimum, feet)	65
Lot width (maximum, feet)	—
Height (maximum, feet)	35
Stories (maximum)	2½
Front setback (minimum, feet)	20
Maximum front setback (maximum, feet)	—
Side setback (minimum, feet)	5
Rear setback (minimum, feet)	20
Lot coverage (maximum, percent)	15
Maximum building size (individual)	—
Maximum building size (aggregate)	—

**Figure 1103-2**  
**Dimensional Standards - "NS"**  
**(Neighborhood Suburban)**



### Section 1103.21 Neighborhood Urban (NU)

Neighborhood Urban districts provide areas for medium to high-density, single-family residential uses mixed with a variety of housing types where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family, and multifamily dwellings, and open space where similar residential development seems likely to occur.

The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches, and to preserve the openness of the area by requiring certain minimum yard and area standards. Mixed residential districts provide flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas. These districts encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers. They provide a full range of housing choices and promote a sense of community, urban vitality, and the efficient provision of infrastructure.

#### A. Permitted Uses

See 1103.11 Use Regulations of this Section.

#### B. Dimensional Standards

The dimensional standards within the "NU" (Neighborhood Urban) district are outlined in Table 1103-6 (see Figure 1103-3).

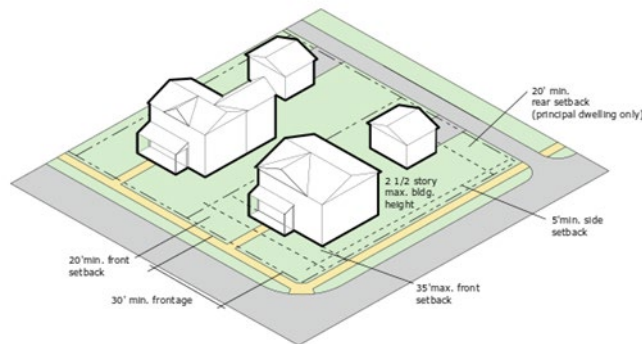
#### C. Building Design

Building design shall conform to the appropriate building type design standards (Section 1105.27 Building Design).

**Table 1103-6  
Dimensional Standards - “NU”**

Zoning District	“NU”
Lot size (minimum, square feet)	5,000
Density (maximum, dwelling units per gross acre)	9
Frontage (minimum, feet)	30
Lot width (minimum, feet)	40
Lot width (maximum, feet)	150
Height (maximum, feet)	35
Stories (maximum)	2½
Front setback (minimum, feet)	10
Maximum front setback (maximum, feet)	35
Side setback (minimum, feet)	5
Rear setback (minimum, feet)	20
Lot coverage (maximum, percent)	40
Maximum building size (individual)	—
Maximum building size (aggregate)	—

**Figure 1103-3  
Dimensional Standards - “NU”  
(Neighborhood Urban)**



### Section 1103.23 Commercial Neighborhood (CN)

Commercial Neighborhood districts provide small areas for offices, professional services, service, and shopfront retail uses—all designed in scale with surrounding residential uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of uses of a commercial nature, and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards, which are comparable to those called for in the residential districts. These districts are also intended to reduce auto trips by permitting a limited group of commercial uses to be located in close proximity to residential areas.

These districts provide a balance of residential and nonresidential land-use opportunities, reflecting the economic needs of residents and business owners. “CN” (Commercial Neighborhood) districts implement the following policies by:

- Based on a comprehensive land-use plan, encouraging more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implementing these changes through zoning; and
- Encouraging resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.
- “CN” (Commercial Neighborhood) districts are limited to:
- The intersection of arterial/collector, collector/collector, and collector/local street intersections, except where an existing commercial area has been established prior to the adoption of this Title; or
- The interior of a block along an arterial or collector street that lies parallel to an existing commercial area.

**A. Permitted Uses**

See 1103.11 of this Section

**B. Dimensional Standards**

The dimensional standards within the “CN” (Commercial Neighborhood) district are outlined in Table 1103-7 (see Figure 1103-4)

**C. Scale**

In addition to the provisions set forth below, the following restrictions shall apply to the scale of buildings in each “CN” (Commercial Neighborhood) district. Individual buildings shall not exceed the following:

- (1) 3,000 square feet of gross floor area for a single-use building; or
- (2) 3,000-square-foot building footprint for a mixed-use building or a live-work unit, so long as the building does not exceed two stories.

**D. Design**

- (1) Parking areas for new buildings or structures shall be located in the rear of the principal use or principal building. This subsection shall not apply to buildings that exist at the time of a rezoning to “CN” (Commercial Neighborhood)
- (2) Parking areas for new buildings or structures shall be located in the rear of the principal use or principal building. This subsection shall not apply to buildings that exist at the time of a rezoning to “CN” (Commercial Neighborhood).
- (3) Buildings shall be articulated so that façades which face public streets and exceed 50 feet in horizontal length shall include vertical piers or other vertical visual elements to break the plane of the façade. Such vertical piers or any other vertical visual elements shall be between 15 and 40 feet apart along the façade. This provision does not apply to the conversion of a residential building to a commercial use.

**E. Service Entrances/Service Yards**

Service entrances and service yards shall be located only in the rear or side yard of the business use. Service yards shall be screened from adjacent residential zones or uses by the installation and maintenance of a solid wall or fence having a height of at least 4 feet or greater than 6 feet, or vegetation having a minimum height of 4 feet. Refuse enclosures shall be located at the rear of the site and screened with a wall and a gate.

**F. Building Design**

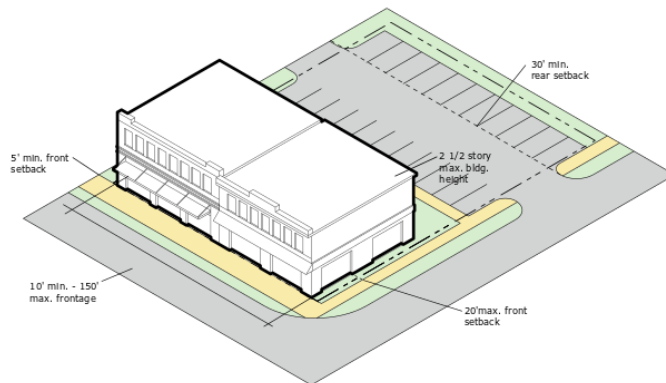
Building design shall conform to the appropriate building type design standards (Section 1105.27 Building Design).

**Table 1103-7  
Dimensional Standards - (CN)  
Commercial Neighborhood)**

Zoning District	“CN”
Lot size (minimum, square feet)	—
Density (maximum, dwelling units per gross acre)	—
Frontage (minimum, feet)	10
Lot width (minimum, feet)	—
Lot width (maximum, feet)	—
Height (maximum, feet)	35
Stories (maximum)	2½
Front setback (minimum, feet)	5
Maximum front setback (maximum, feet)	20
Side setback (minimum, feet)	0
Rear setback (minimum, feet)	30
Lot coverage (maximum, percent)	70
Maximum building size (individual)	2,000
Maximum building size (aggregate)	20,000
Minimum frontage built-out (percent)	65

*A dash (“—”) means “not applicable.”*

**Figure 1103-4  
Dimensional Standards— “CN”  
(Commercial Neighborhood)**



**Section 1103.25 Commercial General (CG)**

Commercial General districts permit general commercial activities, such as repair shops, wholesale businesses, warehousing, and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions, providing community balance. “CG” districts ensure that proposed land uses and development are compatible in their use, character, and size to the site and the surrounding areas. They support diversification of the economic base and neighborhood services, including schools, libraries, stores, transit centers, and community service facilities in accessible, pedestrian-friendly environments.

**A. Permitted Uses**

See 1103.11 of this Section.

**B. Dimensional Standards**

The dimensional standards within the “CG” (Commercial General) district are outlined in Table 1103-8 (see Figure 1103-5).

**C. Outdoor Storage or Display**

No outdoor storage or display of goods is permitted except for outdoor dining.

**D. Building Design**

Ground-level fenestration (e.g., transparent windows and opening at street level) shall conform to the appropriate building type design standards (Section 1105.27 Building Design)

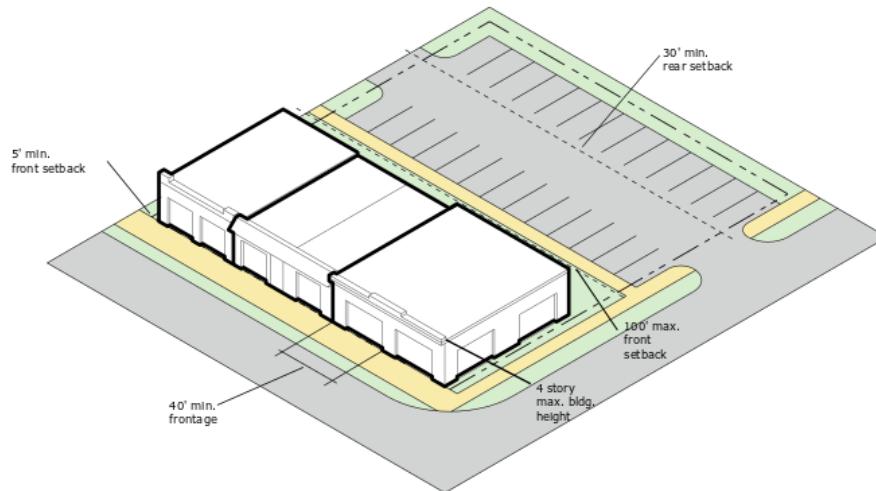
**Table 1103-8  
Dimensional Standards— “CG”  
(Commercial General)**

Zoning District	“CG”
Lot size (minimum, square feet)	—
Density (maximum, dwelling units per gross acre)	—
Frontage (minimum, feet)	40
Lot width (minimum, feet)	—
Lot width (maximum, feet)	—
Height (maximum, feet)	48
Stories (maximum)	4
Front setback (minimum, feet)	5
Maximum front setback (maximum, feet)	100
Side setback (minimum, feet)	0
Rear setback (minimum, feet)	30
Lot coverage (maximum, percent)	80
Minimum frontage built-out (percent)	65

*A dash (“—”) means “not applicable.”*



**Figure 1103-5  
Dimensional Standard - "CG"  
(Commercial General)**



## Section 1103.27 Downtown (D)

Downtown districts provide concentrated downtown retail, service, office, and mixed uses in the existing central business districts. Major/regional shopping centers are permitted, but urban design standards are required in order to maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. Downtown districts:

- Promote the long-term vitality of the central business district;
- Encourage development of the downtown area as a complete neighborhood to enhance its image to both visitors and residents;
- Accommodate a broad range of housing stock, including single-occupancy hotels; low-, moderate-, and upper-income housing; and housing for elderly persons; and
- Give priority to existing buildings, particularly vacant upper floors in existing buildings, for meeting housing needs.

### A. Permitted Uses

See 1103.11 Use Regulations of this Section.

### B. Dimensional Standards

The dimensional standards within the "D" (Downtown) district are outlined in Table 1103-9 (see Figure 1103-6).

### C. Building Design

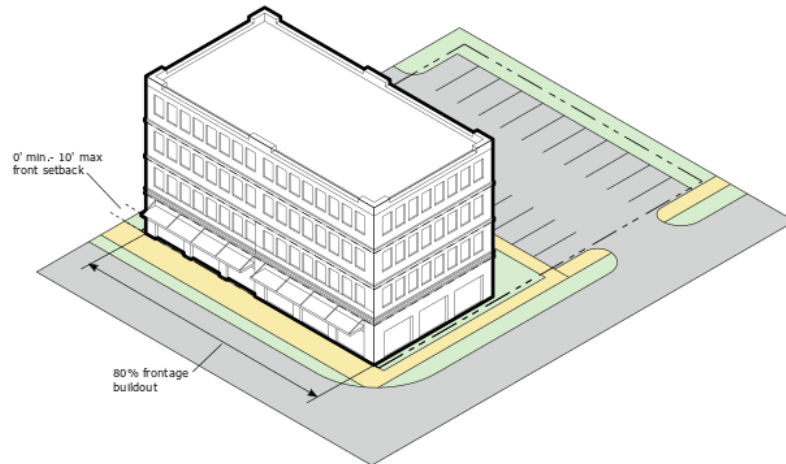
Ground-level fenestration (e.g., transparent windows and opening at street level) shall conform to the appropriate building type design standards (Section 1105.27 Building Design).

**Table 1103-9  
Dimensional Standard “D” (Downtown)**

Zoning District	“D”
Lot size (minimum, square feet)	—
Density (maximum, dwelling units per gross acre)	—
Frontage (minimum, feet)	—
Lot width (minimum, feet)	—
Lot width (maximum, feet)	—
Height (maximum, feet)	80
Stories (maximum)	6
Front setback (minimum, feet)	0
Maximum front setback (maximum, feet)	10
Side setback (minimum, feet)	—
Rear setback (minimum, feet)	—
Lot coverage (maximum, percent)	—
Maximum building size (individual)	—
Maximum building size (aggregate)	—
Minimum frontage built-out (percent)	80

A dash (“—”) means “not applicable.”

**Figure 1103-6  
Dimensional Standards - “D” (Downtown)**



### Section 1103.29 Industrial Light (IL)

Industrial Light districts provide for a mix of light manufacturing, office park, flex space, and limited retail and service uses that serve the industrial uses with proper screening and buffering—all compatible with adjoining uses.

**A. Permitted Uses**

See 1103.11 Use Regulations of this Section.

**B. Dimensional Standards**

The dimensional standards within the “IL” (Industrial Light) district are outlined in Table 1103-10 (see Figure 1103-7).

**C. General Provisions**

Uses in the “IL” (Industrial Light) district shall comply with the following and other applicable sections of this chapter:

- (1) Principal vehicle access to and from the site shall be from a primary driveway.
- (2) All loading shall be from the rear or side of the building and shall be completely screened from view at the street. These loading standards apply to new structures only, and existing buildings with loading docks facing the street may continue to be used, restored, or enlarged without being subject to the side or rear loading requirement of this section. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an “IL” (Industrial Light) or “IH” (Industrial Heavy) zoning district.

**D. Building Design**

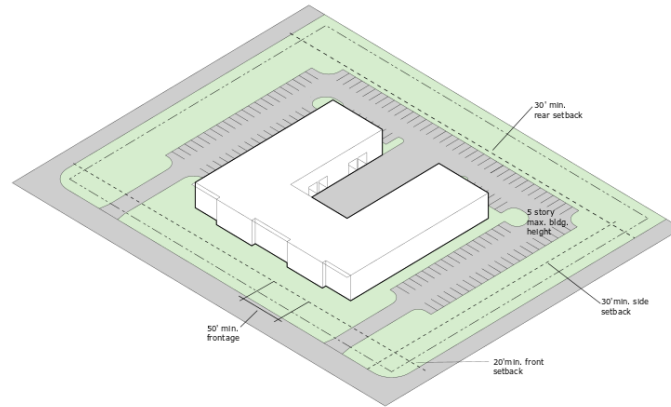
Building design shall conform to the appropriate building type design standards (Section 1105.27 Building Design).

**Table 1103-10  
Dimensional Standard “IL” (Industrial Light)**

Zoning District	“IL”
Lot size (minimum, square feet)	—
Density (maximum, dwelling units per gross acre)	—
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	—
Height (maximum, feet)	50
Stories (maximum)	5
Front setback (minimum, feet)	20
Maximum front setback (maximum, feet)	—
Side setback (minimum, feet)	20
Rear setback (minimum, feet)	30
Lot coverage (maximum, percent)	70
Minimum frontage built-out (percent)	—

*A dash (“—”) means “not applicable.”*

**Figure 1103-7  
Dimensional Standards – Industrial Light (IL)**



### Section 1103.31 Industrial Heavy (IH)

Industrial Heavy) districts accommodate areas of heavy and concentrated fabrication, manufacturing, and industrial uses that are suitable based upon adjacent land uses, access to transportation, and the availability of public services and facilities. It is the intent of these districts to provide an environment for industries that is unencumbered by nearby residential or commercial development. These districts:

- Must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses;
- Are located for convenient access for existing and future arterial thoroughfares and railway lines; and
- Support efforts to diversify the economic base, promote the safe storage of hazardous materials in locations that do not endanger neighborhoods and establish appropriate locations and standards for heavy industrial activities, such as the storage of hazardous and toxic materials.

**A. Permitted Uses**

See 1103.11 Use Regulations of this Section.

**B. Dimensional Standards**

The dimensional standards within the “IH” district are outlined in Table 1103-11 (see Figure 1103-8).

**C. General Provisions**

- (1) All driveways, parking areas, and pedestrian ways shall be surfaced with an all-weather surface. Curb and gutter shall be provided where required by the street design standards (Title 9 Subdivision Regulations).
- (2) All delivery and freight handling areas shall be screened from the boundary of any property not zoned “IL” (Industrial Light) or “IH” (Industrial Heavy).
- (3) Sites shall not be accessed from residential streets.

**D. Building Design**

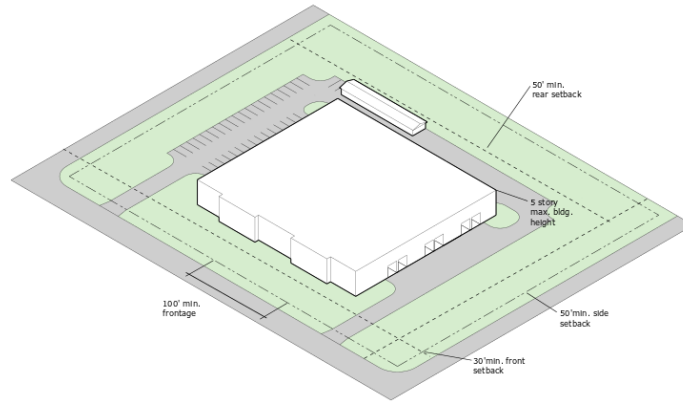
Building design shall conform to the appropriate building type design standards (Section 1105.27 Building Design).

**Table 1103-11  
Dimensional Standard “IH” (Industrial Heavy)**

Zoning District	“IL”
Lot size (minimum, square feet)	—
Density (maximum, dwelling units per gross acre)	—
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	—
Height (maximum, feet)	50
Stories (maximum)	5
Front setback (minimum, feet)	20
Maximum front setback (maximum, feet)	—
Side setback (minimum, feet)	20
Rear setback (minimum, feet)	30
Lot coverage (maximum, percent)	70
Minimum frontage built-out (percent)	—

*A dash (“—”) means “not applicable.”*

Figure 1103-8  
Dimensional Standards - Industrial Heavy (IH)



1105

COMMON  
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## Title Five Common Regulations

### Section 1105.01 Off Street Parking

A. This section sets minimum standards for off-street requirements for new construction and expansion of or changes to existing uses. The purpose of this section is to ensure that uses have a minimum level of off-street parking to avoid congestion on surrounding streets while avoiding excessive parking, discouraging pedestrian access, driving up the cost of development, and inviting excessive levels of traffic congestion, which creates increases in flooding and nonpoint source pollution. On-street parking is also encouraged in some locations in order to provide a buffer between pedestrians and vehicular traffic.

#### B. Parking Ratios.

##### (1) Generally

- i. **Applicability.** The minimum parking ratio standards apply to all zoning districts except the “D” (Downtown) zoning district.
  - ii. **Uses not identified.** The Building and Zoning Inspector shall determine the parking requirement for uses that do not correspond to the categories listed in Table 1105-1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
    - a) Type of uses;
    - b) Number of employees;
    - c) Building design capacity;
    - d) Square feet of sales area and service area;
    - e) Parking spaces proposed on site;
    - f) Parking spaces provided elsewhere; and
    - g) Hours of operation.
  - iii. **Multiple uses.** Where the application identifies accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure. This does not apply to Section 1105.01, Shared Parking of this Section.
  - iv. **Fractional measurements.** When units or measurements determining the number of required off-street parking spaces result in a fractional space, then such fraction equal or greater than one-half shall require a full off-street parking space.
  - v. **Floor area measurement.** Floor area and GFA are synonymous for purposes of this Section (see “gross floor area,” as defined in the Glossary).
  - vi. **On-street parking.** The minimum number of required off-street parking spaces shall be reduced by the number of on-street parking spaces abutting the property lines of the lot or parcel.
- (2) **Minimum Parking Ratios.** Table 1105-1 establishes the minimum numbers of parking spaces required for the uses indicated. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the GFA of the building. Parking requirements may be met by one or more of a combination of the following methods:
- i. Providing on-site parking spaces. Only spaces that are designed consistent with this section are counted toward the minimum parking required. Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required. No part of a parking or loading space required for any building to comply with this Section shall be included as part of a parking or loading space required for another building.

- ii. Making payments in lieu of parking spaces that shall be contributed to a parking fund specifically set aside to provide public parking within 1/4 mile of the exterior boundaries of the proposed development: The amount of the payment for each space shall be established by a resolution of the Village Council and shall be reasonable and based on the actual or estimated cost to provide such spaces. No development approvals shall be issued until complete payment has been received by the Village of Greenfield.
- iii. Providing off-site parking spaces in a shared parking facility: Shared parking facilities must conform to Section 1105.01, Shared Parking of this Section.

(3) **Maximum Parking Ratios**

- i. Table 1105-1 indicates the maximum number of parking spaces established for the use or structure. If a maximum parking space ratio applies, the number of parking spaces shall not exceed the maximum number permitted.
- ii. The maximum spaces allowed do not include accessible spaces required by the building code.

C. Shared Parking.

- (1) **Generally.** Parking spaces required under this section may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to the requirements of this section.
- (2) **Cooperative Parking.** Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
  - i. The off-site, off-street parking facilities are within 300 feet of the property;
  - ii. The parking demands of the individual uses, as determined by the administrator based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required;
  - iii. A written agreement between the owners and leases executed for a minimum of 20 years, approved by the Building and Zoning Inspector as provided in subsection (iv), below. The application shall be recorded and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered non-conforming and any and all approvals, including CUPs, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this division;
  - iv. An application for approval of a cooperative parking plan shall be filed with the Building and Zoning Inspector by the owner of the entire land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners of parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common; and
  - v. Pursuant to the same procedure and subject to the same limitations and requirements by which the cooperative parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan, and all land and structures withdrawn from such plan comply with the regulations of this division.
- (3) **Shared Parking.** Developments that contain a mix of uses on the same parcel, as set forth in Table 1105-2, may reduce the amount of required parking in accordance with the following methodology:

## Title Five – Common Regulations

- i. Determine the minimum parking requirements in accordance with Table 1105-1 for each land use as if it were a separate use;
  - ii. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 1105-2;
  - iii. Calculate the total for each time period; and
  - iv. Select the total with the highest value as the required minimum number of parking spaces.
- (4) Shared Easement Maintenance Agreements
- i. A maintenance agreement made between the owners of shared easements for ingress and egress that sets out responsibility percentages shall be recorded with the County Recorder after examination by the Planning Commission and Map Office. In terms of a lease, such agreements may be spelled out in the lease and a memorandum filed with the City Clerk or Building and Zoning Inspector.

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
<b><i>Residential buildings</i></b>			
Single-family detached dwellings	—	—	—
Single-family attached dwellings	—	—	—
Duplex structures	1 per DU	1.9 per DU	0.5 per DU
Zero lot line or row houses			
Accessory dwelling units	—	—	—
Accessory apartments	—	—	—
Townhouses	1 per DU	1.9 per DU	0.5 per DU
Manufactured housing, residential design	—	—	—
Manufactured housing, other	—	—	—
Multifamily dwellings	1 per DU	1.9 per DU	0.5 per DU
Retirement housing services	1 per three DUs	1.5 per DU	—
Congregate living services	1 per three DUs	1.5 per DU	—
Assisted living services	0.3 per room	1 per room	—
Life care or continuing care services	0.3 per room	1 per room	—
Skilled nursing services	0.3 per room	1 per room	—
Community home	0.3 per room	1 per room	—
Barracks	0.3 per room	1 per room	—
College fraternities	1 per 2 beds	1 per bed	0.5 per DU
Dormitories	1 per 2 beds	1 per bed	0.5 per DU
Single-room occupancy units	0.3 per room	1 per room	—
Temporary structures, tents, etc., for shelter	0.3 per room	1 per room	—
Other structurally converted buildings	0.3 per room	1 per room	—
<b><i>Hotels, motels, or other accommodation services</i></b>			
Bed-and-breakfast inn	1 per guest room plus 2 spaces for owner's portion	—	—
Rooming and boarding house	1 per guest room plus 2 spaces for owner's portion	—	—
Hotel, motel, or tourist court	0.8 per room plus 1 per 800 sf of public meeting area and restaurant space	1 per room plus 1 per 400 sf of public meeting area and restaurant space	—

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
<i><b>Commercial buildings</b></i>			
Commercial center	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
Shop or store building with drive-through facility	1 per 250 sf GFA	1 per 140 sf GFA	—
Restaurant, with incidental consumption of alcoholic beverages	1 per 75 sf GFA	1 per 50 sf GFA	1 per 20 vehicle spaces
Stand-alone store or shop building	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
Department store building	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
Warehouse discount store/superstore	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
Market shops, including open markets	1 per 100 sf gross public sales area	1.5 per 100 sf gross sales area	—
Gasoline station	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	—
Automobile repair and service structures	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	—
Car dealer	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	—
Bus, truck, mobile homes, or large vehicle dealers	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	—
Bicycle, motorcycle, all-terrain vehicle dealers	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	—
Boat or marine craft dealer	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	—
Parts, accessories, or tires	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	—
Gasoline service	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	—
Lumberyard and building materials	1 per 375 sf GFA of sales and	1.5 per 375 sf GFA of sales and	—

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
	service building	service building	
<b>Outdoor resale business</b>	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	—
	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
<b>Beer, wine, and liquor store (off-premises consumption of alcohol)</b>			
<b>Neighborhood shopping center (convenience with one or more anchors)</b>			
<b>Community shopping center (general merchandise with two or more anchors)</b>			
<b>Regional shopping center (enclosed mall with two or more anchors)</b>			
<b>Superregional center (similar to regional but has three or more anchors)</b>			
<b>Fashion/specialty center (higher-end, fashion-oriented stores)</b>			
<b>Power center (category-dominated anchors with few small tenants)</b>			
<b>Theme or festival center (leisure, tourist-oriented, restaurants)</b>			
<b>Outlet or discount center (manufacturer outlet stores)</b>			
<b>Convenience stores or centers</b>	6 per 1,000 sf GFA	10 per 1,000 sf GFA	1 per 10 vehicle spaces
<b>Car care center</b>	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	—
<b>Car washes</b>			
<b>Office or bank building, stand-alone (without drive-through)</b>	1 per 250 sf GFA	1 per 140 sf GFA	—
<b>Office building with drive-through facility</b>	1 per 1,500 sf GFA plus required stacking spaces for drive-through facilities	5 per 1,000 sf GFA	1 per 10 vehicle spaces
<b>Office or store building with residence on top</b>	1 per 1,000 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
<b>Office building over storefronts</b>	1 per 1,000 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces
<b>Research-and-development services (scientific, medical, and technology)</b>	1 per 1,000 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
Car rental and leasing	1 per 1,000 sf GFA	1 per 200 sf GFA	—
Leasing trucks, trailers, recreational vehicles, etc.	1 per 1,000 sf GFA	1 per 200 sf GFA	—
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking, and crating)	1 per 1,000 sf GFA	1 per 200 sf GFA	—
Bars, taverns, nightclubs	1 per 2 seats	1 per 1.5 seats	1 per 10 vehicle spaces
Camps, camping, and related establishments	1 per 6 camp sites, plus 4 per laundry and shower facility	—	—
<b><i>Industrial buildings and structures</i></b>			
Light industrial structures and facilities (not enumerated below)	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Loft building	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Mill-type factory structures	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Manufacturing plants	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Industrial parks	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Laboratory or specialized industrial facility	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Assembly and construction-type plants	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Process plants (metals, chemicals, etc.)	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Construction-related businesses	1 per 1,000 sf GFA	1 per 200 sf GFA	—
Automotive wrecking and salvage yard/junkyard	1 per employee	—	—
Demolition business	1 per employee	—	—
Recycling business	1 per employee	—	—
<b><i>Warehouse or storage facility</i></b>			

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
Mini-warehouse	4 spaces plus 2 for manager’s quarters	—	—
High-rise mini-warehouse	4 spaces plus 2 for manager’s quarters	—	—
Warehouse structure	1 per 600 sf GFA	1 per 350 sf GFA	—
Produce warehouse	1 per 600 sf GFA	1 per 350 sf GFA	—
Refrigerated warehouse or cold storage	1 per 600 sf GFA	1 per 350 sf GFA	—
Large area distribution or transit warehouse	1 per 600 sf GFA	1 per 350 sf GFA	—
Wholesale trade—durable goods	1 per 600 sf GFA	1 per 350 sf GFA	—
Wholesale trade—nondurable goods	1 per 600 sf GFA	1 per 350 sf GFA	—
Warehouse and storage services	1 per 600 sf GFA	1 per 350 sf GFA	—
Tank farms	1 per 600 sf GFA	1 per 350 sf GFA	—
<b><i>Public assembly structures</i></b>			
Performance theater	1 per 6 seats	1 per 4 seats	1 per 20 vehicle spaces
Movie theater	1 per 6 seats	1 per 4 seats	1 per 20 vehicle spaces
Amphitheater	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats	1 per 4 seats or 1 per 50 sf of GFA if no permanent seats	1 per 20 vehicle spaces
Drive-in theaters	—	—	1 per 20 vehicle spaces
Indoor games facility	5 per 1,000 sf GFA	6 per 1,000 sf GFA	1 per 10 vehicle spaces
Amusement, sports, or recreation establishment (not specifically enumerated)	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats	1 per 4 seats or 1 per 50 sf of GFA if no permanent seats	1 per 20 vehicle spaces
Amusement or theme park	1 per 600 sf outdoor recreation area	1 per 500 sf outdoor recreation area	
Arcade	1 per game table, video game, amusement device	—	1 per 10 vehicle spaces



<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
Miniature golf establishment	1 per hole	2 per hole	—
Fitness, recreational sports, gym, or athletic club	1.5 per 1,000 sf GFA	10 per 1,000 sf GFA	1 per 10 vehicle spaces
Bowling, billiards, pool, etc.	2 per lane	4 per lane	1 per 10 vehicle spaces
Skating rinks	5 per 1,000 sf GFA	7 per 1,000 sf GFA	1 per 10 vehicle spaces
Sports stadium or arena	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats	1 per 4 seats or 1 per 50 sf of GFA	1 per 20 vehicle spaces
Racetrack	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats	1 per 4 seats or 1 per 50 sf of GFA	1 per 20 vehicle spaces
Exhibition, convention, or conference structure	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats	1 per 4 seats or 1 per 50 sf of GFA	1 per 20 vehicle spaces
Churches, temples, synagogues, mosques, and other religious facilities	1 per 8 seats	1 per 1.5 seats	1 per 20 vehicle spaces
Covered or partially covered atriums and public enclosures	—	—	—
Passenger terminal, mixed mode	—	—	—
Active open space/athletic fields/golf courses	—	6 per hole (golf courses)	—
Passive open space	—	—	—
<b><i>Institutional or community facilities</i></b>			
Hospital building	1 per 400 sf GFA	1 per 100 sf GFA	1 per 20 vehicle spaces
Medical clinic building	1 per 400 sf GFA	1 per 100 sf GFA	1 per 20 vehicle spaces
Social assistance, welfare, and charitable services (not otherwise enumerated)	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Child and youth services	1 per 375 sf GFA	1.5 per 375 sf GFA	—
Child care institution (basic)	1 per 375 sf GFA	1.5 per 375 sf GFA	—
Child care institution (specialized)	1 per 375 sf GFA	1.5 per 375 sf GFA	—
Day care center	1 per 375 sf GFA	1.5 per 375 sf GFA	—

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
Community food services	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Emergency and relief services	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Other family services	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Services for elderly and disabled	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Animal hospitals	1 per employee	—	—
School or university buildings (privately owned)	1 per classroom	2 per classroom	1 per 10 students
Grade school (privately owned)	1 per classroom	2 per classroom	1 per 10 students
College or university facility (privately owned)	1 per 4 students	1 per 2 students	1 per 5 vehicle spaces
Trade or specialty school facility (privately owned)	1 per 200 sf	1 per 150 sf	1 per 10 students
Library building	1 per 300 sf GFA	1 per 125 sf GFA	1 per 20 vehicle spaces
Museum, exhibition, or similar facility	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf
Exhibitions and art galleries	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf
Planetarium	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf
Aquarium	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf
Outdoor facility, no major structure	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf
Zoological parks	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf
Public safety-related facility	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	—	3% of number of parking spaces
Fire and rescue station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office	—	3% of number of parking spaces

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
	space		
Police station	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	—	3% of number of parking spaces
Emergency operation center	1 per employee	—	—
Correctional or rehabilitation facility	1 per employee on maximum shift, 1 per service vehicle	1 per employee on maximum shift, 1 per service vehicle	
Cemetery, monument, tombstone, or mausoleum	—	—	—
Funeral homes	1 per 4 seats	1 per 2 seats	—
Cremation facilities	1 per 4 seats	1 per 2 seats	—
Public administration	1 per 300 sf GFA	1 per 125 sf GFA	1 per 20 vehicle spaces
Post offices	1 per employee	—	—
Space research and technology	1 per employee	—	—
Clubs or lodges	1 per 3 persons	—	1 per 20 vehicle spaces
<b><i>Transportation-related facilities</i></b>			
Automobile parking facilities	—	—	—
Surface parking, open	—	—	—
Surface parking, covered	—	—	—
Multistoried parking structure with ramps	—	—	—
Underground parking structure with ramps	—	—	—
Rooftop parking facility	—	—	—
Bus terminal	1 per employee plus spaces	—	—

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
	required to satisfy projected peak parking needs		
Bus stop shelter	–	–	–
Bus or truck maintenance facility	–	–	–
Truck and freight transportation services	–	–	–
Road, ground passenger, and transit transportation	1 per employee plus spaces required to satisfy projected peak parking needs	–	–
Local transit systems, including mixed mode	1 per employee plus spaces required to satisfy projected peak parking needs	–	–
Local transit systems—commuter rail	1 per employee plus spaces required to satisfy projected peak parking needs	–	–
Local transit systems—bus, special needs, and other motor vehicles	1 per employee plus spaces required to satisfy projected peak parking needs	–	–
Interurban, charter bus, and other similar establishments	1 per employee plus spaces required to satisfy projected peak parking needs	–	–
Taxi and limousine service	–	–	–
School and employee bus transportation	–	–	–
Towing and other road services	–	–	–
Space transportation	–	–	–
Pipeline transportation	–	–	–

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
Postal transportation services	–	–	–
Courier and messenger services	–	–	–
Air and space transportation facility	–	–	–
Airport terminal	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees	–	–
Runway	–	–	–
Airport maintenance and hangar facility	–	–	–
Airport control tower	–	–	–
Heliport facility	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees	–	–
Glide port, seaport, stolport, ultralight, or balloonport facility	–	–	–
Railroad facility	1 per employee	–	–
<b><i>Utility and other nonbuilding structures</i></b>			
Utility structures on right-of-way	1 per employee	–	–
Water supply-related facility	1 per employee	–	–
Water supply pump station	1 per employee	–	–
Dam	1 per employee	–	–
Levee	1 per employee	–	–
Culvert	1 per employee	–	–
Water tank (elevated, at grade, underground)	1 per employee	–	–
Wells	1 per employee	–	–

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
Water treatment and purification facility	1 per employee	—	—
Water reservoir	1 per employee	—	—
Irrigation facilities	1 per employee	—	—
Wastewater storage or pumping station facility; lift stations	1 per employee	—	—
Solid waste landfill facility	1 per employee	—	—
Incinerator, composting, or similar facility	1 per employee	—	—
Hazardous waste collection	1 per employee	—	—
Hazardous waste treatment and disposal	1 per employee	—	—
Solid waste collection	1 per employee	—	—
Solid waste combustor or incinerator	1 per employee	—	—
Waste treatment and disposal	1 per employee	—	—
Septic tank and related services	1 per employee	—	—
Hazardous waste storage facility	1 per employee	—	—
Sewer treatment plant	1 per employee	—	—
Gas or electric power generation facility	1 per employee	—	—
Communication towers	1 per service employee	—	—
Radio, television, or wireless transmitter	1 per service employee	—	—
Weather stations or transmitters	1 per service employee	—	—
Environmental monitoring station (air, soil, etc.)	1 per employee	—	—
Sign or billboard	—	—	—
Highway rest stops and welcome centers	—	—	—
Roadside stand, pushcarts, etc.	—	—	—

<b>Table 1105-1 Parking Ratios</b>			
<b>Use/Activity</b>	<b>Minimum Vehicle Spaces</b>	<b>Maximum Vehicle Spaces</b>	<b>Minimum Bicycle Spaces</b>
Kiosks	—	—	—
Playground equipment	—	—	—
Fountain, sculpture, or other aesthetic structure	—	—	—
Outdoor stage, bandstand, or similar structure	—	—	—
<b><i>Agriculture, forestry, fishing, and hunting</i></b>			
Grain silos and other storage structure for grains and agricultural products	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Animal production, including slaughter	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Livestock pens or hog houses	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Hatcheries and poultry houses	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Greenhouse/nurseries	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	—
Stables and other equine-related facilities	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Kennels and other canine-related facilities	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Apiary and other related structures	1 per 300 sf GFA	1 per 1,500 sf GFA	—
Crop production	—	—	—
Forestry and logging	—	—	—
Fishing, hunting, and trapping, including game preserves and retreats	—	—	—
Support functions for agriculture and forestry	—	—	—
<b><i>Mining and extraction establishments</i></b>			
Oil and natural gas	1 per employee plus 1 per facility vehicle	—	—
Metals (iron, copper, etc.)	1 per employee plus 1 per facility vehicle	—	—
Coal	1 per employee plus 1 per facility vehicle	—	—

**Table 1105-1  
Parking Ratios**

Use/Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Nonmetallic mining	1 per employee plus 1 per facility vehicle	—	—
Quarrying and stone cutting	1 per employee plus 1 per facility vehicle	—	—

*DU = dwelling unit; sf = square feet; and GFA = gross floor area. A dash (“—”) means that the standard is not applicable*

**Table 1105-2  
Shared Parking Standards**

(A) Land Use	Weekday		Week end		(F) Nighttime (Midnight-6 AM)
	(B) Daytime (9 AM-4 PM)	(C) Evening (6 PM-midnight)	(D) Daytime (9 AM-4 PM)	(E) Evenings (6 PM-midnight)	
Office/industrial	100%	10%	19%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/commercial	40%	100%	80%	100%	10%

*Stall depth = the projected vehicle length from the wall measured perpendicular to the aisle; and aisle width = traveled path through a parking facility that provides access to one or two parking vehicles*



**D. Dimensions.**

- (1) **Generally.** Off-street parking spaces shall have a width of 9 feet. Stall depth shall have the minimum established in Table 1105-1 (see Figure 1105-1), exclusive of access or maneuvering area, ramps, and other appurtenances. The minimum width of access aisles internal to a parking lot or structure shall be as prescribed in Table 1105-3.
- (2) **Compact Vehicles.** Up to 30 percent of the required parking spaces may be designated for use by compact vehicles with minimum dimensions of 8 feet in width and 16 feet in length. Compact vehicle parking areas shall be identified by individually marking each parking space surface with lettering a minimum of 6 inches in size.
- (3) **Turnarounds.** All parking areas containing three or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way.

**E. Location.**

- (1) Generally. Except as otherwise permitted under a cooperative parking plan, off-street parking facilities shall be located on the lots on which the use or structure for which they are provided is located.
- (2) Rear Parking
  - i. For purposes of this section, “rear parking” means that parking areas are located between the principal building and the rear lot line or an alley, or interior to a block.
  - ii. All parking areas in the following districts shall be rear parking: “NU” (Neighborhood Urban), “CN” (Commercial Neighborhood), and “D” (Downtown).
  - iii. Parking to the rear of the principal use or principal building is encouraged in all other zoning districts or use patterns.
  - iv. Rear parking areas that are screened from the view of public streets by the principal buildings are exempt from the parking lot screening requirements of the landscaping standards (Section \_\_\_ Parking Lot Landscaping of this Section).

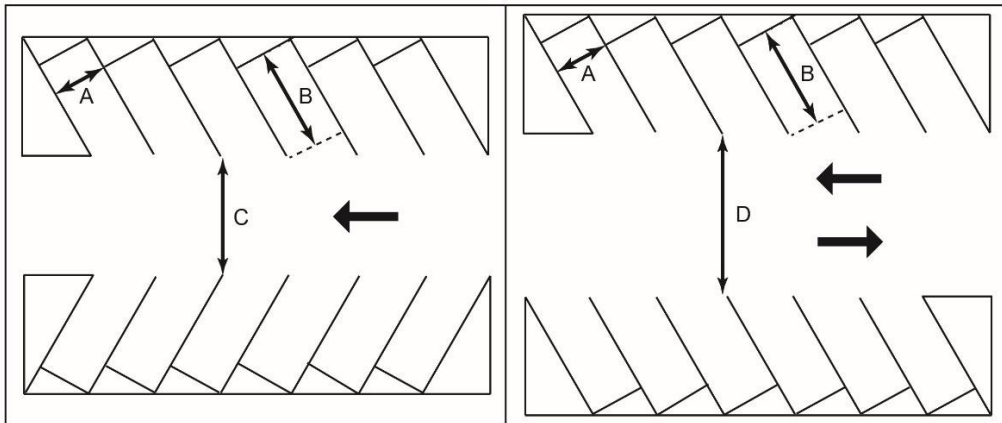
**F. Bicycle Parking.**

- (1) **Generally.** Bicycle parking spaces shall be required for all nonresidential uses and structures. One bicycle parking space shall be required for each 20 parking spaces. Parking to the rear of the principal use or principal building is encouraged in all other zoning districts or use patterns.
- (2) **Design.** Bicycle spaces may be provided through spaces or bicycle storage racks. Bicycle spaces shall be at least 2 feet 6 inches in width and 6 feet in length, with a minimum overhead vertical clearance of 7 feet. Racks and other fixtures used to provide for nonresidential uses must be securely affixed to the ground and allow for the bicycle to be locked and chained. The design of bicycle racks and fixtures shall be included in final site plans and approved by the public works or transportation department and shall be separately marked.
- (3) **Location.** Where bicycle spaces are required by this Section, the spaces may be indoors or outdoors and shall be located within 50 feet of the primary entrance. The spaces shall not be located behind any wall, shrubbery, or other visual obstruction lying between the principal building and the bicycle spaces. If required bicycle spaces are not visible from the street, signs must be posted indicating their location. Areas used for required bicycle parking shall be paved, drained, and well lighted. Spaces within offices and commercial facilities or located on balconies or within residential dwelling units shall not be counted toward required parking.

**Table 1105-3**  
**Minimum Dimensions for Parking Spaces and Drive Aisles**

Angle	Parking Space Width	Parking Space Length	Drive Aisle Width	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°) to 29°	9'	22'	12'	20'
30° to 44°	9'	20'	12'	24'
45° to 59°	9'	20'	12'	24'
60° to 89°	9'	18'	18'	24'
Perpendicular (90°)	9'	18'	20'	24'

**Figure 1105-1**  
**Parking Space and Stall Dimensions**



**Section 1105.03 Loading**

**A. General Requirements.**

- (1) Truck loading facilities are required in all zones other than the “D” (Downtown) district for structures containing uses devoted to businesses, industry, manufacturing, storage, warehousing, processing, offices, professional buildings, hotels, multiple-family dwellings, hospitals, airports, railroad terminals, and any buildings of a commercial nature.
- (2) If a structure is enlarged, expanded, or changed, it shall not be used, occupied, or operated unless it has at least the amount of off-street truck loading facilities that would apply if the increment were a separate structure.

**B. Responsibility.** The provision for and maintenance of the off-street truck loading facilities shall be the joint and several responsibility of the operator and owner of the land upon which the structure requiring the facilities is located.

**C. Types and Location.** There shall be two sizes of off-street truck loading spaces designated: “large” and “small.” Each large space shall have an overhead clearance of at least 14 feet, shall be at least 12 feet wide, and shall be at least 50 feet long, exclusive of access or maneuvering area, platform, and other appurtenances. Each small space shall have an overhead clearance of at least 10 feet, shall be at least 8 feet wide, and shall be at least 20 feet long, exclusive of access or maneuvering area, platform, and other appurtenances.

**D. Location.** Off-street truck loading facilities shall be located on the same lot on which the structure for which they are provided is located. However, loading facilities that are available under a cooperative arrangement may be located on another site not more than 300 feet from the structure for which they are provided. Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property by the installation of a buffer yard.

**E. Drainage and Surfacing.** Areas shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition free of weeds, dust, trash, and debris.

**F. Lighting.** Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.

**G. Combined Facilities.** Requirements for the provision of off-street truck loading facilities with respect to two or more structures may be satisfied by the permanent allocation of the required number of spaces for each use in a common truck loading facility. The total number of spaces designated in a common truck loading facility shall be at least the sum of the individual requirements unless the Building and Zoning Inspector determines that a lesser number of spaces will be adequate. In determining the number of revised spaces, the Building and Zoning Inspector shall consider the respective times of usage of the truck loading facilities by the individual users and the character of the merchandise.

**Table 1105-4  
Minimum Truck Loading Spaces**

Square Feet of Gross Floor Area in Structure	Required Number of Spaces
0 up to and including 12,500	1 (small)
12,501 up to and including 25,000	2 (small)
25,001 up to and including 40,000	1 (large)

40,001 up to and including 100,000	2 (large)
For each additional 80,000 over 100,000	1 (large)

**H. Minimum Requirements and Area.** The minimum truck loading spaces shall be provided in all districts for structures containing the uses enumerated in Table 1105-4.

Section 1105.05 Signs

Table 1105-5  
Permitted Principal Signs  
by Zone and District

District/Zone	Monument Sign	Projecting Sign	Wall Sign	Awning Sign	Window Sign	Roof Sign
Residential Estate (RE)	NE					
Neighborhood Suburban (NS)	NE	NR				
Neighborhood Urban (NU)	MU or NR					
Commercial Neighborhood (CN)	X	X	X	X		
Commercial General (CG)	X	X	X	X		
Downtown (D)	X	X	X	X	X	X
Industrial Light (IL)	X	X	X	X	X	
Industrial Heavy (IH)	X	X	X	X	X	
<b>Sign Key:</b> MU - Multi-Unit Development NR - Non-Residential Development NE - Neighborhood Entry Sign						

- A. **Purpose and Applicability.** This section regulates the type, number, design, size, time of display, location, maintenance, and other characteristics of signs in order to: protect the public health, safety, and welfare in all zones and districts; promote clarity in sign communications; promote harmony between and among the physical characteristics of signs and the physical characteristics of surrounding land, structures, and other development features; and to promote attractive and orderly appearance in all districts. The provisions of this section shall apply to all existing signs, to all signs erected or installed after the effective date of this Zoning Code, and to any sign which replaces an existing sign or component thereof
- B. **Zoning Sign Permits Required.** Every sign, except those specifically exempted by the provisions of This section, shall only be erected or installed subsequent to and in conformance with the provisions of a zoning sign permit issued by the Building and Zoning Inspector. The Building and Zoning Inspector shall not be required to issue a zoning sign permit to any use or business that does not have a valid zoning certificate or that is otherwise not in compliance with the Zoning Code, Building Code or Property Maintenance Code. For the purposes of approving a sign in conformance with the Zoning Code, a zoning sign permit shall have the same effect as a zoning certificate.

C. **Signs Requiring Permits.**

- (1) **Signs in Zones and Districts.** Signs shall be permitted in the respective districts as established in Table 1105-5: Permitted Signs and as further provided in this section.
- (2) **Signs in Downtown(D), Neighborhood Urban (NU).** Subject to the approval of the Building and Zoning Inspector or the Planning Commission, as applicable, in conjunction with the certificate of appropriateness process required under Section 1107.11, signs shall be permitted in Downtown(D) District as established in Table 1105-5 and in conformity with the following specific provisions:
  - i. Residential Signs – One (1) monument sign per entrance may be located on a lot or lots within a multi-dwelling unit development within the Downtown(D) and Neighborhood Urban (NU) Districts. When located in the public right-of-way, all such signs shall be subject to a perpetual maintenance agreement and shall not be internally illuminated.
  - ii. Non-Residential Use or Mixed-Use Signs – Downtown (D) The following sign types shall be permitted to be displayed on structures or buildings utilized for non-residential or mixed- use purposes in conformity with the following specific provisions:
    - a) **Sign Lighting.** The following types of lighting shall be permitted in the Downtown (D) district: exterior illuminated, gooseneck lighting, shadow lit, bulb surround – non-flashing or blinking, and bulb surround – flashing or blinking.
    - b) **Changeable Copy Types.** The following changeable copy types shall be permitted in the Downtown (D) District: channel letters.
  - iii. **Principal Signs.** A maximum of two (2) of any combination of the following sign types shall be permitted per lot in the Downtown (D) District in accordance with the following provisions:
    - a) **Wall Sign.** One (1) wall sign may be erected on the wall of a building which most nearly parallels a street, parking lot or service drive, as determined by the Building and Zoning Inspector. The total permitted area for any wall sign is two (2) square feet per lineal foot of building façade or tenant space, as applicable. Any wall sign located in accordance with this subsection shall be attached parallel to the building wall, mounted on a raceway, or painted directly on a wall, provided no wall sign shall extend outward from the building wall more than twelve inches (12"). Where a building is located on a corner lot, wall signs may be permitted on both walls which parallel the intersecting streets. Wall signs shall be composed of wood or metal frames with a face of wood, metal or polycarbonate materials. Where a building is located on a corner lot, wall signs may be permitted on both walls which parallel the intersecting streets. Wall signs shall be composed of wood or metal frames with a face of wood, metal or polycarbonate materials.
    - b) **Projecting Sign.** One (1) projecting sign constructed of wood or metal, including its mounting structure, may be mounted upon and be perpendicular to the wall of a building at a ninety (90) degree angle. The surface area of each face of such projecting sign shall be a maximum of six (6) square feet. It shall not project more than three feet (3') from the building façade and shall not use a guy wire or angle iron support structure unless within the plane of the sign. A projecting sign shall be located no less than nine feet (9') above the sidewalk or ground level. Any applicant requesting a permit for a projecting sign which extends over a public right-of-way shall provide for a hold-harmless agreement with the Village

- iv. **Roof Sign.** One (1) roof sign constructed of metal with a maximum surface area of eighty (80) square feet may be located on the roof of a principal structure located in the Downtown (D) District. Such roof sign shall be setback a minimum of five feet (5') from the edge of the roof of the principal structure and may be illuminated with a direct light.
  - v. **Window Sign.** Up to two (2) window signs no larger than fifteen percent (15%) of the surface area of the window or windows on which such sign or signs are placed. Any window sign located in accordance with this subsection shall be located on a window or windows on the front façade of the principal building.
  - vi. **Awning Signs.** A maximum of one (1) awning sign may be permitted in accordance with the provisions set forth under this subsection. All new awnings, or changes to awning colors shall be subject to a design and site plan review. Removal and replacement of awning materials that does not involve changes to the awning support structures shall be considered a sign face change. Changes to awning lettering that involve no material or color changes shall not require a zoning sign permit. Awning lettering may not exceed sixteen inches in height (16").
  - vii. **Monument Sign.** One (1) monument sign with a base constructed of brick may be installed in the ORD-C. or in the NU district if the use in the NU district is non-residential. The monument sign may be a maximum of six feet (6') in height with a maximum surface area of twenty-four (24) square feet. Any monument sign located in accordance with this subsection shall be setback a minimum of ten feet (10') from the front property line or easement line, as applicable
- (3) **Signs in Commercial Zones (CN, CG Districts).** Subject to the approval of the Building and Zoning Inspector or the Planning Commission, as applicable, in conjunction with the site plan and design review process required under Section 1105.05, signs shall be permitted in the CN as established in Table 1105-5 and in conformity with the following specific provisions:
- i. **Sign Lighting.** The following types of lighting shall be permitted in the CN District: exterior illuminated, gooseneck lighting, shadow lit, internally lit, and bulb surround – non- flashing or blinking.
  - ii. **Changeable Copy Types.** Changeable copy types are not permitted in the Commercial Neighborhood (CN) District.
  - iii. **Principal Sign Types.** A maximum of two (2) of any combination of the following sign types shall be permitted in the Commercial Neighborhood (CN) District in accordance with the following provisions:
    - a) **Awning Signs.** A maximum of one (1) awning sign may be permitted in accordance with the provisions set forth under this subsection. All new awnings, or changes to awning colors shall be subject to a design and site plan review. Removal and replacement of awning materials that does not involve changes to the awning support structures shall be considered a sign face change. Changes to awning lettering that involve no material or color changes shall not require a zoning sign permit. Awning lettering may not exceed sixteen inches in height (16").
    - b) **Monument Sign.** One (1) monument sign with a base constructed of brick may be installed in the CN. The monument sign may be a maximum of six feet (6') in height with a maximum surface area of twenty-four (24) square feet. Any monument sign located in accordance with this subsection shall be setback a minimum of ten feet (10') from the front property line or easement line, as applicable.

- c) **Wall Sign.** One (1) wall sign may be erected on the wall of a building which most nearly parallels a street, parking lot or service drive, as determined by the Building and Zoning Inspector. The total permitted area for any wall sign is two and one-half (2.5) square feet per lineal foot of building façade or tenant space, as applicable. Any wall sign located in accordance with this subsection shall be attached parallel to the building wall, mounted on a raceway, or painted directly on a wall, provided no wall sign shall extend outward from the building wall more than twenty-four inches (24"). Where a building is located on a corner lot, wall signs may be permitted on both walls which parallel the intersecting streets. Where a building is located on a corner lot, wall signs may be permitted on both walls which parallel the intersecting streets. Wall signs shall be composed of wood or metal frames with a face of wood, metal or polycarbonate materials.
  - d) **Projecting Sign.** One (1) projecting sign constructed of wood or metal, including its mounting structure, may be mounted upon and be perpendicular to the wall of a building at a ninety (90) degree angle. The surface area of each face of such projecting sign shall be a maximum of six (6) square feet. It shall not project more than three feet (3') from the building façade and shall not use a guy wire or angle iron support structure unless within the plane of the sign. A projecting sign shall be located no less than nine feet (9') above the sidewalk or ground level. Any applicant requesting a permit for a projecting sign which extends over a public right-of-way shall provide for a hold-harmless agreement with the Village.
  - e) **Window Sign.** Up to two (2) window signs no larger than thirty percent (30%) of the surface area of the window or windows on which such sign or signs are placed. Any window sign located in accordance with this subsection shall be located on a window or windows on the front façade of the principal building.
- iv. **Signs in Residential Zones (RE, NS, and NS Zoning Districts.** Subject to the approval of the Building and Zoning Inspector or the Planning Commission, as applicable, in conjunction with the site plan and design review process required under Section 1105.05, signs shall be permitted in the RE, NS, and NS zones as established in Table 1105-5 and in conformity with the following specific provisions:
- a) **Sign Lighting.** The following types of lighting shall be permitted in RM zones: exterior illuminated and gooseneck lighting. Sign lighting is not permitted in SR zones.
  - b) **Changeable Copy Types.** Changeable copy types are not permitted in SR and RM zones.
  - c) **Principal Sign Types.** The following sign types shall be permitted in the SR and RM zones in accordance with the following provisions:
  - d) **Neighborhood Entry Sign.** One (1) or more permanent ground signs may be located on a lot or lots within a subdivision or multi-family dwelling development. When located in the public right-of-way, all such signs shall be subject to a perpetual maintenance agreement and shall not be internally illuminated.
  - e) **Flags.** Flags are permitted as a supplemental sign type in RE, NS, and NS zones.
- v. **Real Estate Signs.** One (1) freestanding real estate sign per lot frontage is permitted on premises for individual lots or building until such lots are sold or rented in accordance with the following provisions:
- a) **Maximum Sign Face.** Six (6) square feet.



- b) Maximum Height. Five (5) feet.
- c) Location Requirements. At least one foot from street right of way and at least five feet from side or rear lot lines.
- d) Time Restrictions. Sold signs shall be removed within five (5) calendar days from closing on the sale of the subject property.

vi. **Temporary Signs.** Temporary signs are permitted provided that any temporary sign may have a maximum area of two (2) square feet and may be located a maximum of three feet (3') above grade. Any temporary sign located in accordance with these provisions shall be constructed of vinyl with metal supports.

(4) **Signs in Industrial Zones (IL and IH Zoning Districts)**

- i. **Monument Sign.** One (1) monument sign with a base constructed of brick may be installed in the IL and IH Districts. The monument sign may be a maximum of six feet (6') in height with a maximum surface area of twenty-four (24) square feet. Any monument sign located in accordance with this subsection shall be setback a minimum of ten feet (10') from the front property line or easement line, as applicable.
- ii. **Wall Sign.** One (1) wall sign may be erected on the wall of a building which most nearly parallels a street, parking lot or service drive, as determined by the Building and Zoning Inspector. A wall sign shall be attached parallel to the building wall and shall not extend outward from the building wall more than fourteen inches (14"). A sign may be attached to a canopy, marquee or roof that projects beyond a structure provided that no part of such sign extends more than two feet (2') beyond such roof, canopy or marquee. Where a building is located on a corner lot, wall signs may be permitted on both walls which parallel the intersecting streets. Wall sign height shall be adequate to be visible from above average vehicle height and from the street the wall sign fronts on.
- iii. **Projecting Sign.** One (1) projecting sign, including its mounting structure, may be mounted upon and be perpendicular to the wall of a building and shall not extend beyond any other dimension of the wall. It shall not project more than four feet (4') from the wall, and shall not use a guy wire or angle iron support structure unless within the plane of the sign. A projected sign shall be located no less than eight feet (8') above the sidewalk or ground level and no closer than six feet (6') to a street's pavement or curb. Any applicant requesting a permit for a projecting sign which extends over a public right-of-way shall provide for a hold-harmless agreement with the Village.
- iv. **Awnings.** Awnings may be permitted in addition to or in lieu of a wall sign. Where awnings are used as the primary sign identification, the standards for wall signs shall apply. Removal and replacement of awning materials that does not involve changes to the awning support structures shall be considered a sign face change. Changes to awning lettering that involve no material or color changes shall not require a zoning sign permit. Awning lettering may not exceed twelve inches (12").
- v. **Window Sign.** Up to two (2) window signs no larger than thirty percent (30%) of the surface area of the window or windows on which such sign or signs are placed. Any window sign located in accordance with this subsection shall be located on a window or windows on the front façade of the principal building.

**D. Supplemental Signs in Non-Residential Districts.** In addition to the above-listed principal sign types the following supplemental sign types may be permitted in non-residential districts, as specified below, in accordance with the following provisions:

- (1) **Banner Signs.** In all non-residential districts a maximum of one (1) banner sign may be permitted in accordance with the provisions set forth under this subsection. Banner signs shall be a maximum of two feet (2') wide and shall be located a maximum of eight feet (8') above grade. The display of banners shall be allowed for no more than one hundred and eighty (180) days per year, which may include any combination of consecutive ten (10) day periods, twenty (20) periods, or forty (40) days periods.
- (2) **Flags.** Flags are permitted as a supplemental sign type in all non-residential districts.
- (3) **Sandwich Board Signs.** A maximum of one (1) sandwich board sign may be permitted in accordance with the provisions set forth under this subsection. Sandwich board signs shall have a maximum sign face area of six (6) square feet with a maximum board width of twenty-four inches (24") and a maximum board height of thirty-six inches (36"). Any sandwich board located in accordance with this subsection shall be constructed of wood and shall be displayed for a maximum of twelve (12) hours per day.
- (4) **Real Estate Signs.** Any combination of free-standing, wall or window real estate signs may be located upon any non-residential property for a total of three (3) signs, provided that such signs do not exceed the permitted dimensions for the corresponding sign-type in the zoning district that is applicable to the subject property. Notwithstanding anything to the contrary contained herein, if freestanding signs are not permitted in the zoning district applicable to the subject property, then one free-standing sign not exceeding seven (7) feet in height with a maximum sign face of twenty (20) square feet may be located upon the subject property. All real estate signs located in accordance with this subsection shall be removed within five (5) calendar days from closing on the sale of the subject property.
- (5) **Temporary Signs.** Temporary signs (i.e. contractor or subcontractor signs) are permitted provided that any temporary sign may have a maximum area of two (2) square feet and may be located a maximum of three feet (3') above grade. Any temporary sign located in accordance with these provisions shall be constructed of vinyl with metal supports.

**E. Generally Applicable Regulations for all Signs**

- (1) **Sign height.** The height of a sign shall be measured from the finished grade which shall be defined as that point where the grade line intersects the front wall of the building. The height of a sign may not be artificially increased beyond the permitted height by placement of the sign on an earth mound.
- (2) **Sign setbacks.** Signs shall be located in conformity with the side and rear yard requirements of the applicable zone or district.
- (3) **Sign colors.** No sign requiring a permit under the provisions of this Section shall contain more than four (4) colors, including black and white. Where a corporate logo is used, the logo shall count as one of the four (4) colors. Where a multi-tenant sign is present, no individual sign face panel may contain more than four (4) colors.
- (4) **Construction.** All signs shall be properly constructed and maintained to ensure that no safety hazard is created. All signs shall be built in conformity with the requirements of the Building Code and the procedures of the Building Division.
- (5) **Location.** Except as otherwise provided in this Zoning Code, no sign or any part of any sign shall be placed in, over or extend into any public right-of-way.
- (6) **Lighting.** The level of illumination emitted or reflected from a sign shall not be so intense as to constitute a safety hazard to vehicular movement on any street from which the sign may be viewed, as determined by an average person. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent lots or streets.

- (7) Concealment of Wires and Components. Irrespective of the sign type permitted under this section, all wiring and components of such sign shall be concealed from public view.
- (8) Contractor Identification. All signs shall be plainly marked with the name of the person or company that installed the sign.
- (9) Maintenance and Repair Required:
  - i. The owner of a sign shall repair, support, clean, repaint, or perform any maintenance service necessary to maintain the reasonable and proper appearance and condition of the sign. Whenever the Building and Zoning Inspector determines a sign to be in need of repair, support, cleaning, repainting or other maintenance, he/she may issue a notice to the sign owner to complete the needed repairs or maintenance.
  - ii. All sign face panels shall be intact and free from cracks. No sign shall be permitted to exist without an intact face panel. Whenever the Building and Zoning Inspector determines that a sign face is cracked or not intact, he/she may issue a notice to the sign owner to replace the sign face.
  - iii. If the Building and Zoning Inspector determines that the existing condition of the sign creates an immediate hazard to the public health, safety or welfare, he/she shall issue a notice to the owner requiring the sign to be removed immediately.

**F. Nonconforming Signs**

- (1) An existing sign that does not meet the requirements of this Section shall be deemed a nonconforming sign.
- (2) A nonconforming sign shall exist and be maintained in accordance with the following:
  - i. The size and shape of the sign structure shall not be altered, except that sign face panels may be replaced.
  - ii. If damage occurs to a sign to the extent of sixty percent (60%) or more of either the structure or its replacement cost at the time of destruction, the sign shall be brought into compliance with the provisions of this Zoning Code.
- (3) A nonconforming sign shall not be structurally relocated or replaced, unless the new sign is in compliance with this Section.
- (4) All presently existing nonconforming signs, billboards, and commercial advertising structures may continue to be used for a period of three years from the adoption of this code. No structural alterations may thereafter be made, and the said nonconforming signs, billboards, and commercial advertising structures shall be brought into conformity by removal or relocation three years from the adoption of this code.

**G. Abandon Signs and Sign Faces**

- (1) A sign or sign face shall be considered abandoned when:
  - i. The sign or sign face remains after the discontinuance of a use. A use is considered to be discontinued if it is closed to the public for at least ninety (90) consecutive days.
  - ii. The sign or sign face is not maintained in accordance with the provisions of this Section and the owner of the sign has not complied with notices to maintain the reasonable and proper appearance and condition of the sign.
- (2) Whenever the Building and Zoning Inspector determines that a sign has been abandoned as defined in this Section, the right to maintain and use such a sign shall terminate immediately. Physical removal of a sign may be accomplished pursuant to the nuisance abatement procedures and ordinances of the Village.

- (3) Whenever the Building and Zoning Inspector determines that a sign face is abandoned as defined in this Section but the existing sign conforms to the Zoning Code, he/she may issue a notice to the sign owner to remove the abandoned panel and replace it with a blank. This shall not apply to signs maintained on lots that do not have any existing structure.
- (4) Whenever the Building and Zoning Inspector determines that a sign face in a multi-tenant sign is abandoned but other panels on the sign are not abandoned, he or she may issue a notice to the sign owner to remove the abandoned panel and replace it with a blank.

**H. Special Sign Regulations for Gasoline Stations.** Gasoline stations present several unique challenges for signage purposes due to industry-wide advertisement of the price of fuels for sale. In order to address these unique challenges, ground signs on lots with gasoline stations shall be permitted to incorporate electronic signage. Exempted ground signs of this type shall be subject to the following special regulations:

- (1) The electronic signage shall take up no more than one-third (1/3) of the sign area permitted by this Section.
- (2) The electronic signage shall consist of a solid background with only one illuminated color per electronic panel.
- (3) Such signs shall be subject to all other sign regulations of this Section, and of the applicable zone or district.

## Section 1105.07 Accessory Structures

**A. Generally Applicable Regulations for Accessory Uses and Accessory Structures.** An accessory use or accessory structure shall be permitted in any district provided that:

- (1) It is incidental to and customarily found in connection with the main use or main building permitted in the district;
- (2) It is subordinate to and serves the main use or building;
- (3) It is subordinate to the main use or building in ground area, floor area, extent, and purpose;
- (4) It is located on the same lot as the main building or main use which it serves; and
- (5) It contributes to the comfort, convenience, or necessity of occupants, business, or industry of the main use or main building served.
- (6) Except as otherwise provided by this Zoning Code, a use or structure which is interpreted by the Building and Zoning Inspector or by the Board of Zoning Appeals to be an accessory use or accessory structure may only be established or constructed on a lot having a legally existing main use or main building.
- (7) Except as otherwise provided in this Zoning Code, an accessory structure:
  - i. Shall not be located closer to any public right-of-way than the main building and shall not be located in the required front yard;
  - ii. Shall not be located closer than six feet (6FT) to any rear lot line and not closer than three feet (3FT) to any side lot line;
  - iii. Shall not be located closer than ten feet (10FT) to a main building;
  - iv. Shall not occupy more than twenty percent (20%) of the required rear yard;
  - v. In residential districts, the lot coverage of accessory structures shall not be more than fifty percent (50%) of the main structure;
  - vi. Shall not contain facilities for dwelling purposes;
  - vii. Shall not exceed fifteen feet (15FT) in height.
  - viii. Over 400 square feet must have a solid foundation as required by the Ohio Building Code.

- (8) For the purposes of this section, a storage building equal to or less than fifty square feet (50SF) in area, not permanently attached to the ground, is not considered a structure. Only one (1) such storage building may be placed on a lot without a zoning certificate. Any additional buildings shall be considered accessory structures and subject to the provisions of this section. Storage buildings of this type shall be located behind the main structure and shall conform with the minimum lot line setbacks listed in this section.

**B. Accessory Dwelling Unit**

- (1) An accessory dwelling may be permitted on a lot used for a single-family dwelling if approved as a conditional use, subject to the following conditions:
  - i. An unoccupied and unobstructed accessway shall be provided to the accessory dwelling that has a minimum width of eight feet connecting the dwelling to a public street.
  - ii. The accessory dwelling unit shall be occupied only by members of the family occupying the principal dwelling on the lot. The individual and their relationship to the homeowner shall be identified and if the tenant changes, the conditional use permit shall be reapplied for.
  - iii. The accessory dwelling unit shall not be larger than 25 percent of the floor area of the principal dwelling.
  - iv. There shall only be one utility account for the lot.
  - v. The accessory dwelling may have a separate exterior entrance but shall not have a separate mailing address.

## Section 1105.09 Trees

**A. Pruning Obstructions.**

- (1) It shall be the duty of any person or persons owning or occupying real estate bordering on any street upon which property there may be trees to prune such trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The minimum clearance of any overhang portion thereof shall be ten feet over sidewalks, and twelve feet over all streets except truck thoroughfares which shall have a clearance of sixteen feet.
- (2) **Notice to Prune.** Should any person or persons owning real estate property bordering on any street fail to prune trees as herein provided, the City Manager or designee shall cause a written notice to be served upon the owner of the land, or upon the lessee, agent or tenant having charge of such land, notifying him or her to prune such trees within ten (10) days after service of the notice. If the owner or other person having charge of such lands is a nonresident whose address is unknown, it shall be sufficient to publish such notice in a newspaper of general circulation in the municipality.
- (3) **Removal by Municipality.** In the event the owner does not prune trees as directed, the City Manager or designee shall cause the pruning of said trees.
- (4) **Assessment of Costs.** Whenever trees are pruned by the Village, the Village shall give thirty (30) days notice, by regular mail, to the owner of such lot or parcel of land, at his last known address, to pay the cost of such pruning, which notice shall be accompanied by a statement of the cost incurred.
- (5) **Delinquent Costs.** In the event the costs assessed to prune the trees is not paid within thirty (30) days after the mailing of said notice, the Municipal Auditor or designee shall cause such amount to be certified to the Auditor of Highland County as a lien upon the real property. Such remedy shall be in addition to the penalty provided for in Section 1107.29.

**B. Hazardous Trees.**

- (1) It shall be the duty of any person owning or occupying real estate bordering on the right of way upon which there are any trees which are designated by the Tree Commission as dead, dying, diseased or hazardous or deemed a menace to the health, safety, and welfare of the residents of Greenfield, to remove or cause to be removed said tree(s) and/or shrub(s). All stumps shall be removed below the ground surface so that the top of the stump shall not project above the surface of the ground. The Municipality or its designee has the authority to enter onto any property within the Municipality to determine if a tree is a hazard to the public health, safety and welfare.
- (2) **Notice to Remove.** Should any person or persons owning real estate property bordering on any street fail to remove the hazardous trees or shrubs as herein provided, the City Manager or designee shall cause a written notice to be served upon the owner of the land, or upon the lessee, agent or tenant having charge of such land, notifying him or her to remove such trees within twenty-one (21) days after service of the notice. If the owner or other person having charge of such lands is a nonresident whose address is unknown, it shall be sufficient to publish such notice in a newspaper of general circulation in the municipality.
- (3) **Removal by Municipality.** In the event the owner does not remove the hazardous trees or shrubs as directed, the City Manager or designee shall cause the removal of said trees.
- (4) **Assessment of Costs.** Whenever trees are removed by the Village, the Village shall give thirty (30) days notice, by regular mail, to the owner of such lot or parcel of land, at his last known address, to pay the cost of such removal, which notice shall be accompanied by a statement of the cost incurred.
- (5) **Delinquent Costs.** In the event the costs assessed to remove the trees or shrubs is not paid within thirty (30) days after the mailing of said notice, the Auditor or designee shall cause such amount to be certified to the Auditor of Highland County as a lien upon the real property. Such remedy shall be in addition to the penalty provided for in Section 1107.29.

**C. Village Removal of Trees.**

- (1) The City Manager or designee may remove or cause to be removed, any trees or parts thereof which by reason of its nature is injurious to existing sewers, electric power lines, gas lines, water lines, or other public improvements.
- (2) The City Manager or designee shall examine or cause to be examined every tree within 100 feet of any sanitary or storm sewer, drain, manhole, or other public utility line above or below the surface of the ground, which has been reported as dangerous to or causing interference with said sewer, drain, manhole or public utility line, and if found dangerous or causing damage or obstruction of such sewer, drain, manhole or public utility line, he shall give the property owner written notice of their findings and an order that such person remove said tree or injurious part thereof at the owner's expense.
- (3) **Notice to Remove.** Should any person or persons owning real estate property bordering on any street fail to remove the trees or injurious part thereof as identified in section (b) herein, the City Manager or designee shall cause a written notice to be served upon the owner of the land, or upon the lessee, agent or tenant having charge of such land, notifying him or her to remove such tree or injurious part thereof within forty-five (45) days after service of the notice. If the owner or other person having charge of such lands is a nonresident whose address is unknown, it shall be sufficient to publish such notice in a newspaper of general circulation in the municipality.
- (4) **Removal by Municipality.** In the event the owner does not remove the tree or injurious part thereof as directed, the City Manager or designee shall cause the removal of said tree or injurious part thereof.

- (5) **Assessment of Costs.** Whenever a tree or injurious part thereof is removed by the Municipality, the Municipality shall give thirty (30) days notice by regular mail, to the owner of such lot or parcel of land, at his last known address, to pay the cost of such removal, which notice shall be accompanied by a statement of the cost incurred.
- (6) **Delinquent Costs.** In the event the costs assessed to remove the tree or injurious party thereof is not paid within thirty (30) days after the mailing of said notice, the Auditor or designee shall cause such amount to be certified to the Auditor of Highland County as a lien upon the real property. Such remedy shall be in addition to the penalty provided for in Section 1107.29.

**D. Tree Removal.**

- (1) **Municipality Removal.** Whenever it is necessary to remove a tree from a tree lawn in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley or highway used for vehicular traffic, the Municipality shall replant such trees, or replace them; provided, that funds are appropriated for the replacement by Council and the replacement may be satisfied if an equivalent number of trees of the same size and species are provided for by the Tree Commission are planted in an attractive manner on the adjoining property.
- (2) **Owner Removal.** No person or property owner shall remove a tree from the tree lawn for the purpose of construction, or for any other reason without first filing an application and obtaining a permit from the City Manager or designee and without replacing the removed tree. Such a replacement shall meet the standards of size, species and placement as provided for in a permit issued by the City Manager or designee. The person or property owner shall bear the cost of removal and replacement of all trees removed.
- (3) Whenever trees are replaced by the Municipality, the Municipality shall give thirty (30) days notice by regular mail, to the owner of such lot or parcel of land, at his last known address, to pay the cost of such removal, which notice shall be accompanied by a statement of the cost incurred. In the event the costs assessed to remove the tree or injurious party thereof is not paid within thirty (30) days after the mailing of said notice, the Municipal Auditor or designee shall cause such amount to be certified to the Auditor of Highland County as a lien upon the real property. Such remedy shall be in addition to the penalty provided for in Section 1107.29.

**E. Permit.**

- (1) **Issuance.** No person shall remove, injure, destroy, disturb, or undertake any procedure which is likely to cause the death or substantial destruction of any tree located in the tree lawn without first procuring a tree removal permit from the Municipality. Tree removal permits authorizing the removal of a tree located in the tree lawn may be issued by the City Manager or designee for the following reasons:
  - i. The tree is dead or dying;
  - ii. The tree is affected with any injurious disease, fungus, insect or other pest;
  - iii. The tree is damaged or injured to the extent that it is likely to die or become diseased; or constitutes a hazard to persons or property; and/or
  - iv. The City Manager believes the tree should be removed as part of a comprehensive construction/building/development plan whereby new and additional trees will be installed.
- (2) **Receipt of Tree Removal Permit.** Upon receipt of a tree removal permit, the permittee:
  - i. May remove the tree(s) as provided in the permit;
  - ii. Shall replace the tree removed if it was damaged or injured by other than natural causes;
  - iii. Shall replace the tree if it was removed without a tree removal permit, or there is a violation of the tree removal permit;

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- iv. Is encouraged to replace the tree if it was diseased, dead or dying from natural causes.
- v. Application for Tree Removal Permit. The application for a tree removal permit shall contain:
- vi. Name and address of applicant;
- vii. Address of property where treelawn tree(s) sought to be removed is located;
- viii. A written statement indicating the reason for removal of the tree;
- ix. Name and address of contractor or other person who is proposed as having responsibility for tree removal;
- x. A statement of the plan for replacement including types of replacements if varies from tree removed and location of proposed replacements.
- xi. A report from a certified arborists if required by the Village; and
- xii. A tree removal permit fee of \$10.00.



**F. Construction Activities.**

- (1) **Protective Fencing.** The owner shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around the treelawn so that all treelawn trees shall be preserved. The fencing and other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the critical root zone or 15 feet, whichever is greater, unless otherwise approved by the City Manager or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the treelawn area. Any change to the protective fencing must be approved by the City Manager or designee.
- (2) **Construction Measures.** During all phases of construction, all steps necessary to prevent the destruction or damage to treelawn trees (other than those specified to be removed) shall be taken, including but not limited to the following:
  - i. No construction activity, movement and/or placement of equipment, vehicles or materials or spoils storage shall be permitted within the treelawn area. No excess soil, additional fill, liquids, or construction debris shall be placed within the critical root zone of any tree that is in the treelawn.
  - ii. All required protective fencing or other physical barrier must be in place around the treelawn area and approved by the Municipality prior to the beginning of construction, including site clearing. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the critical root zone or 15 feet, whichever is greater, unless approved by the City Manager or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the treelawn area. Any change in the protective fencing must be approved by the City Manager or designee.
  - iii. No attachments, including but not limited to ropes, nails, advertising posters, signs, fences or wires (other than those proposed for bracing, guying or wrapping) shall be attached to any trees in the treelawn;
  - iv. No gaseous liquids or solid substances which are harmful to trees shall be permitted within the treelawn area;
  - v. No fire or heat shall be permitted within the treelawn area;
  - vi. Unless otherwise authorized by the tree removal permit, no soil is to be removed from or placed upon the critical root zone of any tree that is to remain; and
  - vii. Every effort shall be made to protect existing treelawn trees during the placement of utility service lines including augering and/or jacking opposed to open cutting as appropriate.
- (3) **Compliance.** It shall be unlawful for any person, firm or corporation, including public utilities, to fail to abide by the terms of any tree removal permit issued by the Municipality. If, in the opinion of the Municipality, the necessary precautions as specified herein and in the permit were not undertaken before construction commenced or are not maintained at any time during construction, a stop work order will be issued by the Village until such time as the permittee complies with these precautions.

**G. Emergencies.**

- (1) In order to avoid danger or hazard to persons or property, during emergency conditions requiring the immediate cutting or removal of a treelawn tree(s), a tree removal permit will be issued by the Village without formal application. The Municipality may proceed to remove any tree deemed dangerous or hazardous to persons or property during emergency conditions requiring the immediate cutting or removal of a treelawn tree.
- (2) In the event of such an emergency, it shall be lawful to proceed with cutting of the tree or trees to the extent necessary to avoid immediate danger or hazard. In the event the person causing the cutting shall report the action taken to the City Manager or designee within 48 hours hereof.

**H. Appeals.** Any aggrieved property owners may appeal in writing to the Board of Zoning Appeals any decision made by the Village or Commission under the provisions of this Section. A written appeal shall be filed with the Municipal Clerk within ten (10) days of the decision by the Village or the Commission. The Board of Zoning Appeals shall have a maximum of sixty (60) calendar days from receipt of an appeal to hold a hearing, consider the appeal, and make a decision on the appeal.

**I. Interpretation/Severability.** Whenever the requirements of this Section conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern. Should any section of this Section be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Section as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**J. Penalties.** Any person, firm or corporation violating or failing to comply with any provision of this Section shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not more than sixty (60) days, or both.

## Section 1105.11 Landscaping and Buffering

**A. Purpose and Intent.** These standards are intended to establish landscaping regulations that:

- (1) Improve the aesthetic appearance of setback areas, common open space areas, public rights-of-way and off-street vehicular parking areas;
- (2) Encourage the preservation of existing trees and natural features;
- (3) Promote compatibility among different land uses;
- (4) Promote the use of generally accepted landscape design principles; and
- (5) Protect public health, safety and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening unsightly areas, preserving the integrity of neighborhoods and enhancing pedestrian and vehicular traffic and safety.

**B. Application.** A landscape plan and tree survey shall be required in conjunction with any application for a zoning certificate, a variance, a conditional use permit, a similar use determination, a subdivision plat, or a site plan and design review approval. Such landscape plan and tree survey shall include the following:

- (1) The present location, size, and description of all existing major trees, with a designation of existing major trees sought to be removed.
- (2) The location, size and description of landscaping materials proposed to be placed on the lot in order to comply with this section.
- (3) The location and size of any structures presently on the lot, and those proposed to be placed on the lot.
- (4) The proposed location and description of screening to be placed on the lot in order to comply with this section.

**C. General Landscape Provisions**

- (1) No zoning certificate, variance, conditional use permit, similar use determination, subdivision plat or site plan and design approval shall be granted until a landscape plan is approved in accordance with this Section.
- (2) No landscaped area shall be used for display and/or storage purposes.
- (3) The species, location and spacing of trees and shrubs planted in all public rights-of-way and on all sites shall be subject to approval by the Building and Zoning Inspector.
- (4) No Certificate of Occupancy shall be granted until all conditions herein have been met; however, in the event landscaping cannot be completed due to weather conditions, or peculiar conditions related to the development of the subject property such as conditions related to phased development, the applicant shall provide financial security, in a form acceptable to the Village, in the amount of one hundred twenty-five percent (125%) of the cost of materials and installation of all remaining landscaping to be completed and an estimate of such costs in order to be eligible for a Certificate of Occupancy.
- (5) When phasing development upon a property, a proportionate share of landscaping acceptable to the Village shall be installed and maintained with each phase based on the size of the proposed phase and shall be considered completed for the purposes of these regulations when such proportionate share of landscaping has been installed, unless special circumstances warrant the installation of a greater amount of landscaping with any phase.
- (6) The developer and/or property owner shall be responsible for the installation and maintenance of all landscaping, buffering, perimeter treatment and screening improvements in a healthy condition. This provision shall also apply to single-family and two-family dwellings.
- (7) Bare earth shall not be considered landscaping or a landscaped area for the purposes of meeting the landscape requirements herein. Land area shall be considered “covered” if it is used for growing grass, shrubs, trees, plants or flowers, or if covered by decorative rock, stone or wood chips, or otherwise landscaped as provided herein. This provision shall also apply to single-family and two-family dwellings.
- (8) These landscaping provisions are not intended to require multiple or overlapping setbacks, buffers and perimeter treatments. When more than one (1) such standard applies, that standard which results in the higher landscaping or buffering requirement shall apply. Buffering and perimeter treatments may be located within the required setbacks and may be counted toward required open space except not as usable open space.
- (9) Utility easements which conflict with required buffer yards, perimeter treatment, parkway or median standards may require an alternative design approach to address such conflicts.

**D. Tree Preservation.** Unless exempted in accordance with this subsection, all existing major trees shall be preserved. The Building Inspector may approve the cutting down, removal or destruction of a major tree/trees when the tree or trees interferes with the proper development of the lot, provided that the lot is the subject of an application for approval of a zoning certificate, development plan approval or variance, such application is approved and one of the following applies:

- (1) The tree or trees will be located within the public right of way.
- (2) The subject property cannot be arranged in a manner to avoid removal of the tree or trees at the same time permitting the desirable and logical development of the lot.
- (3) The tree/trees are located within the proposed driveway to service a single-family home, and such driveway cannot otherwise be relocated.
- (4) The tree is damaged or diseased or can be proven to be of poor quality.
- (5) The tree/trees are an undesirable species in its present location

- E. **Tree Replacement.** Each existing major tree removed in accordance with subsection (d) above shall be replaced with one (1) tree, having a minimum caliper of one and three-quarters inch (1 3/4”) as measured one foot (1’) above ground level.
- F. **General Landscape Standards**
  - (1) The following standards shall ensure that landscaping is used to improve the aesthetic quality of a development or site in addition to providing a functional purpose and year-round interest and/or screening.
  - (2) The size of landscape elements and materials shall meet minimum standards and be consistent with the size of the project and any existing streetscape. Minimum plant sizes are as follows:

Table 1105-6  
Minimum Plant Size

Minimum Plant Size	
Plant Type	Plant Size
Deciduous trees	Two inches (2”) caliper, measured one foot (1’) above ground
Ornamental trees	One-and one-half inches (1 1/2”) caliper, measured one foot (1’) above ground
Evergreen trees	Six feet (6’) in height
Shrubs	Eighteen inches (18”) in height or eighteen inches (18”) spread, depending on growth characteristics

- (3) Landscaping in parking areas, driveway entrances and intersections shall be designed to meet the minimum clear sight triangle as defined in the Zoning Code.
- (4) Monoculture, or the extensive use of a single species of trees, shall be limited in order to minimize the potential for disease or pests to strike a particular species resulting in significant same-species loss. The following limits shall apply:

Table 1105-7  
Maximum Number of Same Species

Maximum Use of Same Species	
Number of Trees on Site	Maximum % Of Same Species
10-19	50%
20-39	33%
40-59	25%
Over 60	15%

- (1) Plant materials used in conformance with the provisions of this section shall conform to the specifications of the American Association of Nurserymen (AAN) for number one grade and shall have all wire and twine removed prior to planting. All trees shall be balled and burlapped or equivalent. Grass sod shall be clean and free of weeds and noxious pests or diseases. Plant materials which are known to be intolerant of the area in which they are proposed to be installed, or whose physical characteristics may be injurious to the public shall not be specified for use.
- (2) If any trees or other plant materials die or become diseased and must be removed, the property owner shall be responsible for replacing all materials that were removed. In the event that existing preserved trees die or become diseased and must be removed; the replacement shall be based on the tree credits Table 1105-8. If trees or shrubs are removed for convenience purposes, the property owner shall be responsible for replacing all removed materials elsewhere on the site. If adequate space is not available on the site, the replacement shall occur at a location approved by the Village. Upon issuance of a citation, corrective action shall be completed within sixty (60) days unless the Development Director or designee determines that weather constraints require one additional sixty (60) day period. Failure to meet the requirements of this section shall constitute a violation of this Zoning Code and the penalty requirements shall apply.
- (3) Trees and shrubs shall be planted so that at maturity they do not interfere with utility service lines and traffic safety. Trees planted near public sidewalks shall be installed in such a manner as to prevent physical damage to sidewalks, curbs, gutters, pedestrian ways, bike paths and other public improvements. A protective tree grate and vault shall be provided when trees are planted in paved areas such as plazas or sidewalks. This provision shall also apply to single-family and two-family dwellings.
- (4) When an applicant presents that the placement of all trees and shrubs as required in this section would create an impractical landscape effect, a portion of the trees and shrubs may be located in alternative locations on the same site, subject to approval by the City Manager or designee.
- (5) In no event shall a landscaped setback be less than six feet (6') in width, nor shall the width of the landscaped setback be inadequate to allow for the installation and healthy growing condition for the required amount of trees or shrubs.
- (6) In order to promote efficient irrigation and maintenance measures, berms shall not exceed a slope of three to one (3:1) and shall be graded to appear as smooth, rounded, naturalistic forms.
- (7) To insure that landscape materials do not constitute a driving hazard, a clear "sight triangle" shall be observed at all street and access drive intersections. In the case of a Village street intersection, the sight triangle shall consist of the area between points twenty feet (20') along both intersecting streets from their respective edge of pavements. Ground cover, perennials, shrubs and trees shall be permitted within the sight triangle provided that perennials and shrubs do not exceed a maximum height of eighteen inches (18") and tree trunks shall be devoid of limbs to a height of eight feet (8').

**G. Street Tree Requirements.** It shall be required in all zones and districts that applicants plant trees along public streets of their development. Trees shall be planted in such manner, type, quantity and locations as approved by the Building and Zoning Inspector or the Planning Commission in conjunction with the site plan and design review process, as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of the development.

- (1) Trees planted shall be on the list of approved street trees maintained by the Village of Greenfield.
- (2) The minimum spacing between this and other trees shall be 35 feet for large trees (mature height of fifty feet (50') or more), twenty-five feet (25') for medium trees (mature height of between thirty and fifty feet (30'-50') and fifteen feet (15') for small trees (range from ten to thirty feet (10'-30') at maturity).

- (3) The maximum spacing between trees shall be forty-five feet (45') for large trees, thirty-five feet (35') for medium trees, and twenty-five feet (25') for small trees.
- (4) The minimum distance between the tree and the edge of the street shall be two and one-half feet (2 ½') for a large tree, two feet (2') for medium tree and one and one-half feet (1 ½') 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 (2') for a large tree, two feet (2') for a medium tree and one and one-half feet (1 ½') for a small tree, as defined in approved street tree list.
- (5) Trees shall be located so that a twenty-foot (20') sight triangle is maintained at street intersections.
- (6) A small tree shall be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten to twenty (10-20) lateral feet of overhead utility wires.
- (7) At the time of platting, the developer shall develop a street tree plan that establishes the species and size of trees to be planted along the streets of the proposed subdivision.
- (8) The developers shall be required to maintain all trees for a period of one (1) year after any installation and replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor within such one (1) year period. Upon completion of a street tree planting, the landscape contractor shall contact the Building and Zoning Inspector for a preliminary inspection. The one-year guarantee period shall begin after the approval of the Building and Zoning Inspector. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the city's inspection, shall be promptly replaced at the expense of the developer. Upon replacement, the one-year guarantee period shall recommence for those materials having been replaced.
- (9) Most new plantings should be watered in daily for a week of one (1) inch deep of water each day, and after that, weekly waterings of at least one (1) inch deep. Measurable rain of at least one (1) inch is an acceptable substitute for one (1) watering. All plantings should be inspected for infestation and physical damage to the crown, trunk, branches and roots. A qualified arborist should be consulted about infestations and pruning, as well as choice of trees in a singular planting or replanting
- (10) All street trees along any one street shall be of the same species and variety to promote a continuous landscape treatment. A change in variety will only be permitted at intersections and other logical beginning and ending points.
- (11) The minimum trunk caliper measured one foot (1') above the ground for all street trees shall be no less than two inches (2").

**H. Interior Lot Landscaping.** For all new construction or land development for which a building permit and/or a zoning certificate is required, trees shall be provided for within the structure-related property lot lines, equal to or in excess of the following total tree trunk diameters (as measured one foot (1') from the ground level) for the specified building ground coverage square footage or land area square footage, by building and/or land use type, as follows:

- (1) All residences and residential land uses, per dwelling unit, there must be planted one-half inch (1/2") in trunk diameter for every one hundred and fifty (150) square feet or fraction thereof of building ground coverage, with a minimum of two inches (2") of total trunk diameter.
- (2) All commercial structures, including commercial-related parking, loading and trash storage areas, and all industrial, warehouse, and storage uses and their associated parking, loading, and trash storage areas:
  - i. Up to twenty thousand (20,000) square feet: one inch (1") trunk diameter for every two thousand (2,000) square feet or fraction thereof with a minimum of two inches (2") of total trunk diameter.

- ii. Twenty thousand and one to fifty thousand (20,001 - 50,000) square feet: a total trunk diameter of ten inches (10”), plus one-half inch (1/2”) of trunk diameter for every two thousand (2,000) square feet over twenty thousand (20,000) square feet or fraction thereof.
  - iii. Over fifty thousand (50,000) square feet: a total trunk diameter of twenty inches (20”), plus one inch (1”) of trunk diameter for every four thousand (4,000) square feet over fifty thousand (50,000) square feet or fraction thereof.
  - iv. All office uses, institutional uses, convalescent and nursing homes and child daycare facilities, including related parking, loading and trash storage areas:
  - v. Up to nineteen thousand and five hundred (19,500) square feet: one inch (1”) in trunk diameter for every fifteen hundred (1,500) square feet or fraction thereof, with a minimum of two inches (2”) of total trunk diameter.
  - vi. Nineteen thousand, five hundred and one to forty-nine thousand and five hundred (19,501 - 49,500) square feet: a total trunk diameter of thirteen inches (13”), plus two inches (2”) of trunk diameter for every two thousand (2,000) square feet over nineteen thousand and five hundred (19,500) square feet or fraction thereof.
  - vii. ) Forty-nine thousand, five hundred and one (49,501) square feet and more: a total trunk diameter of twenty-five inches (25”), plus two inches (2”) of trunk diameter for every three thousand (3,000) square feet over forty-nine thousand and five hundred (49,500) square feet or fraction thereof.
- (3) Existing healthy trees and shrubs shall be preserved and incorporated into the overall site and landscape design to the maximum extent practical as determined by the City. Existing trees may be credited toward minimum tree planting requirements as follows:
- i. Existing trees, which are preserved, may be credited toward the tree planting requirements of this section according to Table 1105-8 - Credit for Existing Trees. Tree credits shall be given as long as all other provisions and the intent of this Zoning Code are met. Fractional caliper measurements shall be attributed to the next lowest category.

**Table 1105-8  
Credit for Existing Trees  
(In Aggregated Inches)**

<b>Credit for Existing Trees (In Aggregated Inches)</b>	
<b>CALIPER AT FOUR AND HALF FEET (4.5') ABOVE GROUND</b>	<b>NUMBER OF TREE CREDITS</b>
20 total inches	4 (equal to 4 trees)
13 - 19 total inches	3 (equal to 3 trees)
8 - 12 total inches	2 (equal to 2 trees)
2 - 7 total inches	1 (equal to 1 trees)

- ii. No credit shall be given for existing preserved trees that are:
  - a) Not located on the actual development site;
  - b) Not properly protected from damage during the construction process;
  - c) Prohibited species under the caliper size of thirteen inches (13”) measured at four and one-half feet (4 ½’) above the ground; or
  - d) Dead, dying, diseased, or infested with harmful insects.
- iii. In order to apply for credit, existing trees must be protected during construction. All existing trees shall be protected by the placement of an orange construction fence around the perimeter of the tree/trees. In order to protect the root system of the existing trees, said fence shall be installed at a minimum radius from the trunk. The minimum shall be one foot (1’) of radius per one inch (1”) of caliper of the tree. (ex. on a six inch (6”) diameter tree, the fence shall be placed a minimum of six feet (6’) from the trunk of the tree.)
- iv. No new tree plantings shall be required if existing trees to remain on the site after development, and the aggregate trunk sizes of such trees, meet or exceed the requirements as set forth above.
- v. Any combination of existing and new trees may be used to meet the requirements of this section.



I. Property Buffer Requirements

Table 1105-9:  
Summary of Buffer Requirements

Summary of Buffer Requirements		
Zone or District Requiring Buffer	Adjacent Zone or District Required to Provide Buffer	Buffer Requirements
RE, NS, or NU	CN or D	<ul style="list-style-type: none"> <li>• 10-foot (10') buffer along all common boundaries;</li> <li>• One (1) tree for every forty feet (40') of linear boundary or fraction thereof;</li> <li>• Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.</li> </ul>
RE, NS, or NU	CG	<ul style="list-style-type: none"> <li>• 15-foot (15') buffer along all common boundaries;</li> <li>• One (1) tree for every forty feet (40') of linear boundary or fraction thereof;</li> <li>• Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.</li> </ul>
Any residential use in any zoning district	Any non-residential use in RE, NS, or NU	<ul style="list-style-type: none"> <li>• 5-foot (5') buffer along all common boundaries;</li> <li>• One (1) tree for every fifty feet (50') of linear boundary or fraction thereof;</li> <li>• Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.</li> </ul>
SR, RM, or residential use in other zoning district	IL or IH	<ul style="list-style-type: none"> <li>• 15-foot (15') buffer along all common boundaries;</li> <li>• One (1) tree for every twenty feet (20') of linear boundary or fraction thereof;</li> <li>• Continuous ten foot (10') high planting, hedge, fence, wall, earth mound or combination thereof.</li> </ul>
Any zone (except for IIL or IH)	Adjacent freeway or arterial	<ul style="list-style-type: none"> <li>• Twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to a freeway or arteria</li> <li>• One (1) tree for each thirty feet (30') of linear boundary, or fraction thereof;</li> <li>• Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.</li> </ul>
Any zone (except for IIL or IH) adjoining a railroad	Any property with a railroad	<ul style="list-style-type: none"> <li>• Twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to railroad boundaries;</li> <li>• One (1) tree for each thirty feet (30') of linear boundary, or fraction thereof;</li> <li>• Continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.</li> </ul>

- (1) **Grass or Ground Cover Required.** Grass or ground cover shall be planted on all portions of the required buffer not occupied by other landscape material. Trees do not have to be equally spaced but may be grouped. All landscape requirements shall be met by the applicant if his/her property is contiguous to property fully developed prior to the passage of this Section. A landscape plan meeting the requirements of this section shall be approved by the Planning Commission or the Building and Zoning Inspector in conjunction with the site plan and design review process before the commencement of construction on the subject property.
- (2) **Buffer Requirements.** When one zoning classification abuts another zoning classification, a
  - i. Any residential zone adjoining the CN, the required buffer zone is ten feet (10') adjacent to all common boundaries except street frontage and shall include one (1) tree for each forty feet (40') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound, or combination thereof.
  - ii. Any residential zone adjoining the CG, the required buffer zone is fifteen feet (15') adjacent to all common boundaries except street frontage and shall include one (1) tree for each forty feet (40') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
  - iii. Any residential use adjoining a property located in a residential zone operating with a conditional use; required buffer zone is fifteen feet (15') adjacent to all common boundaries except street frontage and shall include one (1) tree for each forty feet of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
  - iv. Any residential zone or any residential use in any zoning classification adjoining an Innovation (I) District required buffer zone is twenty feet (20') adjacent to all common boundaries except street frontage and shall include one (1) tree for each twenty (20) feet of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
  - v. Any zone adjoining a freeway or arterial street prohibiting driveways; required buffer zone is twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to a freeway or arterial and shall include one (1) tree for each thirty feet (30') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.
  - vi. Any zone (except Innovation) adjoining a railroad; required buffer zone is twenty feet (20') for residential zones and fifteen feet (15') for all other zones adjacent to railroad boundaries and shall include one (1) tree for each thirty feet (30') of linear boundary, or fraction thereof, and a continuous six foot (6') high planting, hedge, fence, wall, earth mound or combination thereof.

**J. Parking Area Landscaping Standards**

- (1) Parking lots containing more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces, whichever is less, shall provide interior landscaping of the peninsular or island types of uncompacted, well-drained soil that contains a minimum of six inches (6") of top soil mix, as well as perimeter landscaping peninsular or island types of uncompacted, well-drained soil that contains a minimum of six inches (6") of top soil mix, as well as perimeter landscaping.
- (2) For every ten (10) parking spaces or fraction thereof, the applicant shall provide not less than two hundred (200) square feet of interior landscaped parking lot areas containing at least one (1) tree with a minimum diameter of two inches (2") and four (4) shrubs.

- (3) The minimum landscape area permitted shall be two hundred (200) square feet with a minimum planting width of ten feet (10’).
- (4) In order to encourage the required landscape areas to be properly dispersed, and to break up large expanses of parking, no individual landscape area shall be larger than five hundred (500) square feet in size in vehicular use areas less than thirty thousand (30,000) square feet and no individual landscape area shall be larger than two thousand (2,000) square feet in vehicular use areas over thirty thousand (30,000) square feet. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
- (5) All parking lots shall provide perimeter landscaping. Parking lots shall have perimeter landscaping of a minimum width of ten feet (10’) exclusive of vehicle overhang. The perimeter landscaping shall consist of a continuous evergreen hedge, evergreen trees, earthen mound or a combination thereof as required to provide a continuous opaque screen, a minimum of thirty-six inches (36”) in height, within one (1) year of installation. The perimeter landscape shall also contain a minimum of one (1) deciduous tree per fifty (50) linear feet of parking perimeter.
- (6) Parked vehicles may hang over the interior landscaped area no more than two and one-half feet (2 ½’). Concrete or other wheel stops shall be provided to ensure no greater overhang on the landscaped area. Where parked vehicles will overhang, a four-foot (4’) minimum spacing shall be provided from the edge of pavement to all trees.
- (7) Grass or ground cover shall be planted on all portions of the required landscaping area not occupied by other landscape material. Such material fulfills required interior or perimeter landscaping.

**K. Screening and Landscaping for Service for Structures**

- (1) In order to properly screen service structures from the main building and neighboring lots, the following screening requirements shall apply:
- (2) Location of screening. Either a solid, opaque fence or wall or earth berm, with a continuous planting of evergreen plant material shall enclose any service structure on all sides, unless such structure must be frequently accessed, in which case screening on all but one (1) side is required. The average height of the screening fence or wall shall be one foot (1’) more than the height of the enclosed structure but shall not exceed the maximum permitted height of fences and walls of the District.
- (3) Mechanical equipment and service functions associated with a building shall, to the maximum extent feasible, be incorporated into the overall design theme of the building and the landscape so that these functions are out of view from public ways and adjacent properties while allowing convenient access.
- (4) Plant material required for screening of service structures shall not count towards the fulfillment of other landscape requirements in this section. No interior landscaping shall be required within an area screened for service structures.
- (5) Curbs to protect plant material. Whenever plant material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided adjacent to the plant material. The curbing shall be at least one foot (1’) from the material and shall be designed to prevent possible damage to the plant material when the container is moved or emptied.
- (6) Service structures shall be grouped together whenever possible.
- (7) The provisions of this section shall not apply to service structures located on lots with single family and two-family dwellings, except that any generator located within six feet (6’) of any lot.

## Section 1105.13 Exterior Lighting

- A. Purpose and Applicability.** The purpose of this section is to ensure that all exterior site and building lighting shall not affect the reasonable use and enjoyment of adjacent properties but provide minimum levels to enhance safety of individuals and property. Lighting standards shall also protect the safety and operation of vehicles on the public rights-of-way from levels of illumination that are emitted or reflected from light sources of an intensity sufficiently to constitute a safety hazard to vehicular movement. Lighting standards shall apply to all lots except those developed with single family or two - family dwellings.
- B. Exterior Lighting Regulations.** Exterior site lighting shall be designed, located, constructed and maintained to minimize light and reflected light trespass and spill over off the subject property. Glare shall be minimized from all light sources.
- (1) The average horizontal illumination level on the ground shall not exceed three footcandles (3FC). The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half footcandle (0.5FC).
  - (2) The height of parking lot lighting shall not exceed twenty feet (20') above grade and shall direct light downward, i.e. cut-off type fixtures. In conjunction with a major site plan review, the Planning Commission may require a lower standard based upon specific characteristics of the site.
  - (3) The color of parking lot lighting poles and other lighting infrastructure shall match or complement the colors of the building's architecture, as approved by the Planning Commission.
  - (4) For pedestrian areas, decorative low light fixtures shall be used and the height of the fixture shall not exceed fourteen feet (14') above grade.
  - (5) Exterior building illumination shall be from concealed sources. Strobe or flashing lights and exposed neon lights are not permitted. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facades onto neighboring property, streets, or the night sky. The maximum illumination of any vertical surface or angular roof surface shall not exceed four footcandles (4FC).
  - (6) Security lighting shall be full, cut-off type fixtures, shielded and aimed so that illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.
  - (7) Lighting fixtures used to illuminate the area below a freestanding canopy shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy. However, indirect lighting may be used where a shielded source of light is beamed upward and then reflected down from the underside of the canopy.

## Section 1105.15 Fences and Screening

- A. Fences.** The following regulations shall apply to the location of fences in the front, side, and rear yards of properties located in the Village of Greenfield.
- (1) **Fences in Downtown (D) District.** The following regulations shall govern fences located upon properties in the Downtown (D) District:
    - i. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
    - ii. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
    - iii. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.

- iv. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than six feet (6FT).
  - v. **Rear and Side Yard Fences—Setback.** Rear and side yard fences shall be no closer to the adjacent property line than one foot (1FT).
  - vi. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
  - vii. **Fence Materials.** Fences in residential districts shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- (2) **Fences in Residential Districts.** The following regulations shall govern fences located upon properties in Residential Districts:
- i. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
  - ii. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
  - iii. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
  - iv. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than six feet (6FT).
  - v. **Rear and Side Yard Fences—Setback.** Rear and side yard fences shall be no closer to the adjacent property line than one foot (1FT).
  - vi. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
  - vii. **Fence Materials.** Fences in residential districts shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- (3) **Fences in Commercial Districts.** The following regulations shall govern fences located upon properties in Commercial Districts:
- i. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
  - ii. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
  - iii. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.

- iv. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than eight feet (8FT).
  - v. **Rear and Side Yard Fences—Setback.** Rear and side yard fences shall be no closer to the adjacent property line than one foot (1FT).
  - vi. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
  - vii. **Fence Materials.** Fences in commercial districts shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same.
- (4) **Fences in Industrial Districts.** The following regulations shall govern fences located upon properties in the Industrial Districts:
- i. **Front and Corner Yard Fences—Height.** Between the front setback line for structures and the front facade of the principal structure, fences shall be no higher than four feet (4FT).
  - ii. **Front and Corner Yard Fences—Setback.** Front and corner yard fences shall be no closer to the right-of-way than three feet (3FT).
  - iii. **Front and Corner Yard Fences—Opacity.** Front and corner yard fences shall be constructed of an open design, which is defined as at least fifty percent (50%) open. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
  - iv. **Rear and Side Yard Fences—Height.** Between the rear setback line or side setback line for structures and the rear façade or side of the principal structure, fences shall be no higher than ten feet (10FT).
  - v. **Rear and Side Yard Fences—Setback.** Rear and side yard fences shall be no closer to the adjacent property line than one foot (1FT).
  - vi. **Rear and Side Yard Fences—Opacity.** Rear and side yard fences may be constructed of materials with a maximum opacity of 100%.
  - vii. **Fence Materials.** Fences in the Industrial Districts shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same. Metal, non-chain-link, fences are permitted in the Industrial Districts.
  - viii. **Barb-Wire Fences—Industrial Districts.** Fences containing barbs may be erected as rear fences to secure properties in the Industrial Districts. The Building and Zoning Inspector shall only grant a fence permit for a fence of this type after determining that the nature and location of the fence is not a danger to the public or intended to injure persons engaged in lawful activity

- ix. **Barb-Wire Fences—Industrial Districts.** Fences containing barbs may be erected as rear fences to secure properties in the Industrial Districts. The Building and Zoning Inspector shall only grant a fence permit for a fence of this type after determining that the nature and location of the fence is not a danger to the public or intended to injure persons engaged in lawful activity.

**B. Temporary Fences.** Temporary fences may be constructed without a permit for the following reasons:

- (1) As required due to an unsafe building, right-of-way or utility maintenance emergency.
- (2) A construction fence in conjunction with a site that has active building permits.
- (3) In conjunction with an approved temporary special land use permit or any special event approved through the Parks and Recreation Department. Temporary fences of this nature may only be maintained for the length of the approved permit or through the duration of the special event.
- (4) Temporary horticultural fences are permitted as temporary fences within the area designated for rear fences. Temporary horticultural fences shall be of an open design, shall not exceed four feet (4FT) in height, and not enclose an area larger than five hundred square feet (500SF).
- (5) Temporary fences may be constructed of materials or in a manner not consistent with the provisions of this Section, but shall not be constructed in a manner designed to cause a hazard to public safety.
- (6) In the event a temporary fence exists for a period of thirty (30) days or more, and the Building and Zoning Inspector determines that it is a hazard to public safety, the Building and Zoning Inspector may require a fence permit or that the fence comply with any provision of this Section.

**C. Generally Applicable Fence Regulations.**

- (1) All fences, unless specifically exempt by this Section, shall require a fence permit from the Building and Zoning Inspector. No fence shall be erected, constructed, altered, relocated or rebuilt prior to obtaining a fence permit. An existing fence that requires new vertical posts to be set shall be considered an altered fence, and subject to a new permit. For the purposes of this Section, a fence permit shall have the same effect as a zoning certificate in proving conformance with the Zoning Code.
- (2) Fences shall only be constructed in conformance with the provisions of this Section and of the fence permit issued by the Building and Zoning Inspector.
- (3) No fence shall be installed in a manner or location which obstructs or alters the drainage of the lot on which it is located or of any abutting lot. All fences that are constructed abutting or across drainage easements shall be subject to the following additional regulations:
  - i. Shadow box fences and fences of an open design, which is defined as at least fifty percent (50%) open will be the preferred fence styles. For picket fences, the distance between pickets shall be no less than the width of the pickets themselves.
  - ii. Privacy fences shall provide a gap between the vertical boards and the ground of no less than two inches (2IN).
- (4) Fences may be inspected for compliance with the provisions of this Zoning Code. If any fence is installed, erected, constructed or maintained in violation of any of the provisions of this Section, the Building and Zoning Inspector may notify the owner or lessee of the fence in question to repair or replace the fence so as to comply with this Section or to remove it.
- (5) No fence shall be constructed of materials such as highway guardrails, corrugated metal, metal wire or plastic mesh, or other such materials that are not designed for use as fencing material or are not sufficiently weather resistant and durable.
- (6) No fence shall be constructed which is electrically charged, includes any material which is potentially hazardous such as spikes or barbed wire, or is otherwise designed to injure except as provided for in this Section.

- (7) Chain-link fences may not be utilized as a means of support for wooden privacy fences.

## Section 1105.17 Supplementary Use Standards

- A. Temporary Land Use.** The Building and Zoning Inspector shall have the power to grant permits authorizing temporary special land uses for the following types of temporary sales: tent sales, sidewalk sales, or seasonal sales of produce, plants, firewood, or Christmas trees.
- (1) **Zoning Districts Where Permitted.** Temporary special land uses for tent sales, sidewalk sales, or seasonal sales of produce, plants, firewood, or Christmas trees shall only be permitted in the Neighborhood Urban (NU), Commercial Neighborhood (CN) and Commercial General (CG).
  - (2) **Application and Fee.** Every person, firm or corporation desiring to obtain a temporary special land use permit, as required by this section, shall file an application with the Building and Zoning Inspector together with an application fee. The application for a temporary special land use permit shall be accompanied by plans and specifications as required by the Building and Zoning Inspector. This includes but is not limited to, plans that show the following:
    - i. The shape, location, and dimensions of the lot, including the shape, size, location, and use of all buildings or other structures already on the lot, and the off-street parking layout.
    - ii. The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands or display racks.
    - iii. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking space, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.
  - (3) **Time Limitations**
    - i. A temporary special use permit for a tent or sidewalk sale shall be effective for no longer than seven (7) days. No more than three (3) temporary special land use permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary special use permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods except in the Downtown (D) , Commercial Neighborhood (CN), and the Commercial General (CG) Districts.
    - ii. A temporary special land use permit for the sale of Christmas trees shall be effective for no longer than thirty (30) days. No more than one (1) temporary special land use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.
    - iii. A temporary special use permit for seasonal sales of produce, plants, or firewood shall be effective for a period no longer than ninety (90) days. No more than one (1) temporary special land use permit for seasonal sales of produce, plants, or firewood shall be issued for any given location within a single calendar year.
  - (4) **Regulations.** A temporary special use permit shall only be granted if the Building and Zoning Inspector determines that the proposed use, including the erection of any temporary building or structure, will:
    - i. Provide adequate light and ventilation between buildings and structures.
    - ii. Provide adequate automobile and pedestrian traffic flow.
    - iii. Provide adequate off-street parking.
    - iv. Will meet the intent of the Zoning Code or otherwise not interfere with the protection of public health, safety, and general welfare.



- v. Not be incompatible with, or otherwise adversely affect, the physical character of the community and, in particular, the surrounding area within a distance of one thousand feet (1,000FT).
  - vi. No temporary special use shall be permitted if it reduces the parking on a lot by greater than twenty-five percent (25%).
- (5) **Vacant Lots.** When the proposed temporary special use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district.
- (6) **Accessory Structures.** Tents and other temporary structures are subject to building permits and other regulation by the Building Division.
- (7) **Variance.** The Building and Zoning Inspector or the Board of Zoning Appeals shall have the power to vary the time periods of and add other conditions to an approved permit as deemed necessary by the Building and Zoning Inspector or the Board of Zoning Appeals in order to further the intent of the Zoning Code or otherwise protect the public health, safety, and general welfare.
- B. Special Events and Community Activities.** The following regulations apply to the approval and operation of special events and community activities.
- (1) **Exceptions.** A temporary special land use permit shall not be required for special event or community activity permitted or organized through the Parks and Recreation Department or Public Safety Department.
  - (2) **Exceptions—Open Space Districts.** A temporary special land use permit shall not be required for a special event or community activity associated with a permitted semi-public use in Open Space/Schools District provided that the special event or festival meets the following conditions:
    - i. The special event or festival takes place entirely on the lot or parcel associated with the existing approved semi-public use.
    - ii. The special event or festival is no longer than three (3) consecutive days and that there are no more than two (2) such events or festivals at a given location within a calendar year.
  - (3) **Exceptions—Non-Profit or Charitable Organizations.** A temporary special land use permit shall not be required for a special event or community activity conducted on a commercial parcel that is organized by a non-profit or charitable organization. No more than two (2) such events shall be conducted by the same organization at the same location within a calendar year.
  - (4) **Applicability.** Except as otherwise provided herein, the Building and Zoning Inspector may require temporary special land use permit for any other type of special event.
  - (5) **Accessory Structures.** Tents and other temporary structures for festivals and special events are subject to building permits and other regulation by the Building Division.
- C. Regulations Applicable to Swimming Pools, Fish Ponds, and Water Parks.** A swimming pool, fish pond, or water park shall conform with all yard and setback requirements for accessory structures in the district in which it is located, as well as the following requirements.
- (1) **Private Swimming Pool.** A private swimming pool shall be permitted in any commercial, mixed-use or residential district as an accessory use provided that it complies with the following conditions and requirements:
    - i. Use. The pool shall be intended and used solely for the enjoyment of the occupants of the main use of the lot on which it is located.
    - ii. The pool, including any walks or paved areas or accessory structures adjacent thereto, shall not be located closer than ten feet (10') to any lot line and shall not be closer to any frontage than a distance ten feet (10') greater than the setback required for a principal building.

- iii. The area of the swimming pool, exclusive of decks, walks, and other appurtenances, shall not exceed ten percent (10%) of the area of the lot.
  - iv. No lights, diving board, or other equipment or accessory shall project more than ten feet (10') above the average finished grade of the pool site.
  - v. A swimming pool shall be installed or constructed subsequent to and in conformance with the regulations of the Building Code and a permit issued by the Building Inspector. The Building Inspector shall not issue any permit for a swimming pool until he has submitted the application for a swimming pool to the Building and Zoning Inspector who shall determine compliance with the Zoning Code and issue a zoning certificate.
  - vi. Barriers, fences and ladders. A permanent barrier, fence or obstruction not less than 60 inches nor more than eight feet in height shall be constructed in such a manner as to entirely enclose the area on which the swimming pool is located and to bar all reasonable and normal access to such pool except through a substantial self-closing gate or gates of a height of not less than 60 inches equipped with facilities for locking the gate when the pool is unattended and unguarded. The fence or barrier shall be constructed in such a manner as to prevent footholds so that young children cannot gain access by climbing. Every gate or door opening through such enclosure shall be equipped with a self-closing and self-latching device capable of keeping such gates and doors securely closed.
- (2) **Community or Club Swimming Pool.** A community or club swimming pool means any pool constructed by an association of property owners or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in any district, but shall comply with the following conditions and requirements:
- i. A community or club swimming pool shall be intended and used solely for the enjoyment of the members, their families and guests, and guests of the association or club under whose ownership or jurisdiction the pool is operated.
  - ii. A community or club swimming pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred feet (100') to any lot line.
  - iii. A community or club swimming pool and all of the area used by the bathers, including all adjacent deck areas, shall be so walled or fenced as to prevent uncontrolled access by children. A permanent barrier, fence or obstruction not less than 60 inches nor more than eight feet in height shall be constructed in such a manner as to entirely enclose the area on which the swimming pool is located and to bar all reasonable and normal access to such pool except through a substantial self-closing gate or gates of a height of not less than 60 inches equipped with facilities for locking the gate when the pool is unattended and unguarded. The fence or barrier shall be constructed in such a manner as to prevent footholds so that young children cannot gain access by climbing. Every gate or door opening through such enclosure shall be equipped with a self-closing and self-latching device capable of keeping such gates and doors securely closed.
- (3) **Fish Pond, Water Garden.** A body of water designed and used as a fish pond or as a water garden shall conform with all yard and setback requirements for accessory structures in the district in which it is located, as well as the following requirements.
- i. Water depth shall not exceed twenty-four inches (24") unless enclosed by a fence forty- eight inches (48") in height with a locking gate.
  - ii. Water surface area shall not exceed one hundred (100) square feet.

**D. Outdoor Storage.**

- (1) The following regulations shall apply to the approval and operation of outdoor storage as an accessory use:
  - i. Outdoor storage shall only be permitted in areas identified on the approved site plan. No such activity shall be located closer than fifty feet (50FT) to a residential zoning district boundary or road right-of-way abutting any residential zoning district or within ten feet (10FT) of any road right-of-way. Such activities shall not occupy any required parking area or driveway;
  - ii. Any outdoor storage area located closer than one hundred feet (100FT) to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan;
  - iii. Illumination of outdoor storage areas shall be designed to prevent glare or direct light from the illumination source into residential areas;
  - iv. Outdoor displays shall be maintained in a neat and orderly fashion. Waste material shall be contained within a storage area completely surrounded by a gated masonry wall six feet (6FT) in height or other screening approved by the Board. Such screening shall be set back from residential districts at least six feet (6FT) and landscaped according to the approved site plan;
  - v. The site plan submitted with an application for a conditional use permit shall indicate the types of merchandise or materials to be stored, and, if applicable, any seasonal changes of merchandise or materials;
  - vi. Outdoor repair, preparation, cleaning, assembly, disassembly, or other similar activities shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved by the Building and Zoning Inspector or the Board of Zoning Appeals.

**E. Mini-Storage Facilities.** The following regulations shall apply to the approval and operation of mini- storage facilities:

- (1) All storage shall be within an enclosed building unless the nature and location of outdoor storage has been specifically approved by the Board in conformance with the supplementary regulations for outdoor sales, storage, or display;
- (2) Loading and unloading areas shall be paved and shall be located only as approved by the Board;
- (3) A minimum of five (5) parking spaces shall be provided near the leasing office. Sufficient space shall be provided in the paved lanes serving the storage units to accommodate on-site movement of vehicles and the parking and loading/unloading of the trucks, vans, trailers, and automobiles of persons using the units;
- (4) An on-site leasing office shall be provided;
- (5) Fencing of the perimeter shall be provided as determined by the Building and Zoning Inspector or the Board of Zoning Appeals in a manner which promotes security and presents an appropriate appearance to abutting properties;
- (6) A landscaped yard of at least twenty-five feet (25FT) in width shall be provided along any lot line of the subject site which abuts a residential area. This area shall not be covered by buildings, parking or drives;
- (7) Door openings facing residential areas shall not be permitted unless approved by the Building and Zoning Inspector or the Board of Zoning Appeals;
- (8) Activities on the site shall be limited to the storage of property only. Other activities, such as the operation of tools, rummage sales, temporary residency, shall be prohibited unless specifically permitted by the Building and Zoning Inspector or the Board of Zoning Appeals;

- (9) Hours of operation shall only be as approved by the Building and Zoning Inspector or the Board of Zoning Appeals, after consideration of the impact of the proposed use upon the character, safety, and tranquility of the neighborhood.

**F. Indoor Storage Facilities.** The following regulations apply to the approval and operation of indoor storage facilities:

- (1) A minimum of twenty percent (20%) of the floor area of any structure proposed to be used as an indoor storage facility shall be used for other uses permitted within the respective zoning district, unless otherwise specifically approved by the Board on the approved site plan.
- (2) All storage shall take place within an enclosed individual storage unit that is rented or leased on an individual basis. Storage shall be prohibited outside of the structure or within designated aisle areas with exception of vehicle and recreational vehicle storage areas clearly shown on the plan.
- (3) A rental or leasing office shall be required to be located on-site.
- (4) No more than one (1) external garage-door entrance shall be provided for each twenty (20) storage units within the structure.
- (5) A landscaped yard of at least twenty-five feet (25FT) in width shall be provided along any lot line of the subject site which abuts a residentially zoned property. A reduction of this buffer may be approved by the Board if alternate means of screening are provided and specifically approved on the site plan.
- (6) Caretaker/residential units are prohibited.
- (7) One (1) parking space shall be located on the site for each seventy-five (75) storage units, in addition to other required parking for all other uses on the site.

**G. Childcare Centers.** The following regulations shall apply to conditional use permits for childcare centers:

- (1) No zoning permit or conditional use permit for a childcare center shall be issued for a lot that is within one hundred fifty feet (150FT) of the Innovation Zone.
- (2) No zoning permit or conditional use permit for a childcare center shall be issued for a lot that is within one hundred fifty feet (150FT) of any lot or parcel with an approved gasoline station use, or which is likely to generate noxious fumes or vapor.
- (3) All outdoor play areas shall meet the minimum requirements outlined by the State agency with oversight of childcare centers. No play area shall be located adjacent to a loading space, loading dock or other area where vehicles are likely to idle. No play area shall be constructed in a manner that allows children access to any electrical or telecommunications box/vault.
- (4)

**H. Home Occupations.** The following regulations shall apply to the approval and operation of a home occupation as an accessory use in a dwelling:

- (1) No person who is not a permanent resident of the dwelling shall be employed in the home occupation;
- (2) The home occupation shall be clearly incidental and subordinate to the dwelling use. No more than fifteen percent (15%) of the floor area of all buildings on the lot shall be used in the conduct of the home occupation;
- (3) There shall be no change in the outside appearance of the dwelling or lot, or other visible evidence of the conduct of the home occupation. No sign is permitted.
- (4) The home occupation shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood.
- (5) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical

- (6) interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
- (7) Prior to establishing a home occupation, the owner or occupant of the dwelling shall apply and receive approval for a zoning certificate from the Building and Zoning Inspector.

**I. Adult Oriented Businesses.** The following requirements shall apply to the approval and operation adult bookstore, adult motion picture theater, adult video store: No such conditional use for these uses shall be conducted within one thousand feet (1,000FT) of the property line of any church, childcare center, public or private school, public library, public park lands, or any premises that sell or distribute alcoholic beverages.

**Gasoline Stations.** The following regulations shall apply to the approval and operation of gasoline stations:

- (1) Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations approved on the site plan. Parking and storage of vehicles not related to the principal use of the site shall not be permitted.
- (2) Vehicle sales, service, rental, or leasing shall not be permitted on the site unless specifically approved.
- (3) Retail sales of products other than vehicular fuels shall be permitted only within an enclosed structure which shall comply with all provisions of the district, including requirements for parking. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved in the conditional use permit and in conformance with the supplementary standards for outdoor display, storage, and sale.
- (4) Temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection shall only be permitted within a storage area completely surrounded by a gated masonry wall six feet (6FT) in height or other screening approved by the Building and Zoning Inspector or the Board of Zoning Appeals. Such screening shall be set back from residential districts at least ten feet (10FT) and landscaped according to the approved site plan.
- (5) Fuel pumps and canopies shall conform to all requirements of this Section with regard to height, setbacks, and signs.
- (6) Air compressor pumps (e.g., for tire inflation) and other outdoor equipment shall be identified on the site plan and shall be located in a manner which minimizes noise impacts on residential areas.
- (7) Curb cuts shall be limited to two (2) per site. On corner lots, curb cuts shall be limited to one (1) per street.
- (8)

**K. Drive-Thru Service.** The following regulations shall apply to the approval and operation of drive-thru establishments:

- (1) Loudspeakers shall be located and designed, with volume and hours of operation controlled, in a manner to minimize noise impacts on nearby residential uses.
- (2) Lanes required for vehicle access to and waiting for use of a drive thru facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one (1) time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting streets and hazards to pedestrians. The applicant shall provide a traffic study which documents to the satisfaction of the Board the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Zoning Code.
- (3) The Building and Zoning Inspector or Board of Zoning Appeals, as applicable, may impose restrictions on the hours of operation in order to reduce inappropriate impacts on abutting uses and on street traffic and to ensure compatibility with normal vehicular activity in the district.

- (4) The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.

**L. Animal Boarding Facilities or Animal Hospitals/Clinics.** The following regulations shall apply to the approval and operation of Animal Boarding Facilities or Animal Hospitals/Clinics

- (1) Care and boarding of animals shall be limited to small animals and may not include cattle, horses, swine, or other similarly sized animals.
- (2) All activities other than off-street parking and loading/unloading shall be conducted within a fully enclosed structure.
- (3) A conditional use approval shall be required in cases where the use will include outdoor kennels or outdoor runs.
- (4) Outdoor kennel or runs shall be set back a minimum of 250 feet from any residential districts and shall only be permitted in the rear yard. Such measurement shall be made between where the shortest distance is located between the outside edge of the kennel or run and the nearest lot line in any of the applicable districts.
- (5) Structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions that could result in unpleasant odor or vermin nuisance.
- (6) Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.

**M. Urban Agricultural Use: Livestock.** The regulations of Urban Agricultural Use are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

- (1) "Livestock" means any animal generally used for food or in the production of food, including cattle, sheep, goats, rabbits, poultry, swine, and any other animal included by the director by rules adopted under section 901.72 of the Revised Code, alpacas, and llamas. (ref. ORC 901.70 (B)).
- (2) The keeping of hen chickens and similar animals shall be permitted in all residential districts provided the minimum lot size is met. A Site Plan Review is required in all other districts.
- (3) The keeping of chickens, similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations in a residential area:
  - i. Subject to the requirements of this section and any other applicable provision of this chapter, hen chickens (and no roosters) may be kept on a lot or parcel of land in a residential district for the sole purpose of producing eggs.
  - ii. Lot size and maximum animals permitted:
    - a) Less than ¼ acre lot = no hen chickens allowed
    - b) Min. ¼ acre – 1-acre lot = max 8 hen chickens
    - c) More than 1 acre + = maximum 12 hen chickens
  - iii. Roosters are prohibited.
  - iv. Chickens shall be confined within a secure outdoor enclosed area.
  - v. The enclosed area shall include a covered, ventilated, and predator-resistant chicken coop.
    - a) The coop shall have a minimum floor area of at least two (2) square feet per chicken.
    - b) If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

- c) The coop shall be located in a rear yard at least twenty-five (25) feet from any dwelling located on an adjacent lot and at least five feet from any side and rear property line.
  - vi. The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be maintained per regulations set forth by the Ohio Health Department
  - vii. No chicken shall be permitted to roam outside the coop or enclosed area.
  - viii. Chicken feed shall be stored and dispensed in rodent-proof and predator-proof containers.
  - ix. Building and structures accessory to this use, if less than 30 square feet, are not regulated, except that all these structures need to be located in the rear yard.
  - x. Chickens shall not be kept on a residential lot or parcel unless the person keeping chickens first obtains a Use Permit from the Village of Greenfield.
  - xi. Slaughtering of animals on-site shall be prohibited.
- N. **Urban Agricultural Use: Ungulates.** The regulations of Urban Agricultural Use are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
  - (1) “Ungulates” means any hooved animal (examples: horses, cows, alpacas, goats, pigs).
  - (2) Subject to the requirements of this section and any other applicable provision of this chapter ungulates may be kept on a lot or parcel of land in a residential district
  - (3) The keeping of ungulates and enclosures for the keeping of such animals, shall be governed by the following regulations in a residential area:
    - i. Min 1-acre lot = max 1 ungulate
    - ii. Min 5-acre lot = max 5 ungulates
  - (4) Ungulates shall be confined within a secure outdoor enclosed area.
    - i. The enclosed area shall be maintained in a neat and sanitary condition and shall be maintained per regulations set forth by the Ohio Health Department
    - ii. No ungulate shall be permitted to roam outside enclosed area.
    - iii. Feed shall be stored and dispensed in rodent-proof and predator-proof containers.
    - iv. Building and structures accessory to this use, if less than 30 square feet, are not regulated, except that all these structures need to be located in the rear yard.
    - v. The fenced enclosures shall be located a minimum of fifty feet from any existing dwelling except for a dwelling on the same lot as the fenced enclosure; or
    - vi. The proposed placement of the fence shall be located a minimum of 5 feet from any lot line.
  - (5) Ungulates shall not be kept on a residential lot or parcel unless the person keeping ungulates first obtains a Use Permit from the Village of Greenfield.

**O. Home Occupations. The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.**

- (1) The use shall be clearly incidental and secondary to the residential use of the dwelling, and not more than twenty-five percent of the dwelling unit floor area shall be devoted to the home occupation.
- (2) The home occupation shall only occur within the principal dwelling other than for the incidental storage of materials in an enclosed structure such as a shed or detached garage.
- (3) Only members of the immediate family residing at the premises shall engage in such occupation.
- (4) Any need for additional parking generated by conduct of the home occupation shall be met in the driveway.
- (5) Adequate parking shall be provided on the premises for all vehicles of both the owner and customers/clients. No on-street parking shall be permitted.
- (6) Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties.
- (7) No retail or wholesale goods except that which are produced or processed on the premises shall be exchanged on the property.
- (8) No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- (9) All storage of materials, goods, supplies or equipment related to the operation of a home occupation shall be inside the structure.
- (10) The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- (11) No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- (12) There shall be no signs other than the wall sign permitted below in a residential district:
  - i. One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the façade of the principal dwelling and does not exceed two square feet.
  - ii. Such sign may also be permanently attached to a window.
  - iii. The sign shall not be internally or externally illuminated.
  - iv. A sign permit shall not be required for this type of sign.
- (13) Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- (14) There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
- (15) Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- (16) When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Administrative Officer.
- (17) Permitted Home Occupations. The following uses, and other uses determined by the Administrative Officer to be similar in nature and impact, may be approved as a home occupation when in compliance with this section:



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- i. Art and craft work including, but not limited to ceramics, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
  - ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, consultant, counselor, insurance agent, planner, tutor, or writer;
  - iii. Personal service establishments including, but not limited to, fitness/health facilities, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy, when services are provided to one client at a time;
  - iv. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) may be allowed where there is no stock-in-trade on the site; and
  - v. Other similar uses as determined by the Building and Zoning Inspector.
- (18) Prohibited Home Occupations. The following are business activities that are prohibited as home occupations:
- i. Animal hospitals and boarding facilities;
  - ii. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage and the vehicle is owned or leased by the occupant of the dwelling units.
  - iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
  - iv. Fitness/health facilities that provide group activities or services;
  - v. Medical clinics, laboratories, or doctor's offices;
  - vi. Tattoo or piercing parlors;
  - vii. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;
  - viii. Welding and machine shop operations;
  - ix. Retail uses where there is stock-in-trade on site;
  - x. Wood cutting businesses; or
  - xi. Other similar uses as determined by the Building and Zoning Inspector.

## Section 1105.19 Telecommunications Facilities

- A. In recognition of the quasi-public nature of cellular and/or wireless telecommunication systems, it is the purpose of these regulations to: accommodate the need for cellular or wireless telecommunications towers and facilities for the provision of personal wireless/cellular services while regulating their location and number in the City; minimize adverse visual effects of telecommunication towers and support structures through proper siting, design, and screening; to minimize the adverse impacts that telecommunication facilities may have on the health, safety and welfare of the public; to avoid potential damage to adjacent properties from telecommunication tower and support failure; and to encourage the joint use of any new and existing telecommunication towers and support structures to minimize the number of such structures. The following requirements shall apply to conditional use permits for wireless telecommunication facilities:
- B. **Special Application Requirements.** A site plan shall include the following
- (1) The total area of the lot;
  - (2) The existing zoning of the site and all adjoining lots;
  - (3) All public and private right-of-way and easements located on the lot;
  - (4) The location of all existing buildings and structures on the lot; all buildings or structures and uses within five hundred feet (500FT) of the tower site; and the proposed location of the wireless/cellular communication tower and all wireless/cellular communication support structures including dimensions, heights, and, where applicable, the gross floor areas;
  - (5) The location and dimensions for all curb cuts, driving lanes, off-street parking spaces, grades, surfacing materials, drainage plans, illumination of the facility, and landscaping;
  - (6) The location of all proposed fences, screening and walls;
  - (7) Any other information as may be required by the Board.
  - (8) A report prepared by a licensed professional engineer documenting the height, design, proof of compliance with nationally accepted structural standards, and a description of the tower's capacity, which shall include the number and types of antennae it can accommodate.
  - (9) For the purpose of demonstrating the necessity for the erection of any new telecommunication tower, any applicant requesting permission to install a new tower shall provide evidence of written communication with all other wireless/cellular service providers who supply service within a one (1) mile radius of the proposed facility requesting use of the other providers' towers for collocation of the applicant's antennae. The contacted provider shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as the responses received shall be presented to the Board to demonstrate the need for a new tower.
  - (10) The applicant shall also provide evidence of written communication with owners of nearby tall structures within a one (1) mile radius of the proposed tower site, asking permission to install the wireless/cellular antennae on those structures. Tall structures shall include, but not be limited to: smokestacks, water towers, buildings over fifty feet (50FT) in height, other communication towers, and roadway light poles.
  - (11) The facility owner/operator shall present a maintenance plan demonstrating responsibility for the site.
  - (12) The applicant shall provide a copy of a permanent easement or appropriate leasehold estate providing for access to the tower site. The access to the tower sight must be maintained regardless of other development that may take place on the site.
  - (13) The communication company must demonstrate proof to the Village that the company is licensed by the Federal Communications Commission (FCC).

C. The following additional regulations shall apply to wireless telecommunications facilities:

- (1) Wireless or cellular telecommunication sites shall be located at least two hundred fifty feet (250FT) from any residential zoning district.
- (2) The setback between the base of the tower or any guy wire anchors and any property line shall be located a distance which is at least forty percent (40%) of the tower's height or fifty feet (50FT), whichever is greater.
- (3) The maximum height of a telecommunication tower shall be two hundred feet (200FT). The maximum height of the equipment building shall be thirty-five feet (35FT).
- (4) Maximum size of an equipment building shall be seven hundred and fifty square feet (750SF).
- (5) The minimum lot size and area restriction shall be the same as permitted for any other use in the Innovation Zone.
- (6) A security fence eight feet (8FT) in height with barbed wire around the top shall completely surround the tower, the equipment building and any guy wires.
- (7) Towers and antennae shall be designed to withstand wind gusts of at least one hundred miles per hour (100MPH).
- (8) The tower shall be painted in a non-contrasting gray or similar color to minimize its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- (9) No graphics advertising is permitted anywhere on the facility.
- (10) Buffer planting shall be located around the perimeter of the security fence as follows: An evergreen screen shall be planted that consists of either a hedge or evergreen trees that shall provide a minimum of seventy-five percent (75%) opacity year-round.
- (11) The tower shall not be artificially lighted except to assure safety or as required by the FAA.
- (12) Warning signs shall be posted around the facility with an emergency telephone number of whom to contact in the event of an emergency.
- (13) The owner/operator of any telecommunications facility shall design such facility so that additional service providers may add their antennae, platforms, and associated hardware to the structure at a later date. The owner/operator shall negotiate in good faith with other providers for the collocation of other service providers' antennae at the facility, shall cooperate with the Village in identifying other wireless/cellular service providers for the purpose of negotiating sublease agreements for collocation of other service providers' antennae at the facility, and shall not interfere or hinder service providers from utilizing the facility.
- (14) Where possible, an antenna or tower for use by a wireless/cellular service provider shall be attached to an existing structure or building. A new wireless communication facility shall not be erected if there is a technically suitable space for wireless communication facility available on an existing wireless communication tower or other suitable structure within the applicant's search area. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing structure or that bona fide efforts to negotiate location on structures have been rejected.
- (15) Any owner of a tower whose use will be discontinued shall submit a written report to the Building and Zoning Inspector indicating the date on which such use shall cease. If at any time the use of the facility is discontinued for one hundred eighty (180) days (excluding any dormancy period between construction and the initial use of the facility), the Board may declare the facility abandoned. The tower owner and the owner of the property upon which the tower is located shall receive written instruction from the Board to either reactive the use within one hundred eighty (180) days or dismantle and remove the facility.

- (16) If reactivation does not occur within said period, the Village may thereafter proceed to move the facility and assess the costs of removal to the owner, as well as certify those costs to the County Auditor as a lien against the property.
- (17) In addition to the foregoing requirements, the following standards, items A. through D., shall apply to wireless or cellular telecommunications facilities permitted on a property with an existing use:
  - i. The existing use on the property may be any permitted use or lawful nonconforming use in the Innovation Zone, and said use need not be affiliated with the wireless/cellular telecommunication provider.
  - ii. The telecommunication facility shall be fully automated and unattended on a daily basis.
  - iii. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - iv. Subsequent to approval of a conditional use permit for a telecommunication tower, the owner shall submit building permit applications to the Village for any additional antennae proposed to be placed on the tower. A new zoning certificate will not be required, unless the Building and Zoning Inspector determines that such additions do not conform with the approved conditional use permit.

**D. Small Cell Telecommunications**

- (1) Applicability. This section shall apply to all small cell installations and co-located small cell installations in the Village, and shall not apply to any Exempted Telecommunications Facility or Major Telecommunications Facility.
- (2) Permit Required. No small cell installation shall be constructed, erected, modified, mounted, attached, operated, or maintained within the Village on or within any public right-of-way without the issuance of a permit. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Village for delivery of telecommunications services or any other purpose.
- (3) Application Content. All permit applications must include:
  - i. Detailed site and engineering plans for each proposed small cell installation, including all associated equipment necessary for its operation;
  - ii. A master plan showing the geographic service area for the proposed small cell installation(s), and all of applicant's existing, proposed and anticipated installations in the Village;
  - iii. Photographs of proposed facility equipment;
  - iv. Visual impact analyses with photo simulations;
  - v. Certification by a certified radio-frequency engineer that the small cell installation will be in compliance with the FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all co-located equipment;
  - vi. Certification that the applicant has a right under state law to install wireless telecommunications facilities in the public right-of-way;
  - vii. Documentation demonstrating a good faith effort to locate the small cell installation in accordance with the preferred provisions of this chapter;
  - viii. Documentation that owners of all properties within 500 feet of the proposed small cell installation have been notified in writing of the proposed installation;
  - ix. An executed indemnification agreement.

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- (4) **Application Fee.** The Village shall assess a per-installation fee of \$500 per application, which can include up to five small cell installations, with an additional \$100 per installation after five to cover the Village's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell installation to ensure compliance with zoning requirements
- (5) **Consultant Fee.** The Village shall have the right to retain an independent technical consultant to assist the Village in its review of the application. The reasonable cost of the review shall be paid by the applicant.
- (6) **Compliance Bond.** Upon approval of the application, the Permittee shall be required to post a bond in the amount of \$50,000 for each small cell installation, such bond to be held and maintained during the entire period of Permittee's operation of each small cell installation in the Village as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable FCC limits for RF radiation exposure to the general public as determined by a qualified independent RF engineer
- (7) **Indemnification.** Permittee shall provide an executed agreement in the form provided by the Village, pursuant to which Permittee agrees to defend, hold harmless and fully indemnify the Village, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Village or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Village or (ii) a successful legal action brought against the Village for loss of property value or other harm caused by the placement or operation of a small cell installation. This indemnification agreement shall be in a form acceptable to the Village Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the Village, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, the Village and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Permittee to indemnify the Village for all of the Village's costs, fees and damages which the Village incurs in enforcing the indemnification provisions of this Section.
- (8) **Annual Re-certification.**
  - i. Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Village an affidavit which shall list all active small cell wireless installations it owns within the Village by location, certifying that (1) each active small cell installation is covered by liability insurance in the amount of \$2,000,000 per installation, naming the Village as additional insured; and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits.
  - ii. The Village shall have the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Village to certify their compliance with all FCC radio-frequency emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Permittee.

- iii. In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Village shall notify the Permittee and all residents living within 1500 feet of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance shall result in the forfeiture of all or part of the Compliance Bond, and the Village shall have the right to require the removal of such installation(s), as the Village in its sole discretion may determine is in the public interest.
  - iv. Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.
  - v. Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 60-day period, no further applications for small cell wireless installations will be accepted by the Village until such time as the annual re-certification has been submitted and all fees and fines paid.
- (9) Non-Permitted Installations. Any small cell installation constructed, erected, modified or enhanced prior to the issuance of a site-specific permit from the Village shall be removed prior to the submission of any other application. No application for a small cell installation shall be considered, and no so-called "shot clock" for approval shall commence, while such unauthorized installations remain.
- E. Small Cell Location and Configuration Preferences**
- (1) Siting Guidelines. The purpose of this section is to provide guidelines to applicants and the reviewing authority regarding the preferred locations and configurations for small cell installations in the Village, provided that nothing in this section shall be construed to permit a small cell installation in any location that is otherwise prohibited by this ordinance or any other section of the Village code.
  - (2) Order of preference - Location. The order of preference for the location of small cell installations in the Village, from most preferred to least preferred, is:
    - i. Industrial zone
    - ii. Commercial zone
    - iii. Mixed commercial and residential zone
    - iv. Residential zone
  - (3) Order of Configuration. The order of preference for the configuration of small cell installations in the Village, from most preferred to least preferred, is:
    - i. Co-located with existing wireless facilities,
    - ii. Mounted on existing utility poles,
    - iii. Mounted on new poles or towers.
- F. Small Cell Installation Specifications**
- (1) The Permittee must construct, install and operate the small cell installation in strict compliance with the plans and specifications included in the application.
  - (2) Where feasible, as new technology becomes available, the Permittee shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approval required by the Village.

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- (3) The Permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Village. The Permittee shall notify the Village of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.
- (4) At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Village. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.
- (5) The Permittee shall maintain current at all times liability and property insurance for each small cell installation in the Public Right of Way in the amount of \$2,000,000 (Two Million dollars) naming the Village as additional insureds.
- (6) The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.
- (7) Every effort shall be made to locate small cell installations no less than 1000 feet away from the Permittee's or any Lessee's nearest other small cell installation, or within feet of any permanent residential dwelling.
- (8) Single or co-located small cell installations must be mounted on an existing structure such as a utility or lighting pole that can support its weight and the weight of any existing co-located equipment. All new wires needed to service the small cell installation must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.
- (9) All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.

## Section 1105.21 Conversion of Dwelling Units

- A. In the RE, NS, and NU districts, a structure, including accessory dwelling units, and other units that are semi-detached or detached from the main structure may be converted to accommodate an increased number of dwelling units, provided that the proposed dwellings and lot conform with all requirements for new dwellings in the district, including the permitted number of dwellings, all yard and lot dimensions, floor area for each dwelling, and required parking spaces.

## Section 1105.23 Performance Standards

- A. **Applicability.** Every permitted use and conditional use permit shall conform to the performance standards in this Section and to the laws and regulations of the State of Ohio and of the federal government. Any use permitted by this Zoning Code may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance standards. Compliance with these standards shall be required during all times of operation of the approved activity or use.
- B. **Existing Use.** An existing use which does not conform with these performance standards shall not be enlarged or remodeled if: the enlargement or remodeling will cause greater noncompliance with the performance standards which exist at the time of the proposed enlargement or remodeling; or if the nonconforming conditions are not brought into compliance as a result of or concurrently with the enlargement or remodeling.
- C. **Measurement Procedures.** Methods and procedures for the determination of compliance with these performance standards shall conform to applicable methodologies prescribed by this Zoning Code or to applicable standard measurement procedures published by the American National Standards Institute, New York, N.Y., the Manufacturing Chemists' Association, Inc., Washington, D.C. and the United States Bureau of Mines, the National Fire Protection Association, the Ohio Environmental Protection Agency, and other recognized organizations whose standards are acceptable to the Zoning Official.
- D. **Studies to Demonstrate Compliance.** When the Building and Zoning Inspector or the Board of Zoning Appeals determines that either the information provided by the property owner is not sufficient to determine compliance with the performance standards without providing additional studies or expert advice, or that the information provided by the owner is of such nature, complexity, or quantity that the Building and Zoning Inspector or the Board is not able to make a determination of compliance without additional studies or expert advice, then the Building and Zoning Inspector shall advise the owner that such studies or advice are required. The Building and Zoning Inspector and the Board may accept the required studies prepared by qualified professionals engaged by the owner or the owner shall deposit funds with the Village as required to pay for such studies or expert advice.
- E. **Control of Objectionable Processes and Operations.** The Building and Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements, including those described in the following performance standards, involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- F. **Performance Standards.** The following performance standards shall be applicable to the operation of any use permitted under this Zoning Code.
  - (1) **Fire Hazards.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.



- (2) **Radioactivity or Electrical Disturbance.** No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (3) **Noise and Vibration.** All activities shall comply with the provisions of the Code of Ordinances and all other regulations of the Village relating to noise and vibration.
- (4) **Smoke Emission.** Smoke shall not be emitted with a density greater than No. 1 on the Ringelmann Chart as issued by the U. S. Bureau of Mines except for flow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.
- (5) **Odors.** No malodorous gas or matter which is offensive or produces a public nuisance or hazard on any adjoining lot shall be permitted.
- (6) **Air Pollution.** No pollution of air by fly-ash, dust, vapor or other substance which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling shall be permitted.
- (7) **Glare.** No direct or reflected glare which is visible from any lot outside any Industrial District or from any public street, road or highway shall be permitted.
- (8) **Erosion.** No erosion, by either wind or water carrying objectionable substance onto neighboring properties shall be permitted.
- (9) **Water Pollution.** Pollution of water shall be subject to the requirements and regulations established by the State Water Pollution Control Board.
- (10) **Toxic or Noxious Matter.** No use, operation, or activity shall emit or discharge toxic or noxious matter in any form, particularly as identified on the USEPA Extremely Hazardous Substances List, which may be detrimental to the public health, safety or general welfare or which may endanger the natural environment. Provisions for the proper storage, use, and disposal of hazardous and/or toxic materials shall conform to the standards and requirements for such materials established by the USEPA and OEPA.

## Section 1105.25 Non-Conformities

### A. Administration of Non-Conformities

- (1) The following sets forth the rights of a property owner to continue, enlarge, repair, alter, replace, or discontinue a non-conforming use or structure.
- (2) Table 1105-10 summarizes the decisions relative to nonconformities and the role of each of the administrative, quasi-judicial, quasi-legislative, and legislative reviewing parties.

- B. Applicability.** Non-conforming uses are declared by this Code to be incompatible with permitted uses in the zones and districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination, shall not be extended or enlarged after passage of this Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would not be permitted generally in the zone or district involved.

- C. Effect of Actual Construction.** To avoid undue hardship, nothing in this 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 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 excavation or demolition or removal of an existing building has been substantially commenced, such substantial excavation, demolition or removal shall be deemed to be actual construction, provided that work is carried on diligently after such excavation, demolition or removal. For the purposes of this Section substantial excavation, demolition or removal shall mean the completion of at least 75% of the scope of applicable work
- D. Single-Family Dwellings.** In any zone or district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Code notwithstanding limitations imposed by other provisions of this Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district or zone, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district or zone in which such lot is located, except that the minimum side yards may be reduced ten percent (10%) of the width of the lot, provided that no side yard shall be less than the least of the applicable district or zone regulation and three feet (3FT). Variance of yard requirements shall be obtained only through action of the BZA.
- E. Contiguous Lot.** If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Code, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Code, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Code.
- F. Alteration of Non-Conforming Structure.** A. No such non-conforming structure may be enlarged or altered in a manner which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. If lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this Code in the zone or district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zone or district in which it is located.
  - (2) Any non-conforming use may be extended throughout any of the parts of a building which were manifestly arranged or designated for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.
  - (3) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zone or district, and the non-conforming use may not thereafter be resumed.
  - (4) Where a non-conforming use has been discontinued, meaning that the structure containing the use has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred, for a period of 24 or more continuous months, the non-conforming use shall be permanently terminated.

- (5) Any non-conforming structure damaged to an extent of more than 75% of its then fair market value, exclusive of foundations, shall not be restored or reconstructed, used or occupied as a non-conforming use. If such damage amounts to 75% or less of the fair market value, the non-conforming structure may be restored, provided a building permit is obtained and that such restoration shall begin within one year from the time of damage. The BZA may approve the reconstruction of a non-conforming structure damaged to a greater extent than permitted herein upon review of a site and design plan submitted in accordance with the requirements for site and design plan submittal.

**G. Continuation of Non-Conformity**

- (1) If lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - i. No existing structure devoted to a use not permitted by this Code in the zone or district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zone or district in which it is located.
  - ii. Any non-conforming use may be extended throughout any of the parts of a building which were manifestly arranged or designated for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.
  - iii. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the applicable zone or district, and the non-conforming use may not thereafter be resumed.
  - iv. Where a non-conforming use has been discontinued, meaning that the structure containing the use has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred, for a period of 90 or more continuous days, the non-conforming use shall be permanently terminated.

Table 1105-10  
Non-Conformities Review Process

Determinations Of:	Zoning Administrator	Board of Building and Zoning Appeals (BZA)
<b>Enlargement</b>		
Application Submitted To:	X	
Decision By:		X
Appeal To:		
<b>Repair or Alteration</b>		
Application Submitted To:	X	
Decision By:	X	
Appeal To:		Quasi-Judicial
<b>Replacement</b>		
Application Submitted To:	X	
Decision By:	X	
Appeal To:		Quasi-Judicial
<b>Discontinuance</b>		
Application Submitted To:	X	
Decision By:	X	
Appeal To:		Quasi-Judicial

- v. Any non-conforming structure damaged to an extent of more than 75% of its then fair market value, exclusive of foundations, shall not be restored or reconstructed, used or occupied as a non-conforming use. If such damage amounts to 75% or less of the fair market value, the non-conforming structure may be restored, provided a building permit is obtained and that such

**H. Repairs and Alterations**

- (1) Repairs, alterations and maintenance work as required to keep said non-conforming structure in sound condition and repair may be made to a non-conforming structure; provided that the total repairs and alterations shall not exceed 50% of the structure’s then fair market value.
- (2) Nothing in this Code 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.

- I. **Effect of Apriori Regulations.** Any lawfully existing use or structure existing on the effective date of this Code, which use or structure does not conform with one (1) or more of the provisions of this Code, shall be deemed a non-conforming use or structure under the provisions of this Code. Provided that such non-conforming use or structure was established in conformance with the zoning provisions in effect prior to adoption of this Code, and provided that such use or structure was established under authorization of and in conformance with a permit or other authorization issued by the Village, then such use or structure shall be a lawful non-conforming use or structure and shall be permitted to continue under the provisions of this Code.

## Section 1105.27 Building Design

- A. **Purpose and findings:** The purpose of these regulations is to provide specific criteria so that new buildings blend into the historic architectural framework of the Village of Greenfield. These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the Village of Greenfield; preserve taxable values; and promote the public health, safety, and general welfare. These standards:

- (1) Provide a physical and visual connection between the living area of the residence and the street;
- (2) Enhance public safety by allowing people to survey their neighborhood from inside their residences, places of work, or shopping areas;
- (3) Provide a more pleasant pedestrian environment by preventing large expanses of blank façades along streets;
- (4) Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- (5) Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- (6) Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk;
- (7) Enhance public safety by preventing garages from blocking views of the street from inside the residence;
- (8) Supplement the zoning regulations applied to site-built, and modular homes, with additional standards and procedures that will promote a satisfactory living environment for residents of single-family homes and that will permit a mix of homes and other types of housing within the Village of Greenfield;
- (9) Permit greater diversity in the types of housing communities;
- (10) Ensure that all new single-family dwellings are compatible with other forms of housing; and
- (11) Ensure the provision of single-family housing opportunities for persons or families of low or moderate income by providing for design standards that ensure compatibility among various types of housing units as an alternative to exclusionary zoning.

### B. Single-Family Residential Dwellings

#### (1) Applicability

- i. *Types of dwelling Units:* Unless otherwise specified in this ordinance, this section applies to:
  - a) Any single-family dwelling unit;
  - b) Any duplex; and
  - c) Any triplex.
- ii. *Design elements required:* The combination of design elements, as shown in Table 1105-11, is required for any dwelling unit subject to this section.

- (2) **Size Limitations.** No single-family dwelling unit, duplex, or triplex shall exceed 8,000 square feet in size, nor exceed a floor area ratio (FAR) of .60. The total area of all dwellings and accessory structures shall not exceed a FAR of .75.
- (3) **Main Entrance.**
  - i. *Location of main entrance:* The main entrance of each primary structure must face the street. On corner lots, the main entrance may face either of the streets or be oriented to the corner. With buildings that have more than one main entrance, only one entrance must meet this requirement. A building must include a front porch or stoop at all main entrances that face a street. The porch or stoop shall adjoin the main entrance and the main entrance shall be accessible from the porch.
  - ii. *Porches*
    - a) Porches shall be covered by a solid roof. The roof shall not be located more than 12 feet above the floor of the porch. If the roof of a required porch is developed as a deck or balcony, it may be flat.
    - b) The porch shall have minimum dimensions of 6 feet by 6 feet. For single-family dwellings, the covered area provided by the porch must be at least 48 square feet and a minimum of 8 feet wide. If the main entrance is for more than one dwelling unit, the covered area provided by the porch must be at least 63 square feet and a minimum of 9 feet wide.

**Table 1105-11  
Applicability of Single-Family Design Regulations**

Standard	Zoning District or Use		
	RE	NS, NU	D
Main Entrance of this section	M	M	M
Garages of this section r	O	M	M
Roofs of this section	O	O	O
Foundation of this section	O	O	O
Exterior Finish Materials of this section	O	O	O
Windows and Entryways of this section	O	O	M

*RE = Residential Estate; NS = Neighborhood Suburban; NU = Neighborhood Urban; D = Downtown; M = the standard is mandatory; and O = the standard is optional. Single-family dwellings subject to this section must comply with at least two of the optional standards.*

- c) *Covered balconies*: The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide, and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.
- d) *Openings between porch floor and ground*: Openings of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

(4) **Garages**

- i. Generally: Garages shall either be detached or shall be facing the side or rear lot line. A garage wall may not be closer to the street lot line than the front of the porch.
- ii. *Detached garages*: These standards encourage detached garages as an alternative to front-loaded attached garages.
  - a) Detached garages are permitted in any zoning district. Detached garages shall be located in the rear yard. The footprint for the garage structure shall not exceed 24 by 24 feet. The garage walls shall not exceed 15 feet in height or the height of the principal structure, whichever is less.
  - b) A detached garage that is nonconforming due to its location in a setback may be rebuilt on its existing foundation if it was originally constructed legally. An addition may be made to these types of garages if the addition complies with the standards of this section, or if the combined size of the existing foundation and any additions are no larger than 12 feet wide by 18 feet deep. The garage walls shall not exceed 10 feet in height.
- iii. *Applicability*: This section applies to garages that are accessory to single-family dwelling units, manufactured homes, duplexes, or triplexes. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added. Garages that are accessory to attached houses, development on flag lots, or development on lots that slope up or down from the street with an average slope of 20 percent or more, are exempt from this standard.
- iv. *Maximum length and size*: The length of that portion of a garage wall facing the street shall not exceed 30 percent of the length of the street-facing building façade. Garage doors may not exceed 75 square feet in area. There may be no more than two individual garage doors. On corner lots, only one street-facing garage wall must meet this standard. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
  - a) Interior living area above the garage; or
  - b) A covered balcony above the garage that is at least the same length as the street-facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.
- v. *Street lot line setbacks*: A garage wall that faces a street shall be located at least 20 feet behind the plane of the front façade. A street-facing garage wall may adjoin the front façade or be located within the area described above, where:
  - a) The street-facing garage wall does not exceed 30 percent of the length of the building facade; and
  - b) The interior living area is located above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or shall include a covered balcony above the garage that is at least the same length as the street-facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

- vi. *Street-facing garage walls prohibited in “D” (Downtown) district:* Garage walls facing the street or extending beyond the front elevation of a dwelling unit are prohibited in the “D” district.

(5) **Roofs**

- i. *Slope:* Principal structures must have a roof that is sloped, with a pitch that is no flatter than six units of horizontal run to 12 units of horizontal rise.
- ii. *Architectural features:* The roof of a principal structure shall include the following architectural details:
  - a) At least one dormer facing the street. If only one dormer is included, it shall be at least 5 feet wide and shall be centered horizontally between each end of the front elevation. If more than one dormer is provided, a dormer at least 4 feet wide must be provided on each side of the front elevation; or
  - b) A gable end, or gabled end of a roof projection, facing the street.
- iii. *Roof eaves:* Roof eaves must project from the building wall at least 12 inches, measured horizontally, on at least the front and side elevations.

- (6) **Foundation.** The ground level of the first floor, including the lowest elevation of any point of the front façade, shall be elevated at least 3 feet from the horizontal surface of the street or sidewalk. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not visible by more than 3 feet above the finished grade level adjacent to the foundation wall. This requirement applies to new construction and excludes improvements to existing historic structures.

(7) **Exterior Finish Materials**

- i. Plain concrete block, plain concrete, corrugated metal, plywood, and sheet pressboard are not allowed as exterior finish material. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the board product is less than 6 inches wide.
- ii. Where wood products are used for siding, the siding must be shingles or horizontal siding and shakes should be used when it is architecturally and historically appropriate.
- iii. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

- (8) **Windows and Entryways:** At least 15 percent of the area of a street-facing façade must include windows or main entryways. Street-facing windows shall comply with the following requirements:

- i. Each window must be square or vertical—at least as tall as it is wide; or
- ii. A horizontal window opening may be created subject to the following standards:
  - a) Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal;
  - b) There is a band of individual lights across the top of the horizontal window. These small lights must be vertical and must cover at least 20 percent of the total height of the window; or
  - c) Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard.



- d) Windows shall not be flush with exterior wall treatments. Windows shall be provided with an architectural surround at the jambs and header, and a projecting sill.
- e)

**C. Duplexes, Triplexes, and Quadraplexes**

- (1) *Generally:* Duplexes shall include at least two of the following architectural elements, as described in Duplexes, Triplexes, and Quadraplexes of this Section:
  - i. Dormers;
  - ii. Front porches;
  - iii. Bay windows; and
  - iv. Balconies.
- (2) *Covered Balconies:* Duplexes or triplexes may provide a covered balcony on the same façade as the main entrance instead of a front porch.
- (3) *Windows:* Windows shall have a vertical-to-horizontal ratio of at least 1.5:1 and less than 3:1, which are recessed into the face of the building and broken up with smaller panes of glass or mullions. For existing structures, mullion design should be consistent with windows already in place..

**D. Manufactured Homes:** Manufactured homes shall conform to the requirements of Section 1105.27B Single-Family Residential Dwellings.

- (1) *Zoning Standards:* Any manufactured home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square-footage standards and requirements that would be applicable to a conventional, single-family residential dwelling on the same lot.
- (2) *Foundation:* The dwelling shall be attached to a permanent foundation system in compliance with the Part 13, Building Code as may be amended, and the following requirements:
  - i. All wheels, hitches, axles, transporting lights, and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit;
  - ii. The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas excepting vents and crawl spaces. The foundation shall either not be located above grade or shall include masonry skirting; and
  - iii. All manufactured homes shall be anchored to the ground by means of anchors attached both to the frame and with straps extending over the top and completely surrounding the sides and roof, consistent with building code requirements. In addition, test data giving certified results of pull tests in soils representative of the area in which the anchors are to be used shall be submitted to the Building and Zoning Inspector. Minimum load in direct pull shall be 5,400 pounds. Anchors shall be marked so that, after installation, the identification is in plain view for inspection.
- (3) *Orientation:* Manufactured homes that are narrower than 16 feet in width shall be oriented on the lot so that its long axis is parallel to the street.

**E. Multifamily Dwellings**

- (1) *Applicability:* Unless otherwise specified in this ordinance, this section applies to any of the following where located on a lot exceeding 10,000 square feet:
  - i. Any townhouse or row house; and
  - ii. Any building that includes multifamily dwelling units.

- iii. For purposes of computing the number of dwelling units to determine applicability of the standards of this section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed multifamily dwellings on any adjacent property under common ownership shall be counted.
- (2) *Entryways*: For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided.
- (3) *Common Open Space*: Common open space areas shall be required in accordance with Section \_\_\_ Parks/Open Space of this section. The Building and Zoning Inspector may waive up to 50 percent of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk. The open space requirements of this section shall not apply to multifamily residential developments that are second-floor units above first-floor commercial development, or to any residential developments in the “D” (Downtown) zoning district that are above the first floor. Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least 30 feet across its narrowest dimension.
- (4) *Pedestrian Facilities*. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, and on-site amenities, such as recreation areas. Sidewalks shall be provided adjacent to all public streets that provide access to the development.
- (5) *Building Design*: Building design for multifamily buildings shall:
  - i. Provide interesting and aesthetically attractive multifamily developments;
  - ii. Avoid monotonous, “barracks”-style buildings;
  - iii. Ensure that multifamily buildings have a multifaceted exterior form in which articulated façades are combined with window and door placements as well as other detailing; and
  - iv. Create an interesting and attractive architectural design.
- (6) *Building Design Standards*: The following standards shall apply to building design:
  - i. Buildings shall not exceed 150 feet in length;
  - ii. Façades greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses. Ground-floor façades that face public streets shall have arcades, windows, entry areas, awnings, or other such features for at least 60 percent of their horizontal length;
  - iii. Buildings shall be arranged so that they are aligned parallel to a sidewalk or around common open space, such as courtyards, greens, squares, or plazas; and
  - iv. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.
- (7) *Utilities*: All utility lines shall be located underground. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multifamily site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

**F. Commercial Buildings**

- (1) *Purpose and findings*: These standards are designed to:
  - i. Promote a quality, urban streetscape;
  - ii. Promote a pedestrian-friendly environment;
  - iii. Establish a variety of mixed uses in the core of the community;

- iv. Provide an orderly development pattern;
  - v. Maintain a supply of developable land while preserving the compact development;
  - vi. Improve traffic circulation and promote alternatives to automobile travel;
  - vii. Provide housing opportunities within walking distances of employment, service, and retail opportunities;
  - viii. Maintain an overall design theme;
  - ix. Preserve a human scale for new buildings;
  - x. Provide economic development opportunities through clean industry, office, and commercial uses; and
  - xi. Provide for the daily needs and services of the community.
  - xii. Do not restrict imagination, innovation, or variety.
- (2) *Applicability:* Unless otherwise specified in this Section, this section applies to any commercial building or structure.
- (3) *Building Structure:*
- i. Base, middle, and cap: Buildings exceeding two stories shall incorporate a base, a middle, and a cap described as follows:
    - a) The base shall include an entryway with transparent windows as set forth in the ground-floor design standards (Section 1105.27F5 Ground-Floor Design), and a molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least 2 inches and a height of at least 4 inches;
    - b) The middle may include windows and/or balconies; and
    - c) The cap shall include the area from the top floor to the roof of the building and shall include a cornice or a roof overhang.
  - ii. Alignment: Windowsills, moldings, and cornices shall align with those of adjacent buildings. The bottom and top line defining the edge of the windows (the “windowsill alignment”) shall vary not more than 2 feet from the alignment of surrounding buildings. If the adjoining buildings have a windowsill alignment that varies by more than 2 feet from one another, the proposed building shall align with one of the adjoining buildings.
- (4) *Façade Size:* “Façade size” refers to the length multiplied by the width of any façade that faces or is parallel to a public or private street. “Façade” means the exterior side of a building and includes the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation. The sum total of the façade areas on a lot may exceed the maximum façade size described in this section by dividing the buildings into two or more buildings, or into distinct “modules” that incorporate visible changes in the façade elevation through the use of wall plane projections, piers, columns, colonnades, arcades, or similar architectural features that create a distinct façade elevation. Each module shall have separate windows and entryways. The modules for a single, continuous façade shall not exceed an average of 30 feet in width. No module shall exceed 50 feet in width.
- (5) *Ground-Floor Design*

- i. All buildings subject to this section shall have their principal entrance opening to a street, square, plaza, or sidewalk. The principal entrance shall not open onto a parking lot. Pedestrian access from the public sidewalk, street right-of-way, or driveway to the principal structure shall be provided through an improved surface.
- ii. The ground floor of the entryway shall align with the sidewalk elevation in situations where the primary entry is accessed via sidewalk. Sunken terraces or stairways to a basement shall not constitute entryways for purposes of this section. It is not the intent of this section to preclude the use of below-grade entryways, provided, however, that such entryways shall not constitute a principal entryway and shall not be used to satisfy the distancing requirements of Section \_\_\_\_ Windows and Entryways of this section.

(6) *Windows and Entryways*

- i. Windows above the ground floor shall have a minimum ratio of height to width of 2:1.
- ii. The ground floors of all buildings shall be designed to encourage and to complement pedestrian- scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50 percent of the length of the first-floor street frontage. At least 60 percent nor more than 90 percent of the total surface area of the front elevation shall be in public entrances and windows (including retail display windows). Where windows are used, they shall be transparent.
- iii. Solid walls shall not exceed 20 feet in length.
- iv. All street-level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided. This standard shall not apply to any lot with a street frontage of less than 24 feet.
- v. Doors shall be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. An entryway shall not be less than 1 square foot for each 1,000 square feet of floor area, and in all cases shall not be less than 15 square feet.
- vi. The maximum setback requirements may be waived by the Building and Zoning Inspector for an area not to exceed 90 percent of the frontage in order to accommodate courtyards.
- vii. Canopies, awnings, and similar appurtenances may be constructed at the entrance to any building, subject to the criteria established in the Uniform Building Code.

- (7) *Mechanical Equipment:* Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from view at the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building. In cases where the front property line is higher than the roof line of the subject building, no screening shall be required for a line of sight exceeding 5 feet 6 inches above the finished elevation of the property at the front property line.

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ADMINISTRATION  
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# Title Seven Administration and Procedures

## Section 1107.01 Purpose and Intent

The purpose of this Section is to consolidate the procedures for filing and processing applications for development approval. The format is designed to allow users to quickly and efficiently ascertain the various steps involved in obtaining development approval— from the initiation and filing of an application, the administrative completeness review, the review for compliance with substantive standards, through the public hearings.

## Section 1107.03 Review and Approvals Summary

- A. This Section sets forth the powers and duties of the Building and Zoning Inspector, the Board of Zoning Appeals (BZA), and the Planning Commission relative to the administration and enforcement of this Zoning Code.
- B. The following table summarizes the applications and role of each of the administrative, quasi-judicial, quasi-legislative, and legislative reviews set forth in this Title and the responsible reviewing party:

Table 1107-1 Review and Approvals Summary				
Application Type	Building and Zoning Inspector	Planning Commission	Board of Zoning Appeals	Council
<b>Zoning Certificates</b>				
Application Submitted To:	X			
Decision By:			QJ	
Appeal To:				QJ
<b>VARIANCES</b>				
Application Submitted To:	X			
Decision By:	A Standard Plan	QJ Major Plan		
Appeal To:				QJ
<b>CONDITIONAL USES</b>				
Application Submitted To:	X			
Decision By:	A Minor		QJ Major	
Appeal To:				QJ
<b>SIMPLE USE DETERMINATION</b>				
Application Submitted To:	X			X
Decision By:		QL		LS
Appeal To:				

Table 1107-1 Review and Approvals Summary				
Application Type	Building and Zoning Inspector	Planning Commission	Board of Zoning Appeals	Council
<b>SITE PLAN AND DESIGN REVIEW</b>				
Application Submitted To:	X			
Decision By:		QL		
Appeal To:				
<b>DESIGN REVIEW</b>				
Application Submitted To:	X			
Decision By:	A			
Appeal To:			QJ	
<b>ZONING TEXT AMENDMENT</b>				
Application Submitted To:	X			
Decision By:	A			
Appeal To:			QJ	
<b>MAP/TEXT AMENDMENT</b>				
Application Submitted To:	X			
Decision By:	A			
Appeal To:			QJ	
<b>ZONING ENFORCEMENT</b>				
Application Submitted To:	X			
Decision By:	A			
Appeal To:			QJ	

Key	
A	Administrative Decision
QJ	Quasi-Judicial Decision
QJF	Quasi-Judicial Decision-Final Appealable Decision
LS	Legislative Decision
X	Responsible for Application Intake and Determination of Completeness



## Section 1107.05 Building and Zoning Inspector

Unless otherwise directed by the City Manager, the Building and Zoning Inspector shall have the following responsibilities and powers:

- A. Enforce the provisions of this Code and interpret the meaning and application of its provisions;
- B. Receive, review and make determinations on applications for zoning certificates;
- C. Issue zoning certificates as provided by this Code and keep a record of same with notations of special conditions involved;
- D. Review and process standard site and design plans pursuant to the provisions of this Code;
- E. Make determinations on whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing pursuant to the procedures in this Code;
- F. Conduct inspections of buildings and uses of land to determine compliance or noncompliance with this Code;
- G. Review, process, and approve or deny applications for conditional use permits pursuant to the provisions of this Code.
- H. Maintain permanent and current records required by this Code, including, but not limited to, the Zoning Map, zoning certificates, inspection documents and records of all variances, amendments and Conditional Uses, which shall be made available for use of the Council, Planning Commission, the Board of Zoning and Building Appeals (BZA) and the public;
- I. Determine the existence of any violations of this Code and enforce this Code;
- J. Revoke a Zoning Certificate or approval issued contrary to this Code or based on a false statement or misrepresentation on the application; and
- K.
- L. Such other administrative duties as specifically granted to them from time to time by the Mayor or the City Manager

## Section 1107.07 Planning Commission

- A. The Village of Greenfield Planning Commission is established and organized in accordance with Section \_\_\_\_\_ of the Charter.
- B. The Planning Commission shall have the following powers and duties under this Code and in furtherance of the Charter:
  - (1) Initiate advisable Zoning Map changes, or changes to the text of the Code where the same will promote the best interest of the public in general through recommendation to the Village Council;
  - (2) Review all proposed amendments to this Code, whether map amendment or text amendment;
  - (3) Review plats and subdivision regulations;
  - (4) Review and approve or deny approval of certificates of appropriateness;
  - (5) Review of site plans;
  - (6) Establish such reasonable conditions, regulations, and standards in the approval of a district change, site plan and design approval, certificate of appropriateness, or other official action as necessary to ensure a project complies with the purpose and intent of this Code and of the ordinances of the Village;
  - (7) Exercise any powers, duties or functions provided to municipal planning commissions by state law that do not otherwise conflict with Village Council's ordinances or resolutions, this Code, or the Charter; and

- (8) Such other official action consistent with the powers, duties, or authorities of the Commission as set forth by the provisions of the Charter, this Code, or assigned by Village Council.
- C. In furtherance of its duties and powers under this Code and the Charter, the Planning Commission shall operate in accordance with the following procedures:
  - (1) Three (3) members present shall constitute a quorum of the Planning Commission.
  - (2) All actions taken by the Planning Commission shall be initiated by motion and shall be recorded in the minutes.
  - (3) The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each application or questions, or, if a member is absent or fails to vote, the minutes shall indicate such fact.
  - (4) Three (3) affirmative votes shall be required for the adoption of any motion.

### **Section 1107.09 Board of Zoning Appeals**

- A. The Village of Greenfield Board of Zoning Appeals (BZA) is established and organized in accordance with Section\_\_\_\_, Article \_\_\_\_ of the Charter.
- B. The powers and duties of the BZA shall be as follows:
  - (1) To permit exceptions to and variances from the provisions of this Code, as provided this section hereof;
  - (2) To authorize or deny a conditional use permit where the Building and Zoning Inspector has forwarded an application to the BZA for review;
  - (3) To authorize the operation of a similar use through the similar use determination process set forth under this section hereof;
  - (4) To establish such reasonable conditions, regulations, and standards in the approval of a conditional use, variance or exception, or other official action as necessary to ensure that the design, construction, and operation of the use or structures subject to such approval are carried out consistent with the purpose and intent of this Code and of the ordinances of the Village;
  - (5) To make interpretations, upon request of the Building and Zoning Inspector or upon appeal from any property owner of the Village, of the meaning and application of the provisions and illustrations of this Code and of the Zoning Map of the Village including:
    - i. Determination of the exact boundary lines of districts or zones;
    - ii. Determination of the meanings of the permitted uses and conditional uses as listed in the districts or zones, and
    - iii. Determination of the rules applicable to the filing of applications, review procedures, and permit issuances; provided however, the BZA shall not make such interpretations as the Village Attorney may determine should be a matter of legislative action by Village Council.
  - (6) To grant or deny a zoning certificate when the question of the issuance of such certificate is referred to it by the Building and Zoning Inspector, or when the provisions of this Zoning Code indicate that the Board shall consider such question;
  - (7) To overrule or amend any official action of the Building and Zoning Inspector when an applicant makes an appeal for such relief and when the Board determines that such action has been contrary to the intent and spirit of this Code. For such purpose, the Board may make null and void any zoning certificate issued or any action taken by the Planning and Zoning
  - (8) Administrator by notifying the Building and Zoning Inspector and the principal interested party or parties in writing;
  - (9) To hear appeals from the Property Maintenance Code as provided for in that code; and

- (10) Such other official action consistent with the powers, duties, or authorities of the Board as set forth by the provisions of the Charter this Code or assigned by Village Council.
- C. In furtherance of its duties and powers under this Code and the Charter, the BZA shall operate in accordance with the following procedures:
  - (1) Three (3) members present shall constitute a quorum of the BZA;
  - (2) All action taken by the Board shall be initiated by motion and shall be recorded in the minutes. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if a member is absent or fails to vote, the minutes shall indicate such fact; and
  - (3) Three (3) affirmative votes shall be required for the passage of any motion.

## Section 1107.11 Downtown Design Review Board

- A. The Downtown Design Review Board (DDRDB) is created to provide guidance and direction for buildings, properties, and other structures within the Historic Downtown Design District (HDDD), structures originally built as single-family residences. If a residence within the district is converted to commercial use, and alterations are requested to accommodate the business, then the provisions of this Section shall apply, and a Certified of Appropriateness shall be required. The guidance and direction includes, but is not limited to, providing a process to review plans and specifications for improvements, restoration activities, rehabilitation and renovation to buildings, properties and other structures; creating an architecturally appropriate downtown area; maintain, enhance and preserve the distinctive character and architectural integrity of buildings, properties and other structures and assure that future intrusions and alterations to buildings, properties and structures are architecturally and period appropriate, retaining environmental architectural, historical, economic and community development goals of the community. This Section does not apply to general maintenance, including, but not limited to repainting existing colors.
- B. **Historic Downtown Design District; Boundaries.** The Historic Downtown Design District (HDDD) shall be represented on Exhibit "A" attached to Ordinance 7-11.
- C. **Downtown Design Review Board; Members; Meetings.**
  - (1) The DDRDB shall consist of five (5) members, appointed and approved by City Council and shall include two (2) downtown property and/or business owners, one (1) representative from the Greenfield Historical Society, one (1) representative from a financial institution and one (1) citizen at large. Members shall continue to serve until such time as a member's replacement has been appointed by City Council.
  - (2) Each member shall serve a three (3) year term, which shall be staggered as established by City Council.
  - (3) The DDRDB shall meet monthly or at a time frequency determined by the Board.
- D. **Certificate of Appropriateness.**
  - (1) No building, property or structure within the HDDD shall be altered, constructed, painted, including, but not limited to, facades, roofs, windows, signage, or doors, until a Certificate of Appropriateness application has been reviewed and approved by DDRDB and a Certificate has been issued by the Board.
  - (2) All applications for a Certificate of Appropriateness shall be submitted to the City Manager's office on an application form provided by the City Manager's office.
- E. **Project Evaluation and Review Criteria.**
  - (1) All projects submitted to the DDRDB for Certificate of Appropriateness shall conform to the U.S. Secretary of Interior's Standards and Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

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- (2) All buildings, structures and sites are recognized as products of their own time, and alterations that have no historical basis, but seek to create appearance inconsistent or inappropriate to the original integrity of the building, structure or site shall be prohibited.
- (3) Distinguishing original qualities or character of a historic building, structure, site and/or its environment shall be preserved where possible and practical.
- (4) Changes which have occurred through time, and which have acquired significance should be recognized and respected.
- (5) Repair of significant architectural features, when possible and practical, is preferred over replacement. When feasible, the repair or replacement shall accurately duplicate the feature, and be substantiated by historical, physical, or pictorial evidence.
- (6) Contemporary design for alterations and additions to existing properties and the use of contemporary materials are not to be discouraged, when such design or use of materials does not destroy significant historical or architectural material, and the design or use of material is compatible and/or harmonious with the character of the property and area and existing materials.
- (7) The surface cleaning of masonry structures shall utilize methods that minimize damage to the building materials.
- (8) Reconstruction and/or rehabilitation of structures, buildings and open spaces within the HDDD shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its environment, when possible and practical, given environmental, architectural, historical, economic and community development considerations.
- (9) The use of traditional exterior materials such as brick, stone, masonry and wood is encouraged. Contemporary materials such as aluminum, other metals, fiberglass and plastics for exterior surfaces are permitted when it is demonstrated that the use of traditional materials is clearly unfeasible given environmental, architectural, historical, economic and community development considerations, or when the use of contemporary material will contribute to preservation or enhancement of existing traditional materials and the overall integrity and longevity of a structure.
- (10) New construction and/or additions to an existing structure should be harmonious with the existing structure and its surroundings, in design, materials and color, as much as is practical and feasible.

### **F. Decisions by the Board.**

- (1) Once a Certificate of Appropriateness has been fully completed and submitted by the applicant, the DDRB shall meet within thirty (30) days to evaluate and review the Certificate of Appropriateness.
- (2) Upon evaluation and review, per Section 1107.11E the DDRB shall approve, deny, or modify the application. The Board shall clearly state the rationale for its decision in writing, and it shall be mailed to the applicant within thirty (30) days of the decision.
- (3) Applications must be submitted to the City Manager's office no less than fifteen (15) days prior to a scheduled DDRB meeting.
- (4) If an application for a Certificate of Appropriateness is denied, the property owner requesting the Certificate of Appropriateness may appeal to the Board of Zoning Appeals within thirty (30) days of the written denial, and the appeal shall be handled by the procedures established in Section \_\_\_\_.

- G. Signage.**
- (1) Proper signage is encouraged in that signs shall conform to what is typically associated with the era during which the structure was built, including overhanging signs.
  - (2) Overhanging signs (projecting signs) may not exceed twelve (12) square feet; with horizontal and vertical measurements not exceeding four (4) lineal feet. Such signs shall be a minimum of ten (10) feet above the sidewalk and may not hang beyond the street curb line. Such signs are prohibited over alleys. Overhanging signs shall not have internal lighting.
- H. Demolition.** No demolition of any property shall be undertaken unless the owner of the premises has obtained a Certificate of Appropriateness. The DDRB shall grant the demolition and issue a Certificate of Appropriateness when at least one of the following conditions prevail:
- (1) The structure contains no features of architectural and historic significance to the character of the HDDD.
  - (2) There exists no reasonable economic use for the structure as it exists or as it might be restored and that there is no feasible and prudent alternative to demolition.
  - (3) Deterioration has progressed to the point where it is not economically feasible to restore the structure.
  - (4) It is in the best interest of community development considerations to undertake the demolition.
- I. Planting or Replacement of Trees.** The DDRB shall review and approve the planting or replacement of all street trees within the HDDD, as designated on the map of the HDDD. The DDRB shall always approve the planting of a Skyline Locust; however, the DDRB may approve a Lacebark Elm, London Planetree, Japanese Zelkova, or other species recommended by an urban arborist, if the DDRB determines, in its sole discretion, that such species would be appropriate for the location requested.
- J. Permit Required.** A building and/or zoning permit also may be required for work performed in the HDDD. It is the property owner's responsibility to acquire all necessary permits prior to commencing the activity approved in the Certificate of Appropriateness.
- K. Enforcement and Penalty.**
- (1) The City Manager shall enforce this Section.
  - (2) Whoever violates any provision this section is guilty of a misdemeanor of the third degree. Each day on which a violation occurs or continues shall be deemed a separate offense.

## Section 1107.13 Applications

- A.** All requests for a decision or approval under this Code begins with the property owner or agent thereof filing an application with the Building and Zoning Inspector on forms provided from time to time.
- B.** A complete application shall include all required submissions and the payment in full of all applicable fees, which shall be proposed from time-to-time by the Mayor and approved by Council.
- C.** The Building and Zoning Inspector will determine whether an application is complete and is ready to be processed. In some instances, an additional application may be deemed necessary by the Building and Zoning Inspector and, if so, an application will not be deemed to be complete unless and until the all applications are submitted and reviewed and determined to be in accordance with all submittal requirements. The applicant will be notified in writing of any deficiencies in the completeness of the application and shall have 30 days from the date thereof to complete the application or the application will be deemed null and void.
- D.** If a decision on the application is to be made by someone other than the Building and Zoning Inspector, then the complete application shall be forwarded to the appropriate body for review in accordance with this Code.
- E.** Unless otherwise prescribed by this Code or requested by the applicant, the applicable decision-making body or administrator shall render a decision on all applications within sixty (60) days from the original hearing.

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- F. The Building and Zoning Inspector, in consultation with the City Manager, BZA, or any additional Village staff shall publish application procedures and additional requirements in a document to be known as the Development Handbook, which shall be incorporated here by reference. The Building and Zoning Inspector shall make the most current version of this document available to the public in a manner that is easily accessible.
- G. In the interest of timely and efficient administration of the provisions of this Code, applicants may submit, and the Board may take action upon, concurrent applications for conditional uses, similar use determinations, variances, and other matters on which the Board is granted authority by this Code. All such concurrent applications shall be submitted in conformance with the applicable provisions of this Code. The Board shall not take such concurrent action if it determines that such concurrent action is not in the best interest of the Village.
- H. Unless otherwise prescribed by this code or requested by the applicant, the Board shall render a decision on all applications within sixty (60) days from the original hearing.

### Section 1107.15 Zoning Certificate

- A. The submission and review of zoning certificates shall be conducted in accordance with the provisions set forth hereunder.
- B. No use of land, building or structure and no construction or alteration of an existing use, building, or structure shall commence until a zoning certificate is issued by the Building and Zoning Inspector certifying that the intended use of the premises has been documented, reviewed, and approved in conformance with the provisions of this Zoning Code. A zoning certificate shall only be issued by the Building and Zoning Inspector subsequent to completion of all procedures and approvals required by this Code.
- C. Except as otherwise provided in this Code, a zoning certificate shall be required before:
- D. An application for a zoning certificate shall be submitted to the Building and Zoning Inspector and shall include, a plan or plans drawn to scale showing:
  - (1) The dimensions and the shape of the lot to be used or built upon;
  - (2) the sizes and locations of existing structures and uses on the lot;
  - (3) the dimensions and locations of proposed structures and uses;
- E. When the Building and Zoning Inspector determines that an application for a zoning certificate does not comply with the provisions or intent of this Code, or that an application does not provide sufficient information to determine compliance with this Code, then the Building and Zoning Inspector shall deny the application and shall not issue a zoning certificate.
- F. The Building and Zoning Inspector may refer zoning certificates to the BZA for review.
- G. Within fourteen (14) days of the Building and Zoning Inspector's denial of a zoning certificate, the applicant may file a written appeal with the BZA. Any applicant who does not file an appeal within fourteen (14) days of the date of denial by the Planning and Zoning.

### Section 1107.17 Variances

- A. The provisions set forth hereunder shall apply to the review and grant of variances under this Code.
- B. An applicant seeking a variance shall submit a written request for variance on forms provided by the Planning Zoning Administrator together with the applicable fee. In addition to information relating to the subject property and the applicant, the request for a variance shall include the following information:
  - (1) A description of the nature of the variance requested and a statement demonstrating the extent to which the requested variance conforms to the standards for variance in this Code;
  - (2) a statement of hardship; and

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- (3) such other information and exhibits as may be appropriate to establish the facts of the appeal and the grounds for relief.
- C.** Before approving or denying a request, the BZA shall hold at least one public hearing on the matter. The BZA shall cause notice of the hearing to be made to the public by seven (7) days advance publication, in a newspaper of general circulation in the Village, of the place, time, date and the nature of the variance applied for. The BZA shall also cause the subject property to be posted with a notice of hearing at least seven (7) days prior to the day of the hearing. The notice of hearing shall state thereon the nature of the request and the time and place of the public hearing.
- D.** No variance from the strict application of the provisions of this Code shall be granted unless the BZA makes specific findings of fact, based on the evidence presented to it, which support conclusions that the variance conforms to the following standards:
- (1) The variance is in accord with the general purpose and intent of the regulations imposed by this Code in the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - (2) The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a conditional use in the zone or district in which the subject property is situated.
  - (3) There exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought, which are peculiar to such land or structures and which do not apply generally to land or structures in the area, and which are such that the strict application of the provisions of this Code would deprive the property owner of the reasonable use of such land or structures. There must be a deprivation of the beneficial use of land, as opposed to mere loss in value as justification for the variance.
  - (4) There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that greater profit will result if the variance is granted. Economic hardship is not grounds for the variance. Furthermore, the hardship complained of is not self- created nor is it established on this basis by one who purchased with or without knowledge of the restrictions. The hardship results from the application of this Code and is suffered directly by the property in question.
  - (5) The variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
  - (6) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
  - (7) The variance will not confer on the property owner any special privilege that is unduly denied by this Code to other land, structures, or buildings in the same district.
  - (8) No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of the variance.
  - (9) The variance is not a matter of convenience when other remedies are available within the provisions of this Code.
- E.** In granting any variance, the BZA shall establish such conditions as are necessary to secure substantially the objectives of this Code. 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 violation of this Code.

- F. No action of the BZA granting a variance shall be valid for a period longer than twelve (12) months from the date of such action unless the zoning certificate is obtained within such period, and the erection or alteration of a structure is started or the use is commenced within such period, provided however, notwithstanding anything to the contrary herein, such twelve (12) month period may be extended by the Building and Zoning Inspector upon the demonstration by the applicant that any delay in the commencement of the erection or alteration of a structure is the result of factors beyond the control of the applicant, in which case, the Building and Zoning Inspector may elect to grant an extension of up to six (6) months.
- G. The BZA shall not accept a new application for a variance that has been previously denied within twelve (12) months of denial.

### Section 1107.19 Conditional Uses

- A. Reviews of applications for conditional uses shall be conducted by the Building and Zoning Inspector in accordance with the provisions set forth under this Section; provided however, if, the Building and Zoning Inspector determines in his or her professional opinion that an application warrants public review, then the Building and Zoning Inspector shall forward such application to the BZA for review. The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing conditional uses in harmony with the character of the surrounding area, conditions of development and with regard to appropriate laws.
- B. In addition to such standard information regarding the subject property and the applicant, the application for a conditional use shall contain the following:
  - (1) A description of the zoning district and existing uses of adjacent lots;
  - (2) A statement of the conditional use for which the application is submitted, including a description of the activities proposed on the subject property, the goods and services sold or provided, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will assist the BZA with understanding the nature of the proposed use and its potential impacts;
  - (3) A plan of the proposed site and improvements showing the proposed location of all structures, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping, and other relevant features;
  - (4) A narrative statement describing the compatibility of the proposed use with the existing uses of adjacent lots and with the Land Use Plan, including an evaluation of the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water, and any measures proposed to mitigate such effects;
  - (5) A narrative addressing each of the applicable criteria set forth in the standards and requirements for all conditional uses set forth below and, as applicable, the supplementary requirements for special uses set forth under the applicable district or zone regulations.
  - (6) Such other information as the BZA deems necessary to make a determination of the compliance of the proposed use with the applicable standards and regulations. Such additional information may include, but shall not be limited to:
    - i. Traffic impact analysis;
    - ii. Storm water impact analysis; and/or
    - iii. Utility impact analysis.



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- C. When review of an application for a conditional use permit is forwarded by the Building and Zoning Inspector to the BZA, before approving or denying a request for a conditional use, the BZA shall hold at least one public hearing on the matter. The BZA shall cause notice of the hearing to be made in accordance with its standard process for providing notice of a hearing. The notice of hearing shall state thereon the nature of the request and the time and place of the public hearing.
- D. Upon reviewing an application for a conditional use, the Building and Zoning Inspector or the BZA, as applicable, shall consider whether the application provides adequate evidence that the proposed conditional use is consistent with the following standards:
- (1) The proposed use shall be in harmony with the existing or intended character of the zone or district and nearby affected zones and districts and shall not change the essential character of the zones and districts;
  - (2) The proposed use shall not adversely affect the use of adjacent property;
  - (3) The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;
  - (4) The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and schools;
  - (5) The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the zone or district;
  - (6) The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the Village;
  - (7) The proposed use complies with the applicable specific provisions and standards of this Code;
  - (8) The proposed use shall be found to meet the definition and intent of a use specifically listed as a conditional use in the zone or district in which the subject property is situated.
- E. After review of the application and any additional information presented by the applicant, the Building and Zoning Inspector or the BZA, as applicable, shall take action to:
- (1) Approval the conditional use, based upon findings of compliance with the standards and requirements of this Code and subject to conditions to ensure compliance with this Code; or
  - (2) deny the conditional use, upon finding that the application does not comply with the provisions of this Code
- F. In approving a conditional use, the Building and Zoning Inspector or the BZA, as applicable, may impose such conditions as deemed necessary to protect the public welfare, preserve the purpose and intent of this Code, to protect the character of the surrounding properties and neighborhood affected by the proposed use, and to mitigate the special impacts of the use. Such conditions may include, but shall not be limited to:
- (1) Locations, setbacks, and configurations of structures and of uses of interior and exterior space;
  - (2) Screening comprised of landscaping, walls, fencing or other materials or construction;
  - (3) Access points and traffic management provisions, including those impacting vehicular and pedestrian access, and the locations and design of parking facilities;
  - (4) Noise control measures, including those regulating loudspeakers or irregular vehicular or equipment noise;
  - (5) Other features of construction, including but not limited to paving and parking, signs, and landscaping;
  - (6) Hours and method of operation;
  - (7) Maintenance of the site, structures, and landscaping;
  - (8) Means of controlling glare, vibration, odors, dust, smoke, hazardous materials, refuse matter, water-carried waste, and storm water; and

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- (9) A time limit for operation of the use if temporary operation is determined to be a typical characteristic of the proposed use or otherwise appropriate given unique circumstances of the proposed use.
- G.** Subsequent to approval by the Building and Zoning Inspector or the BZA, and compliance with all applicable conditions of such approval and of this Zoning Code, the Building and Zoning Inspector shall issue a zoning certificate stating the conditional use and all conditions of its approval.
- H.** Approval of a conditional use shall be void upon the occurrence of any or all of the following:
- (1) The applicant fails to commence construction of the structure in which the approved conditional use is to be conducted within one (1) year of the date of approval;
  - (2) the applicant fails to commence the operation of the conditional use within six (6) months of the date of the approval, where such use is to be conducted in an existing structure; and/or
  - (3) The conditional use is operated in a manner which violates any condition of the approval.
- I.** The Building and Zoning Inspector shall review all approved conditional use permit applications six (6) months after final action to determine if the approved use is in operation and otherwise in compliance with all conditions of approval. Upon such six (6) month review the Planning Zoning Administrator shall proceed in accordance with the circumstances outlined below:
- (1) If the Building and Zoning Inspector finds the conditional use to be in operation and in compliance with the conditions of approval, the Building and Zoning Inspector shall notify the BZA of such compliance.
  - (2) If the Building and Zoning Inspector finds that construction has not begun, the Building and Zoning Inspector shall record that information for an additional six (6) month review, and shall notify the BZA of such inaction.
  - (3) If the Building and Zoning Inspector finds a use in an existing structure or building not to be in operation, the permit and zoning certificate shall be deemed revoked and the Building and Zoning Inspector shall notify the applicant of such revocation as well as the BZA. Upon such revocation, the applicant shall have the right to appeal that decision of the Building and Zoning Inspector to the BZA and request the BZA allow up to one (1) additional six (6) month period to begin operation following the administrative appeal procedure.
- J.** Whenever the Building and Zoning Inspector determines that a conditional use is being operated in a manner that violates any condition of the use's approved permit, the permit and zoning certificate shall be considered revoked. The Building and Zoning Inspector shall notify the permit holder as such, who shall immediately discontinue operation of the use:
- (1) If this determination is made in conjunction with the six (6) month review procedure for an approved permit, the Building and Zoning Inspector shall also notify the BZA. The applicant shall have the right to appeal this determination of the Building and Zoning Inspector to the BZA following the administrative appeal procedure. Upon appeal, the BZA shall (a) approve upholding the revocation, (b) overturn the revocation and reapprove the conditional use permit or (c) overturn the revocation and modify of the conditions of approval.
  - (2) If this determination is made at any other time, the Building and Zoning Inspector shall notify the BZA. The applicant shall have the right to appeal this determination of the Building and Zoning Inspector following the normal administrative appeal procedure. Upon appeal, the BZA shall have the power to uphold the revocation or reapprove the permit.

- K.** If this determination is made in conjunction with the six (6) month review procedure for an approved permit, the Building and Zoning Inspector shall also notify the BZA. The applicant shall have the right to appeal this determination of the Building and Zoning Inspector to the BZA following the administrative appeal procedure. Upon appeal, the BZA shall (a) approve upholding the revocation, (b) overturn the revocation and reapprove the conditional use permit or (c) overturn the revocation and modify of the conditions of approval.
- L.** The conditions of an approved conditional use permit may be amended upon request of the permit holder. Any amendment proceeding shall be conducted in accordance with the procedures, requirements, and standards applicable to review of a new conditional use permit.
- M.** Subsequent to disapproval of an application for a conditional use permit, a period of at least one (1) year shall elapse before another application for the same conditional use at the location may be considered by the Building and Zoning Inspector or the BZA.
- N.** Appeals of decisions of the Building and Zoning Inspector may be taken to the BZA pursuant to the procedures set forth under Section 1127.27 hereof. Appeals of decisions of the BZA may be taken to the Highland County Common Pleas Court as allowed by Ohio Revised Code Chapter 2506.

### **Section 1107.21 Similar Use Determination**

- A.** The conditions of an approved conditional use permit may be amended upon request of the permit holder. Any amendment proceeding shall be conducted in accordance with the procedures, requirements, and standards applicable to review of a new conditional use permit.
- B.** Subsequent to disapproval of an application for a conditional use permit, a period of at least one year shall elapse before another application for the same conditional use at the location may be considered by the Building and Zoning Inspector or the BZA.
- C.** Appeals of decisions of the Building and Zoning Inspector may be taken to the BZA pursuant to the procedures set forth under Section 1107.27 hereof. Appeals of decisions of the BZA may be taken to the Highland County Common Pleas Court as allowed by Ohio Revised Code Chapter 2506.
  - (1) Such use is not listed in any other zone or district as a permitted use;
  - (2) Such use has characteristics and impacts consistent with those of one (1) or more of the permitted uses in the district; and such use has characteristics and impacts more consistent with those of the permitted uses of the zone or district than with the permitted uses of any other district;
  - (3) The establishment of such use in the zone or district will not significantly alter the nature of the district;
  - (4) Such use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the zone or district; and
  - (5) Such use does not typically require site conditions or features, building bulk or mass, parking lots or spaces, or other requirements dissimilar from permitted uses; and the typical development of site and buildings for such use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, and other provisions of the zone or district.
- D.** A similar use shall be heard by the BZA in accordance with the notice provisions applicable to a conditional use.
- E.** Based upon the application of the foregoing factors, the BZA shall determine whether a proposed use should be or should not be determined to be a similar use for the district or zone. Appeals of any similar use determination shall be heard by Village Council in accordance with the appeals provisions set forth under Section 1107.27 hereof.

- F. Following the approval of any similar use determination, the Building and Zoning Inspector shall conduct the six (6) month review applicable to conditional uses and make such determinations and reports as provided for under this section.
- G. Within fourteen (14) days of the BZA's denial of a similar use determination, the applicant may file a written appeal with Village Council. Any applicant who does not file an appeal within fourteen (14) days of the date of denial by the BZA shall have waived such right to appeal, and the decision of the BZA shall become final.

### Section 1107.23 Site Plan and Design Review

- A. **Applicability.** Except as otherwise provided herein or elsewhere in this Zoning Code, standard site plan and design review or major site plan and design review is required for all non-residential development in any district in accordance with the provisions contained herein. The Building and Zoning Inspector shall conduct standard site plan and design review and the Planning Commission shall conduct major site plan and design review, in each case, as provided below.
- B. **Standard Site Plan and Design Review.** Standard site plan and design review shall be required for any development, building addition, or site improvement, other than a fence or accessory structure under five thousand square feet (5,000 s.f.), that does not otherwise require major site plan and design review as described below.
- C. **Standard Site Plan and Design Review—Application.** An application for standard site plan and design plan review shall be submitted to the Building and Zoning Inspector and shall include the following information:
  - (1) A vicinity map showing the location of the proposed development in relationship to the surrounding area including major thoroughfares.
  - (2) A site plan illustrating the following:
    - i. The dimensions of property lines, parcel dimensions and adjoining rights-of-way.
    - ii. The names and addresses of all adjoining property within one hundred fifty feet (150 ft.) of the proposed development.
    - iii. The current zoning of the parcel and all adjacent parcels.
    - iv. The location of proposed buildings and structures.
    - v. The location of existing water bodies, streams, drainage ditches, stands of trees and other pertinent features within one hundred fifty feet (150 ft.) of the proposed development.
  - (3) A landscape plan that illustrates the applicable district requirements;
  - (4) A transportation and parking plan that addresses the applicable district requirements, including parking requirements;
  - (5) A lighting plan that addresses the applicable district requirements
  - (6) An architectural plan that addresses the applicable district design requirements; and
  - (7) Such other information as the Building and Zoning Inspector or Planning Commission may require so as to carry out the full intent of the Zoning Code. Any applicant requesting review of a major site and design plan shall submit to the Building and Zoning Inspector an application form and as many copies of the required materials as may be required by the Building and Zoning Inspector or the Planning Commission. The Commission shall act upon the application for major site and design plan review based upon the adopted regulations, standards, and design guidelines of the Village.

- D. Standard Site Plan and Design Review**—Review and Approval or Denial. Any applicant requesting standard site plan and design review shall submit to the Building and Zoning Inspector an application form and as many copies of the required materials as the Building and Zoning Inspector may require. Within thirty (30) days of filing a complete application, the Building and Zoning Inspector shall act upon the application for standard site plan and design review based upon the applicable district regulations, and other applicable regulations, standards, and design guidelines of the Village. If the Building and Zoning Inspector determines that the proposed development complies with the applicable standards of the applicable districts, then, the Building and Zoning Inspector shall issue a zoning certificate. If the Building and Zoning Inspector determines that the proposed development does not comply with the applicable standards of the applicable district, then the Building and Zoning Inspector shall deny the application and state the reasons for such denial in writing.
- E. Major Site Plan and Design Review.** Major site plan review shall be required for the following forms of development in any district:
- (1) Any non-residential development, which involves more than five thousand square feet (5,000SF) of structure or building;
  - (2) A development proposal which seeks to deviate from the district regulations applicable to the subject property, including but not limited to deviation from landscape requirements, lighting requirements and design elements;
  - (3) A development impacting or adjacent to an environmentally sensitive feature; or
  - (4) A development which in the professional opinion of the Building and Zoning Inspector, warrants public review.
- F. Major Site Plan and Design Review—Application.** An application for major site plan and design review shall be submitted to the Building and Zoning Inspector and shall include the following information:
- (1) All materials required for standard site plan and design review as set forth above;
  - (2) A basic utility plan;
  - (3) A plot-grade-utility plan shall be submitted to the City Manager for review and approval prior to issuance of a zoning certificate for any development that qualifies for site plan review. The City Manager shall have the power to require a plot-grade-utility plan for minor or residential site plans upon finding that the scale of the project’s infrastructure warrants review by the Village. A plot-grade-utility plan shall only be approved subsequent to and in conformance with an approved site plan.
  - (4) Such other information as the Building and Zoning Inspector or Planning Commission may require so as to carry out the full intent of the Zoning Code. Any applicant requesting review of a major site and design plan shall submit to the Building and Zoning Inspector an application form and as many copies of the required materials as may be required by the Building and Zoning Inspector or the Planning Commission. The Commission shall act upon the application for major site and design plan review based upon the adopted regulations, standards, and design guidelines of the Village.
- G. Site Plan and Design Review—Conditions.** In accordance with the site plan and design review procedures contained in this Section, the Building and Zoning Inspector or the Planning Commission, as applicable, may place such reasonable conditions on the approval of a site plan that may be required to address the standards for review set forth herein or are otherwise consistent with the purpose and intent of this Zoning Code.
- H. Approved Site Plan—Modifications.** The City Manager or his or her designee, may approve such adjustments to an approved site plan as are required for engineering purposes such as proper function of utilities or to accommodate soil conditions. Such adjustments shall meet the following conditions:
- (1) The adjustment is required in order to ensure the life-safety, proper function of the site utilities or building, or to comply with the regulations of a State or Federal agency;
  - (2) The adjustment is as de minimis as possible to correct the engineering issue;

- (3) The adjustment does not increase the impervious surface on the subject property by more than one hundred square feet (100SF) as compared to the impervious surfaces contemplated on the approved site plan;
  - (4) The adjustment shall not be used to add any additional uses or tenants;
  - (5) The adjustment does not increase the number of curb cuts on a public street; and
  - (6) The adjustment does not violate any specific condition of the approved site plan.
- I. Approved Site Plan—Amendment.** Any amendment to an approved site and design plan shall be considered by the applicable approving body based on the standards applicable to such amendment; provided however, any amendment that in the direction of the Building and Zoning Inspector constitutes a minor amendment may be reviewed and approved by the Building and Zoning Inspector even if such amendment pertains to a major site and design plan.
- J. Site Plan—Appeals.** The BZA shall hear all appeals of individuals who are directly affected by a decision of the Planning Commission or Building and Zoning Inspector when such appeal is properly and timely filed as required by this Section. An applicant refused such certificate shall appeal in writing to the BZA within fifteen (15) days of the date of refusal by the applicable decision-making body. BZA shall set a date for a hearing on the appeal and render a decision on the appeal within thirty (30) days of the receipt of such written request.

## Section 1107.25 Zoning Map (Rezoning) and Text Amendments

- A.** In conformance with the provisions of the Village Charter, ordinances or resolutions establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code shall be initiated by a member of Council.
- B.** Any person having an interest in property in the Village may petition Village Council to initiate such ordinance or resolution by making an application to the Building and Zoning Inspector. The Building and Zoning Inspector shall review the application for compliance with the provisions of this Section and forward it to the Clerk of Council.
- C.** The Planning Commission may recommend amendments, revisions, changes, or repeals of zoning districts, uses, regulations, or other provisions of this Zoning Code. When the Planning Commission makes an advisory recommendation to Village Council, the application requirements and fees shall not apply.
- D.** When a person or persons having an interest in a lot or lots in the Village petitions Village Council for an amendment to the Zoning Code which involves changing the zoning district assigned to the lot(s), then such petition shall be made in the following form which shall be known as the development plan, unless such requirements are waived by Village Council:
- (1) Correct legal description of the lot(s);
  - (2) The names and addresses of the owners of lot(s) contiguous or directly across the street from the subject lot(s);
  - (3) Existing topography at two-foot (2 ft.) contour intervals of the subject lot(s) and extending at least three hundred feet (300 ft.) outside of the proposed lot, including lot lines, easements, street rights-of-way, existing structures, trees and landscaping features thereon;
  - (4) The proposed vehicular and pedestrian traffic patterns;
  - (5) The location of all existing and all proposed structures;
  - (6) The proposed assignment of use and subdivision of land including private land and common land;
  - (7) Preliminary plans of all structure types;
  - (8) Deed restrictions and protective covenants;
  - (9) A schedule for construction;

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- (10) Traffic impact study;
  - (11) Utilities impact study;
  - (12) Drainage impact study; and
  - (13) Such other relevant information as Village Council may require to determine the propriety of initiating the ordinance for district change
- E.** In conformance with the Charter, subsequent to initiation by a member of Council of an ordinance or resolution establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code, the presiding officer of Council shall, immediately after the first reading of the ordinance or resolution, set a date for a public hearing before a joint meeting of Council and the Planning Commission, to be held not earlier than fifteen (15) days after the first reading.
- F.** Immediately after the hearing, a copy of the ordinance or resolution establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code and, if applicable, the development plan, shall be referred to the Planning Commission. The Planning Commission shall recommend such conditions or amendments with respect to the ordinance or resolution and, if applicable, the development plan, as it deems reasonable and necessary. Within thirty (30) days of referral, the Planning Commission shall return to the Clerk of Council the written recommendations of a majority of the members of the Planning Commission.
- G.** The Planning Commission and Village Council shall give consideration to the following standards in making recommendations and taking action with regard to proposed district changes:
- (1) The compatibility of the proposed zoning district and the features of the proposed development plan with the characteristics of the site and of the surrounding areas;
  - (2) The potential impacts of the proposed uses of the district in terms of traffic, storm water, utility demand, noise, and other impacts;
  - (3) The impacts of the proposed district and development plan on the health, safety, welfare, and morals of the community; and
  - (4) The compatibility of the proposed district and development plan with a comprehensive plan, or any area plans, to surrounding zoning districts, and to existing and planned land uses.
- H.** At the next meeting of Council subsequent to receiving the recommendations of the Commission, the ordinance or resolution shall be given its second reading.
- I.** Council may adopt, deny, or adopt with modifications the recommendations of the Commission. A development plan, along with any conditions or amendments to the petition, shall, upon adoption by Council, become part of the district change and shall be deemed incorporated by reference into legislation amending the district. The development plan, conditions, and amendments shall bind any future development or use of the subject lots.
- J.** A concurring vote of at least three fourths ( $\frac{3}{4}$ ) of the membership of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority vote of the members of Council.
- K.** After a proposed district change is denied by Village Council, at least twelve (12) months shall elapse before another petition for a district change for the same lot(s) to the same district can be considered.
- L.** A development plan may be amended following the same procedure and standards for approval of the original district amendment.

- M.** The development plan as approved by Council, shall constitute an amendment of the official Zoning Map and a supplement to the Zoning Code as it applies to the land included in the approved district amendment. The approval shall be for a period of two (2) years to allow the approval of a zoning certificate and building permit, if required.
- N.** If a zoning certificate or building permit is not acquired within the two (2) year period, the approval shall become void and the lot or parcel shall revert to its last previous zoning district applied.
- O.** An extension of the time limit may be approved by the Planning Commission. Such approval shall be given upon a finding of evidence of reasonable effort toward the accomplishment of the original development plan within the time limit, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of this Code.

### **Section 1107.27 Appeals**

- A.** Any person directly affected by a decision of the Building and Zoning Inspector or a notice or order issued under this Zoning Code shall have the right to appeal to the BZA, provided that a written application for appeal is filed within fourteen (14) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of this code do not fully apply.
- B.** Unless otherwise provided in this Code, an applicant refused such approval, exception, certificate, or variance shall appeal in writing to Council within thirty (30) days of the date of refusal by the BZA. The Council shall set a date for a hearing on the appeal and render a decision on the appeal within thirty (30) days of the receipt of such written request. A resolution stating the decision of Council shall be introduced and passed at the next regular meeting following the hearing.

### **Section 1107.29 Violations and Remedies**

- A.** In the event of a violation of any provision of this Code, or imminent threat thereof, the Village, or the owner of any contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violation. The Village may file for a judgment for damages if the violation is deemed to have caused damages to the Village.
- B.** Unless otherwise provided in this Code, all zoning certificates, permits or other approvals granted by the Building and Zoning Inspector, Planning Commission or BZA, shall be valid for a period of one (1) year from date of approval by the BZA or date of issue by the Building and Zoning Inspector
- C.** Once a building permit is secured, a zoning certificate, permit or other approval shall be considered to expire when that building permit expires.
- D.** Within that period, that applicant must complete the following for the proposed improvement:
  - (1) If required, submit a subsequent zoning application;
  - (2) If required, secure a building permit; and
  - (3) If no other permits are required, construct the proposed improvement.
- E.** Any application that is incomplete or otherwise un-issued by the Building and Zoning Inspector shall expire one (1) year from the date of application.
- F.** One (1) additional period of six (6) months may be granted by the Building and Zoning Inspector upon finding that unique circumstances warrant the additional time and that the conditions upon which approval was granted have not changed.



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- G.** Any person, firm or corporation who violates any regulation, provision or amendment of this Code, or fails to obey any lawful order of the Building and Zoning Inspector, shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed for each and every day during or upon which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use occurs or continues.

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SUBDIVISION  
REGULATIONS

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## Title Nine Subdivision Regulations

### Section 1109.01 Variances

- A. In cases where it is deemed that hardships, topography or other factual deterrent condition prevail, variations and exceptions from the dimensional standards and improvement requirements as set forth in the Subdivision Regulations may be recommended by the Planning Commission but must be approved by Council.

### Section 1109.03 Approval of Subdivision Without Plat

- A. Notwithstanding any other provisions of the Subdivision Regulations, a proposed division of a parcel of land along an existing public street, whether the parcel to be divided fronts on the street or has access to it by private right of way or private driveway, not involving more than five lots after the original tract has been completely subdivided, may be submitted to the Planning Commission for approval without plat. If the Building and Zoning Inspector, acting on behalf of the Commission, is satisfied that the proposed subdivision complies with all applicable platting, subdividing or zoning regulations, they shall approve the proposed subdivision and, on presentation of a conveyance of the parcel, shall stamp the same “approved by the Planning Commission; no plat required.” The Building and Zoning Inspector may require the submission of a sketch and such other information as is pertinent to determining compliance with this section. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

### Section 1109.05 Preliminary Plat

- A. **Sketch may be Submitted for Suggestions.** The owner of land who desires to subdivide it shall submit a sketch of the plat to the Planning Commission for its comments and suggestions. The owner can then make such corrections and changes as agreed upon before preparing and submitting his preliminary plat for consideration.
- B. **Copies of Preliminary Plat to Be Submitted.** The owner of land who desires to subdivide it shall submit six (6) copies of a preliminary plat along with six (6) copies of a general layout of all site improvements to be installed on the entire tract of land to be developed even if the owner or developer only intends to initially develop only a part of the tract, to the Planning Commission twenty-one (21) days prior to a regular meeting of the Commission. A copy of the general layout of all site improvements attached to a copy of the plat shall be in the possession of each member of the Commission for a minimum period of seven (7) days before consideration for approval.
- C. **Fees.** A fee shall be paid at the time of submission of the preliminary plat as stated in this Code.
- D. **Contents of Preliminary Plat.**
  - (1) The preliminary plat shall contain the following, and be prepared by a licensed professional engineer in the State of Ohio:
    - i. The scale, with a minimum of one inch to equal one hundred feet;
    - ii. The proposed name of the subdivision;
    - iii. Key map showing location within the Village;
    - iv. Names and addresses of owners, developers and the surveyor who made the plat;
    - v. Date;
    - vi. North point; and
    - vii. Legal description of parcel being subdivided.
  - (2) The following existing conditions shall be shown on the plat:

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- i. Boundary lines and approximate acreage included matching the provided legal description;
  - ii. Locations, widths and names of all existing or previously platted streets or alleys, and proposed thoroughfare locations as shown on the official Village Thoroughfare Plan, railroad and utility rights of way, parks and public open spaces, permanent buildings and structures, all section and corporation lines within or adjacent to the tract;
  - iii. Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe sizes, elevations and grades, if readily available, and locations, if known or available;
  - iv. Boundary lines of adjacent tracts of unsubdivided and subdivided land;
  - v. Existing zoning restrictions;
  - vi. Existing contours, with intervals of five feet where the slope is greater than ten percent and not more than two feet where the slope is less than ten percent;
  - vii. Drainage channels, wooded areas, water courses and other significant physical features;
  - viii. Existing and proposed easements.
- (3) All elevations on the preliminary plat shall be based on NAVD (North American Vertical Datum) 1988 datum.
- (4) The following proposed conditions shall be shown:
- i. Layout of streets and right-of-way widths;
  - ii. Layout, numbers and dimensions of lots including total square footage;
  - iii. Parcels of land intended to be dedicated or temporarily reserved for public use;
  - iv. Building setback lines shown graphically with dimensions;
  - v. Indication of any lot on which a use other than residential is proposed by the owner;
  - vi. Names of new streets which shall not duplicate names of any existing dedicated street within the County and/or its incorporated areas;
  - vii. New streets which are extensions of or in alignment with existing streets which shall bear the names of the existing streets of which they are extensions or with which they are in alignment;
  - viii. Bearings and dimensions of lot, parcel, and right-of-way boundaries; and
  - ix. Proposed landscaping, if any.
- (5) All new streets shall be named in the following manner and shall be subject to the approval of the Planning Commission:

**Table 1109-1  
Street Naming**

General Direction	Over 1,000 Feet in Length	Under 1,000 Feet in Length
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Circles

(6) The general layout of all site improvements attached to the preliminary plat shall be for the entire tract of property even if the owner or developer only intends to initially develop a part of the entire tract and such general layout is to provide for the extension of improvements to the boundary of the proposed subdivision to serve adjoining land.

**E. Approval of Preliminary Plat.** When a plat is filed with the Planning Commission, the Building and Zoning Inspector shall examine it to determine whether or not it complies with the requirements of Section 1109. ... The Building and Zoning Inspector shall then refer the plat to the Village Engineer. If the plat does not meet the requirements, the Building and Zoning Inspector shall return it to the owner who shall revise and refile it, and additional fees may apply. If the plat meets the requirements, the Building and Zoning Inspector shall lay it before the Planning Commission at its next meeting. The Commission shall thereupon examine it and approve it or conditionally approve it within thirty (30) days if it is satisfied that it complies, or will comply after minor changes, in all respects with this Section. The approval or the conditions of approval of the Planning Commission will be indicated in writing on two (2) copies of the preliminary plat which will be returned to the owner and surveyor. The remaining four (4) copies bearing the notation of approval shall remain on file, available to the public. The approval of a preliminary plat shall be effective for a maximum period of twelve months, unless extended by the Planning Commission.

### Section 1109.07 Final Plat

- A. The general layout of all site improvements attached to the preliminary plat shall be for the entire tract of property even if the owner or developer only intends to initially develop a part of the entire tract and
- B. The general layout of all site improvements attached to the preliminary plat shall be for the entire tract of property even if the owner or developer only intends to initially develop a part of the entire tract and such general layout is to provide for the extension of improvements to the boundary of the proposed subdivision to serve adjoining land.

### Section 1109.09 Additional Required Information

- A. A final plat shall contain the following additional information, and be prepared and sealed by a licensed professional engineer in the State.
  - (1) Boundary of plat based on an accurate traverse with angular and lineal dimensions;
  - (2) True angle and distance to the nearest street intersection, accurately described on the plat;
  - (3) Municipal, township, county or section lines accurately tied to the lines of all chord dimensions;
  - (4) Radii, internal angles, points of curvature, tangent bearings and lengths of all chord dimensions;
  - (5) All lot numbers and lines with accurate dimensions in feet and hundredths and bearings in degrees and minutes;
  - (6) Accurate location of all monuments, which shall be composed and/or located as follows:
    - i. Be composed of a durable material;
    - ii. Be a minimum length of thirty inches (30IN);
    - iii. Of a minimum cross-section area of material of two tenths square inches (one inch (1IN) in diameter);
    - iv. Be identified with a durable marker bearing the Surveyor's Ohio Registration number and/ or name or company name;
    - v. Be detectable with conventional instruments for finding ferrous or magnetic objects;
    - vi. Placed with the top at the existing grade elevation.

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vii. One such monument shall be placed at each extreme corner of the subdivision. All lots must be marked with steel pins, and such pins must be in place after a building is completed. The Building Official shall confirm that lot pins are in place on the final occupancy permit.

- (7) Exact location, width and name of all streets or other public ways; and
- (8) Known easements, accurately located and stating the purpose for which they are intended. Easements may be added or revised on the final plat after final plat approval. Easements added to the final plat or revised on the final plat require the approval of the Village Engineer and the Director of Public Service and said approvals are to be entered on the final plat. The owner or developer shall offer an easement for television cable and television cable equipment within the easement(s) shown on the final plat. The easement shall be granted at no expense to the television cable owner/operator, if the cable operator installs the necessary television cable and television cable equipment in the utility trench during the time the trench is open for the installation of other utilities. Otherwise, the owner, developer or Village may revoke the offer of an easement.

### **B. A final plat shall also contain:**

- (1) A certificate by a registered professional land surveyor that the plat represents a completed survey and that the monuments shown exist as located or will be set following construction and that all dimensional and geodetic details are correct.
- (2) Notarized certification by the owner or owners of the adoption of the plat and the dedication by them to public use of the streets and other public areas shown on the plat. The signatures of the owner(s) are required prior to the obtaining of any Village Official's signature on the plat. No property shall extend to the center of a right of way.
- (3) Proper form for the approval of the Planning Commission with space for the signature of the Chairman.
- (4) Space for approval by signature of the Village Engineer and Director of Public Service.
- (5) Proper form for approval and acceptance by Council, showing ordinance number and provisions for signature by the Clerk of Council.
- (6) Space for approval, by signature of the Village Engineer and Director of Public Service, of easements added to or revised on the final plat.
- (7) Space for transfer by the County Auditor and recording by the County Recorder. A statement of the expiration date of the Village approval shall be placed just ahead of the space provided for the County Auditor's signature.
- (8) A topographic survey prepared by an Ohio registered professional surveyor using the North American Vertical Datum of 1988 (NAVD88) reflecting flood way, floodway fringe, base flood elevations and property lines of the plat under consideration for development.

**C. Copies to be filed with Clerk.** One (1) copy of the final plat showing all approvals and the date and place of recording shall be supplied by the owner to the Clerk of Council.

**D. Copies to be filed with Clerk.** One (1) copy of the final plat showing all approvals and the date and place of recording shall be supplied by the owner to the Clerk of Council.

- (1) The subdivider shall not transfer any lot, parcel or tract of a proposed subdivision, until approval is received of the final plat.
- (2) The subdivider shall not proceed with any construction work on any lot until approval is received of the final plat and compliance is made with all other provisions of the Subdivision Regulations, unless it is for the exact purpose of building model units. The subdivider may be granted a building permit for not more than two units, in the case of single-family detached housing
  - i. Proof of ownership of that portion of subdivision to be used for models;

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- ii. The proposed models have legal frontage on an existing public roadway, water and sanitary sewer;
  - iii. Insurances have been granted to the Village in the form of bond, escrow funds, letters of credit or other assurances the Village deems necessary to insure installation of improvements;
  - iv. Occupancy permit shall not be issued until Section 1109.09 has been complied with.
- E. Transfer of Lot Contrary to Plat Prohibited.** The owner of the subdivision shall make no conveyance of any lot smaller in width or area than indicated on the plat, except for the purpose of increasing the area of another lot.
- F. Project Representation by Engineer During Installation of Improvements.** All construction work and materials used in connection with public improvements and storm water management in the area platted shall conform to Village specifications and requirements of the Village Engineer. The Village Engineer shall provide the owner or developer with project representation at the expense of the owner or developer during installation of the improvements.
- G. Bond Letter of Credit for Improvements: Deposit and Insurance**
- (1) Before approval of the final plat, the owner or developer shall agree in writing that prior to the beginning of construction of any street, private roadway, public improvement and storm water management infrastructure the owner or developer shall provide a bond, certified check or an irrevocable letter of credit from a solvent bank doing business in Highland, Ross, and Fayette Counties, Ohio, guaranteeing the completion of said improvement(s) within one (1) year from the date of agreement or such time as may be agreed to by Council. The bond, check or irrevocable letter of credit shall be in an amount equal to the estimated cost of constructing said improvement(s), as approved by the Village Engineer. A maintenance bond, certified check or an irrevocable letter of credit in the amount of five percent (5%) of the estimated construction costs shall be provided for a maintenance period of one (1) year beginning with the date of acceptance of the said improvement(s) by the Director of Public Service and Village Engineer
  - (2) The owner or developer shall prior to construction, deposit with the Director of Public Service and with the approval of the Village Engineer a sum of money as prescribed by the Director of Public Service and the Village Engineer to defray the cost of inspection and the engineering services provided and any expenses incurred by the Village due to the installation of the improvements and review of the plat and plans. Fees for the review of plats and plans shall be calculated by the owner or developer, to be verified by the Village using the fee schedules as provided by the Director of Public Service. These and other documents detailing the development process can be obtained from the Public Service Department. For inspections the owner or developer shall deposit with the Public Service Department a sum of money based on an approved cost of construction schedule and be approved by the Village Engineer. Should the amount of such deposit be insufficient to cover the cost thereof, the owner or developer shall immediately upon request of the Village deposit a sum of money acceptable to the Village Engineer and the Director of Public Service. Upon completion and acceptance of the improvements, any unexpended balance shall be refunded to the owner or developer.



- (3) The subdivider shall hold the Village harmless for any claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend at his cost and expense, each suit or action brought against the Village by reason thereof, until the improvement has been accepted by the Village and the developer notified in writing within thirty days. The subdivider shall furnish proof to the Village, prior to the time of commencing construction of possession of Comprehensive General Liability Insurance, naming the Village of Greenfield as an additional insured. These Certificates of Insurance shall contain a provision that coverage afforded in the policies will not be canceled unless at least thirty days prior written notice has been given to the Village. Limits on bodily injury shall not be less than five hundred thousand dollars (\$500,000) for personal injury to any one person and a total of not less than one million dollars (\$1,000,000) each accident. Limits on property damage shall be not less than two hundred thousand dollars (\$200,000) per occurrence, or five hundred thousand dollars (\$500,000) aggregate for each accident. Umbrella Excess Liability Insurance to extend existing policies to the required limits will be accepted.
- (4) If any violation of or noncompliance with, any of the provisions and stipulations of this Section occurs, the Village shall have the right to stop the work without delay and utilize the bond, certified check or an irrevocable letter of credit for the completion of the improvement or use the certified check or proceeds thereof for such purpose.

**H. Modification, Alteration, Amendment or Vacation.** In Whole or In Part of Plat After Approval. No modification, alteration, amendment, or vacation, in whole or in part, of a final plat except for the addition of appropriate easements as approved by the Village Engineer shall be made in or to a final plat approved by Council under the provisions of this Section or another political subdivision prior to annexation unless such modification, alteration, amendment, or vacation, in whole or in part, is first submitted to and accepted by the Service Director, is recommended by the Planning Commission, and Council approves such modification, alteration, amendment, or vacation, in whole or in part, by ordinance. If the modified, altered, amended, or vacated, in whole or in part, final plat is approved by Council, the owner shall file and record the plat with the County Recorder within sixty days. If the final plat has already been recorded then the owner shall file and record the ordinance and an authenticating affidavit executed by the Clerk of Council with the County Recorder within sixty days, wherein the modified, altered, amended, or vacated, in whole or in part, plat shall be indexed or cross-referenced with the original plat. If the plat is not filed with the County Recorder within sixty days, the modification, alteration, amendment, or vacation, in whole or in part, is void and is of no effect.

## Section 1109.11 Required Improvements

### A. Improvements to be Paid for By Subdivider

- (1) The owner of land who desires to subdivide it shall provide and pay the entire cost of improvements to such land as follows:
  - i. Before the construction of any building, street improvements shall consist of grading the right of way for full width; construction of permanent curbing and roadway; construction of drainage structures and appurtenances. Two roof drain openings shall be provided in the curb for each lot;
  - ii. Sanitary sewers, including manholes, services and all appurtenances;
  - iii. Water distribution system, including mains, services, valves, fire hydrants and all appurtenances;
  - iv. Curbs and sidewalks on existing streets as determined by the Village Engineer; Storm sewers, including manholes, inlets and all appurtenances.
- (2) All phases of the improvement shall be approved by the Village Engineer and shall be constructed in accordance with Village specifications.

- (3) The Village may require other improvements not listed in this section, if they are deemed necessary by the Village Engineer for the protection of public health, safety or welfare.
- (4) The Village shall require a plot-grade-utility-plan approval for all residential subdivisions in accordance with the provisions of this Section.

**B. Inspection During Installation**

- (1) The construction of all improvements shall be inspected by the Village Engineer at the time of installation. Under no circumstances are such installations to be made without an inspector on the job. The Village Engineer shall be notified three days before any construction work is begun.
- (2) If any violation of, or noncompliance with, any of the provisions of this Section occurs, the Village shall withhold the issuance of the occupancy permit until the violation or noncompliance is corrected.

**C. Construction Drawings; Dimensions; Revision**

- (1) All construction drawings for improvements shall be on a horizontal scale of one inch to fifty feet and vertical scale of one inch to five feet. The sheet size shall be twenty-two inches by thirty-six inches.
- (2) Upon approval and acceptance of all improvements, the original construction drawings for the improvements shall be revised to reflect the actual construction. All drawings including the master grade plan or reproductions thereof on tracing cloth shall become the property of the Village and shall be on file in the office of the Village Engineer.

**D. Service Roads**

- (1) Service Roads Authorized. When it is determined by the Village Engineer that the roadways provided in the Subdivision Regulations are not satisfactory for the needs of special circumstances, additional roadways, designated “service roads,” may be prescribed by the Village Engineer. These service roads will be shown on the plat of a subdivision in such locations as are determined by the Village Engineer, subject to plat approval as provided by the Subdivision Regulations.
- (2) Service Road Right of Way. When it is determined that service roads may be included in a subdivision plat, the right of way for the road shall be no less than thirty-two feet in width and shall be dedicated to public use in the same manner as prescribed in the Subdivision Regulations for all other public roads.
- (3) Service Road Specifications. Service roads shall be constructed of materials and to design section as shown on the revised standard construction drawing File R-23A as presently constituted and as hereafter amended on file with the Village Engineer.
- (4) Sidewalks Not Required. No sidewalks or other provision for traffic, other than motor vehicular traffic, shall be required in conjunction with the construction of any service road.

## Section 1109.13 Street Lights

- A. Design and Layout.** The design and layout for the street lighting, the underground wiring and other pertinent equipment to be used shall be designed by a registered engineer and approved by the Village Engineer.
- (1) All energy lines leading to the light standard shall be underground in new developing subdivisions.
  - (2) All street lighting designs are to be coordinated with the supplier of electric energy. Two drawings for each street lighting layout shall be submitted to the supplier of electric energy for record purposes.
  - (3) Streetlights using poles and light assemblies as shown on standard drawings R-46 and R-47, respectively, are to be installed with not less than 160 feet spacing nor more than 240 feet spacing. Streetlights using the alternate residential luminaire and pedestal pole, as shown on standard drawing R-46A, are to be installed with not less than 125 feet spacing nor more than 160 feet spacing. Streetlights shall be installed alternating on opposite sides of the street.

- (4) The alternate residential luminaire and pedestal pole detail, as shown on standard drawing R-46A, shall be used in all residential areas. The pole detail and light assembly (commonly referred to as a “cobra light”), as shown on standard drawing R-46 and R-47, respectively, shall be used in all commercial corridors, unless otherwise approved by Council through adoption of streetscape standards or other such action to permit consideration of alternative styles, or as may otherwise be approved by any other Board of Commission having jurisdiction to approve or permit the use of alternative styles as part of its review of an overall design concept.
  - (5) The drawings are specification sheets for streetlight standards, luminaries, mercury vapor lamps and pedestal termination points and will be available at the Director’s office.
  - (6) All connections to supplier of electric energy secondary service locations shall be made by supplier.
- B. Lights to Be Installed.** Any person, firm or corporation desiring final acceptance of a street, shall, before final acceptance is granted, have the streetlights installed and ready for use.
- C. Maintenance of Lighting Is Responsibility of Village.** It shall be the responsibility of the Village to secure the energy for lighting and to maintain the installations
- D. Damages to distribution system.** Any contractor or agent for the developer, while in the process of installing street lights, who damages the distribution system of an electric energy supplier shall be liable for such damages and for any other cost as a result of such damages, and the energy supplier may charge and receive payment for such damages from the party responsible.
- E. Completion Bond Required.** If conditions are such that street lights cannot be installed prior to the acceptance of the streets upon which street lights are to be installed as required in Section \_\_\_\_, the person, firm or corporation requesting acceptance of such streets shall deposit with the Village Auditor an amount of cash or collectable funds, or a performance bond in form satisfactory to the Village Attorney equal to one and one-half times the estimated cost of the installation of street lights as security for the installation of such lights, which installation shall be completed within six months of the date of deposit of such funds or bond. Failure on the part of such person, firm or corporation to complete the installation within six months shall be cause for the Public Service Director to order installation by such other contractor as he may choose and cause the cost of installation to be paid from the funds or bonds so deposited. That portion of such funds not used for the installation shall be returned to the depositor.
- F. Easement for Energy Lines to Light Standards.** The developer shall provide the necessary easement for street lighting. The Village Engineer will coordinate with the developer, where necessary, the easement leading to the electric lighting standard so that lighting may be properly spaced.

## Section 1109.15 Standards

### A. Street Standards

- (1) **Street Design.** Streets shall be dedicated to public use by the owner. Minor residential streets shall be so designed as to discourage their use by nonlocal traffic. Except where necessitated by local conditions, dead-end streets and cul-de-sacs will not be approved in residential districts. Dead- end alleys are prohibited in all districts. Easements for utilities must be provided alongside or rear lot lines where possible. Street rights of way shall have the following minimum widths:
  - i. Major arterial, which include Federal, State and County roads which are main arteries of access to the Village: one hundred (100FT); an additional width of forty-five feet (45FT) shall be provided to accommodate a service drive wherever lots are to face a primary road;
  - ii. Minor arterial, which are next in importance as avenues of access between sections of the Village as opposed to commercial traffic and nonlocal traffic: eighty feet (80FT);
  - iii. Neighborhood collector, which are within a new subdivision: sixty feet (60FT);

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- iv. Minor residential, which are completely residential in nature: fifty feet (50FT);
  - v. Alleys: twenty feet (20FT);
  - vi. Easements: as required.
- (2) **Minimum Pavement Widths.** Minimum pavement widths shall be as follows:
- i. Major arterial: variable as conditions may require;
  - ii. Minor arterial: thirty-six feet (36FT);
  - iii. Neighborhood collector: thirty-two feet (32FT);
  - iv. Minor residential: twenty-six feet (26FT);
  - v. Alleys: eighteen feet (18FT);
  - vi. Service drives: twenty feet (20FT);
  - vii. Sidewalks: minimum four feet (4FT) along non-arterial and minimum width along arterial streets to be as approved by the Village Engineer, in accordance with the provisions of Section —.
- (3) **Maximum Grades.** The maximum grades shall be:
- i. Major arterial: four percent (4%);
  - ii. Minor arterial: five percent (5%);
  - iii. Neighborhood collector, minor residential streets and alleys: six percent (6%)
- (4) **Minimum Grade.** The minimum grade for any street shall be one-half of one percent at the gutter, unless otherwise approved by the Village Engineer. Street intersections shall be rounded by radii not less than twenty feet (20FT) at the curbline.
- (5) **Standards.** All street construction and specifications for materials shall be in conformity with standards required by the Village as published by the Village Engineer.
- (6) **Plans.** The plans must bear the approval of the Village Engineer, Director of Public Service, Superintendent of Water/Wastewater, Superintendent of Streets, and Fire Chief. Places shall be provided for their signatures.

### B. Private Roadways

- (1) As used in this section “private roadway” means any passageway designed for use by motor powered vehicles, upon property owned by one or more persons, firms or corporations where such passageway serves in excess of four dwelling units.
- (2) All proposed private roadways and their pavement widths shall be shown on the preliminary and final plats filed in accordance with these Subdivision Regulations. In addition, a document indicating the responsible party for maintenance shall also be provided.
- (3) All private roadways shall be improved with a hard surface of concrete, asphalt or other similar products or combination of products. The construction and specification for materials for private roadways shall conform with standards provided by the Village standards as published by the Village Engineer.
- (4) The minimum pavement width for private roadways shall be twenty-six feet (26FT) and the maximum grade shall be six percent (6%), however, the minimum grade for private roadways shall be one- half of one percent at the gutter, unless otherwise approved by the Village Engineer.
- (5) Every private roadway ending in a dead end or at a cul-de-sac circle shall have a minimum pavement width as approved by the Planning Commission to assure access to the area for fire equipment and to facilitate the turning of vehicular traffic. In approving such minimum pavement widths, the Planning Commission shall consider whether such cul-de-sac or turn- around will be used for parking vehicles.

- (6) The plans must bear the approval of the Village Engineer, Director of Public Service, Superintendent of Water/Wastewater, Superintendent of Streets, and Fire Chief. Places shall be provided for their signatures.

**C. Sanitary Sewers**

- (1) Plans and profiles of sanitary sewers shall be submitted to the Director of Public Service. All grades, pipe sizes, manholes and other appurtenances shall be shown, and installation and materials shall be in conformity with Village standards as published by the Village Engineer.
- (2) Sanitary sewer plans must bear the approval of the Director of Public Service and the Village Engineer and the Superintendent of Water/Wastewater. Places shall be provided for their signatures.

**D. Water Distribution**

- (1) Plans of the proposed water distribution system shall be submitted to the Director of Public Service. All plans must show pipe sizes, locations of valves, fire hydrants and other appurtenances.
- (2) Installation and materials shall be in conformity with Village standards as published by the Village Engineer.

**E. Storm Sewer Systems**

- (1) Proposed storm sewers, including grades, pipe sizes, manholes, inlets and appurtenances may be shown on the street improvement plans. Installation and materials shall be in conformity with Village standards published by the Village Engineer.
- (2) The owner or developer shall follow the recommendations of the Village Engineer with regard to the proper method and direction of drainage and storm water following review of the proposed plan of such drainage as submitted by the subdivider or his engineer. A storm water management report shall be submitted to the Village Engineer for review in conjunction with drainage plans.
- (3) The storm sewer plans, if not incorporated as part of the street improvement plans, must bear the approval of the Village Engineer, Director of Public Service, Superintendent of Water/Wastewater, Superintendent of Streets, and Floodplain Administrator. Place shall be provided for their signature.

**F. Lots and Blocks**

- (1) Every lot shall abut on a dedicated street. Double frontage lots shall be avoided. At the intersection of two streets, property line corners shall be rounded by an arc with a minimum radius of ten feet (10FT). Size, shape and orientation of residential lots shall be appropriate to the location of the proposed subdivision and for the types of development contemplated and in conformity with the Zoning Code, with proper regard given yard areas, setback lines, etc. Excessive depth in relation to length shall be avoided. A proportion of two to one depth to frontage shall be normal and depths in excess of three times the lot width are not recommended. Side lines of lots shall be approximately at right angles or radial to the street line. Corner lots shall have extra width sufficient to permit maintenance of building lines on both front and sides of lot. The maximum length of blocks may not exceed eighteen hundred feet (1,800FT) except where topographic conditions require longer blocks, nor shall they be less than four hundred feet (400FT) in length. Wherever blocks are longer than nine hundred feet (900FT), crosswalks or crosswalk easements not less than ten feet (10FT) in width may be required near the center of the block, and Council may require that a sidewalk be constructed in accordance with Village standards for sidewalk construction. The width of a block shall normally be sufficient to allow two tiers of lots of appropriate depth except where double and reverse frontage lots are allowed. Where frontage on a primary street is involved, the long dimension of the block shall front thereon in order to minimize access intersections.

- (2) Where either sanitary sewer or water service is not available, lots shall have a minimum frontage of seventy-five feet (75FT) and a minimum area of ten thousand square feet (10,000SF). Where neither sanitary sewer nor water service is available, lots shall have a minimum frontage of one hundred feet (100FT) and a minimum area of twenty thousand square feet (20,000SF).

**G. Drainage**

- (1) The Planning Commission shall not approve any subdivision having inadequate storm drainage or other physical drainage impairment as determined by the Village Engineer. In areas known to be subject to periodic floods, such drainage improvements must be made as to satisfy the Director of Public Service and the Village Engineer in order that the health and welfare of the people will be protected.
- (2) No natural drainage course shall be altered and no fill, buildings or structures shall be placed in it unless provisions are made for the flow of water in a manner satisfactory to the Village Engineer. An easement shall be provided on both sides of any existing important surface drainage course adequate for the purpose of protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes.
- (3) A master grade plan shall be prepared for all subdivisions and shall be presented to the for review and approval by the Village Engineer. The grading plan shall show the existing topography, the proposed street grades and the proposed storm sewers with pipe sizes and grades. It shall also show the proposed elevation at each lot corner, the proposed finish grades at the house and shall delineate the method of rear yard drainage by showing proposed swales and direction of surface slope by arrows. The grading plan shall follow the standards as established for such grading by the Village Engineer.
- (4) Wherever possible, with exceptions being made where the topography of an area does not permit such grading practice, lots shall be graded from the rear lot line to the street. Where a lot abuts directly on two streets, the grade shall be from the corner of the lot which is diagonally opposite to the corner of the two streets on which the lot abuts. This section is included in order to reduce the amount of water standing in yards to a minimum. Therefore, where it is not possible to grade a lot in the prescribed manner, the owner or developer shall provide for the adequate drainage of any and all low areas and tie such drainage into and make it a part of the storm sewer system of the development and the Village as directed by the Village Engineer, with approval of such drainage subject to inspection by the Village Engineer along with the inspection of other storm sewer installations
- (5) The Planning Commission shall not approve the final plat of any development or subdivision over which it has jurisdiction without certification from the Director of Public Service and the Village Engineer that such development or subdivision has been designed to be in full compliance with the design requirements contained in the Stormwater Management Policy and Design Manual.
- (6) There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of establishing rules and regulations for the design, construction, or alteration, the Stormwater Management Policy and Design Manual as hereafter amended in the most recent edition published by Village Engineer.

**H. Public Use Area**

- (1) Ten percent (10%) of the area of each residential subdivision, exclusive of streets, shall be allocated for recreational uses. When a proposed subdivision contains an area described as a proposed public building site, park, playground or other public area, that area shall be dedicated on the plat to the Village, another public agency, or reserved for acquisition by the Village within a period of five (5) years by purchase or other means.
- (2) Where required, the developer and the Village shall work out an arrangement for parks and recreational facilities.

- (3) Proposed large scale neighborhood unit developments and similar unusual developments may require the reservation or dedication of such additional areas or sites of a character, extent and location suitable for the needs of the community facilities created by such particular developments where deemed necessary by the Planning Commission.
- (4) Natural features of beauty such as trees, brooks, topography and views shall be preserved whenever possible in designing any subdivision.

**I. Underground and Electric Telephone Lines**

- (1) The term “subdivision” as used in this section refers only to residential subdivisions of more than eleven (11) lots platted subsequent to \_\_\_\_.
- (2) Unless the subdivision has been exempted from the requirements of this section, as provided in subsection (e) hereof, all telephone and electric distribution wires, conduits, and cables therein shall be installed underground, except as necessary to bring service to the subdivision, and except for existing overhead facilities and any rearrangement, improvement or addition thereto.
- (3) The preliminary plan with respect to the subdivision shall be submitted to the Village Engineer and to the electric and telephone utility companies which will provide service to the subdivision for their recommendations with respect to the width and location of easements for electric and telephone distribution cables and related facilities. The recommendations of the Village Engineer and such utility companies shall be submitted to the Planning Commission by the owner of the subdivision together with the plat of the subdivision. Prior to signing the plat of the subdivision, the Planning Commission shall determine that adequate easements are provided for all utility services, including underground electric and telephone distribution wires, conduits, cables, gas pipelines, sewer and water lines. The owner of the subdivision shall, at the time the plat of the subdivision is submitted for approval, present such evidence as the Planning Commission deems necessary to ensure that the owner shall make or has made provision for all utility services, including underground electric and telephone distribution wires, conduits, cables, gas pipelines, sewer and water lines in accordance with this section, adequate for the anticipated needs of the subdivision.
- (4) The construction of all underground facilities shall meet the minimum requirements of any code approved by the Public Utilities Commission of Ohio.
- (5) If, in the opinion of the owner of any subdivision or a portion thereof, or any interested utility company, the installation of underground facilities is economically or physically unfeasible, such owner or utility company may apply to the Planning Commission for exemption of the subdivision or portion thereof from the requirements of this section, stating in the application for exemption the reasons thereof or, and submitting therewith such exhibits, documents and data as may be necessary to substantiate the request. The Planning Commission shall hold a hearing, at which the applicant and any other interested person may appear, at its regularly scheduled meeting, after the submission of an application for exemption. Notice of the hearing shall be given by certified mail by the applicant, at the applicant’s expense, to each interested utility and owner no less than seven (7) days prior to such hearing. If the Planning Commission denies the application following the notice and hearing, the applicant may file a written appeal therefrom with the Clerk of Council, stating the reasons therefor, within thirty (30) days following the announcement of such decision by the Planning Commission. Such appeal shall be placed on the agenda for the next regularly scheduled meeting of Council following the filing thereof with the Clerk and shall be heard at such meeting. Council may, by resolution, reverse or affirm, wholly or in part, or may modify the decision of the Planning Commission.

- J. Separability.** If any court of competent jurisdiction determines that any clause, section or portion of Section \_\_\_\_ is invalid or unconstitutional, such finding shall in no way affect the validity of unconstitutionality of the balance of Section \_\_\_\_.

**K. Erosion and Sediment Control**

(1) An erosion and sediment control plan shall be prepared for all developments covered by this regulation which disturb one or more acres of land.

- i. The erosion and sediment control plan shall conform to any and all standards defined in the Ohio Environmental Protection Agency authorization for storm water discharges associated with construction activity under the current National Pollutant Discharge Elimination System (NPDES) permit, and all revisions and amendments thereto. The Notice of Intent, as well as a copy of the Storm Water Pollution Prevent Plan (SWP3) shall be provided to the Village as part of the erosion and sediment control plan submittal.
- ii. The SWP3 shall be prepared by a professional experienced in the design and implementation of erosion and sedimentation controls and shall address all phases of construction. The SWP3 shall incorporate, at a minimum, all of “Part III, Section G” SWP3 requirements of the current NPDES permit, and all revisions and amendments thereto.

**L. Utility and Traffic Studies.** Utility and traffic studies may be required by the Village Engineer to facilitate proper master or large-scale planning of the Village’s infrastructure prior to the submission of public or private construction plans. Fees for review of such traffic or utility studies shall be established and updated from time to time.



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GLOSSARY

## Title Eleven Glossary

### A.

**Access Management.** The Village's process of providing and managing access to land development while maintaining traffic flow, safety, capacity, and speed.

**Accessory Dwelling Unit.** An attached or detached extension to an existing single-unit dwelling structure that contains one separate, complete dwelling unit with a separate entrance.

**Accessory Structure.** A building or structure that is subordinate to the principal building or structure upon the same lot and serving a purpose customarily incidental to the principal structure.

**Accessory Use.** A use that is subordinate to the principal use of the land and serving a purpose customarily incidental to the principal use or structure.

**Advertising structure.** Any outdoor display for the purpose of advertisement, notice or announcement located apart from the premises or product referred to in the display.

**Agriculture.** Farming; ranching; aquaculture; algaculture meaning the farming of algae; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Aisle.** That part of an off-street parking or loading area which provides vehicular access to parking or loading spaces, exclusive of driveways.

**Alterations, structural.** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Arcade.** A place of amusement which has more than five (5) mechanical or electrically operated amusement devices as defined in Section 781.021(d) of the General Offenses Code or which derives in excess of fifty percent (50%) of its gross receipts from the operation of such devices. However, in the case of any person operating a carnival and who operates an amusement arcade as a part hereof, the fifty percent (50%) gross receipts referred to above shall apply only to the gross receipts of the amusement arcade and not to the gross receipts of the operations of the carnival company.

**Applicant.** Any Person or authorized agent of a Person, that applies for a Zoning Permit, Certificate of Appropriateness, Map Amendment or other land use process or approval pursuant to this chapter.

**Application.** The process by which an Applicant submits a request to be granted any land use approval or land use approvals under the provisions of this chapter. An Application includes all attachments to the form promulgated by the Village from time to time, as well as all verbal statements and representations made by the Applicant throughout the review process.

**Awning.** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

**Awning, Back-lit.** Any awning fixed or retractable, which incorporates any transparent or translucent material in its covering and is illuminated by a light source placed behind the covering.

**Awning, Fixed.** A fixed structure supported by a frame or bracketing extending outward from the wall of a building which does not retract or roll up and is constructed to provide shade or shelter.

**Awning, Retractable.** A structure fastened to the wall of a building which, in a closed or rolled up position, does not extend beyond 8 inches from the face of the building and, when extended, is constructed to provide shade or shelter.

**Awning Sign.** A non-illuminated sign affixed flat to the surface of an awning (known as the base material) or which does extend vertically or horizontally beyond the limits of such an awning.

## B.

**Banner.** A temporary sign composed of light weight material not enclosed in a rigid frame, secured, or mounted so as to allow movement of the sign caused by the movement of the atmosphere. Includes those used to announce open houses, grand openings, make special announcements, or communicate events.

**Basement.** A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

**Berm.** A mound of earth, higher than the surrounding grade, used for screening or buffering, definition of space, noise attenuation and/or decoration in landscaping.

**Beverage – Brewing and Distilling.** An establishment where beer, malt beverages or spirits are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (-465,000 gallons) per year. The brewer may sell to a retailer or directly to a customer.

**Beverage – Distribution.** A facility where beverages are received and/or stored for delivery to the ultimate customer at remote locations.

**Beverage - Non-Alcoholic Production.** A facility that manufactures and distributes non-alcoholic beverages, such as soft drinks, to other distributors or retailers.

**Beverage Sales - Liquor and Beer Sit Down/Bar Establishment.** An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

**Beverage Sales - Liquor Store.** Any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, and may include wine and beer sales, for off-premises consumption.

**Billboard.** A sign, of any size, directing attention to a specific business, product, service, entertainment or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located for public service and information or for political advertising.

**Block.** A parcel of land which is bound by other lots, streets, highways, railroad rights-of-way, parks or open space, undeveloped land, water courses or bodies of water, channels, or a combination thereof.

**Kennel.** Any structure or premises on which five (5) or more dogs or cats over three (3) months of age are housed, bred, boarded, or trained overnight.

**Buffer.** The promotion of separation and compatibility between land uses of different intensities within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term “buffer” may also be used to describe the method(s) used to promote compatibility such as a landscape buffer.

**Buffer Yard.** Area intended to provide buffering between land uses of different intensities or along public rights-of-way.

**Building.** A structure enclosed with exterior walls used or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building, Accessory.** See “Accessory Structure”.

**Building Code.** Part Thirteen of the Codified Ordinances of the Village of Greenfield, Ohio.

**Building Frontage.** The side, or facade, of a building closest to and most nearly parallel to an abutting street.

**Building Frontage, Primary.** A building frontage that abuts a street listed as a primary street.

**Building Frontage, Secondary.** A building frontage that abuts an alley or street not listed as a primary street.

**Building, Height.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building, Main.** A building in which is conducted the main use of the lot on which the building is located.

**Building Materials and Hardware (Retail).** An establishment for the retailing, wholesaling or rental of building supplies or construction equipment. This use classification includes lumberyards, home improvement sales and services, tool and equipment sales or rental establishments.

**Building, Rear.** The wall or plane opposite the primary building frontage. For a building on a corner lot, the building rear is the wall or plane opposite the wall or plane containing the principal building entrance.

**Business Sign.** A sign containing product advertisements or other detailed information about the operation of a business. Specifically, such sign is one which contains brand names of goods sold or services rendered on the premises, a listing of numerous specific types of goods or services, prices or special sale information, telephone number or other similar information. A business sign may also include items permitted on an identification sign.

**Building, Temporary.** A building located on a lot for a limited duration.

## C.

**Camping.** Any parcel or tract of land under the control of any person, organization, or governmental entity wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites for two or more recreational vehicles, tents or camping units.

**Canopy.** A permanent or temporary structure other than an awning or marquee, attached to a building over an entrance and carried by a frame supported by the ground or sidewalk, extending from the entrance to or over the public sidewalk for the purpose of providing shade or shelter to pedestrians walking from the sidewalk to the building’s entrance.

**Canopy Sign.** A sign attached to or painted on the fascia or hanging from the soffit of a canopy or covered entrance or attached to a permanent awning or marquee. Mansard roofs shall be considered as canopies.

**Capital Improvements Program.** A proposed schedule of future public improvement projects and major equipment purchases listed in order of priority, with cost estimates and anticipated means of financing each project for a specified time period. All major projects and purchases requiring public funds over and above the operating expenses for the replacement or initial acquisition of the community's physical assets are included.

**Cemetery.** Land used or intended to be used for the burial of the human dead and dedicated as a cemetery for such purposes.

**Certificate of Appropriateness.** A certificate issued by the Planning and Zoning Administrator stating that the proposed modification to a structure complies with the provisions of this code.

**Certificate of Deposit.** Any certificate of deposit delivered in accordance with the provisions of these regulations to secure the performance of a developer until such developer has discharged its obligations with respect to any final plan.

**Changeable Copy Sign (Automatic).** A sign or portion thereof on which the copy changes automatically or animation is displayed through electrical or electronic means (e.g., time and temperature units and message centers); considered a business sign.

**Changeable Copy Sign (Manual).** A sign or portion thereof on which copy is changed manually through placement of letters or symbols on a sign panel; considered a business sign.

**Channel.** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**Child Care, Type A.** A permanent residence in which child care or publicly funded childcare is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which childcare is provided to four (4) to twelve (12) children at one time if four (4) or more children at one time are under the age of two (2).

**Child Care Center, Type B.** A permanent residence of the provider in which childcare is provided for one to six (6) children at one time in which no more than three (3) children are under the age of two (2) at one time.

**Childcare – in home.** A private home licensed by the state of Ohio in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

**Day care – center.** Any place operated by a person, society, agency, corporation, institution, or any other group that is licensed by the state of Ohio wherein twelve (12) or more children under 17 years of age who are not related to the facility operator and whose parents or guardians are not residents in the same house and with such person, society, agency, corporation, or institution responsible for the control and care of children enrolled therein.

**Clerk of Council.** The Clerk of the Village Council.

**Code.** The Code of Ordinances of the Village.

**Common Area.** Land in any development held in common or single ownership that is not reserved for the exclusive use or benefit of an individual tenant or owner

**Comprehensive Plan.** A plan, or any portion thereof, adopted by the Planning Commission and Council of the Village showing the general location and extent of present and proposed physical facilities including housing, industrial and

commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use.** A special use that allows the Board of Zoning Appeals to review and place conditions on development standards such as location, design, size, density, operation, intensity of use, generation of traffic and traffic movement, processes and equipment employed, and the amount and kinds of public facilities and services required. These conditions ensure that each proposed use is consistent with the intent and objectives of the particular district in which it is to be located, and protects adjacent properties and the general health, safety and welfare of the public.

**Conditional Use Permit.** A permit issued by the Planning and Zoning Administrator upon approval by the Planning and Zoning Administrator or the Board of Zoning Appeals, as applicable, to allow a use designated as such in the applicable district or overlay.

**Council.** The Council of the Village.

**County Recorder.** The office of official land records for the County.

**Cultural Institution.** A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis, with or without a charge for admission. Cultural institution includes performing arts centers for theater, dance and events, museums, historical sites, art galleries, aquariums, and such related uses.

**Curb Cut.** A location, approved by the Village, at which vehicular access is permitted from the traveled portion of a public street to or from a private driveway. Such location may involve or require the alteration or cutting of the curb abutting the street pavement to allow for at-grade vehicular movement onto the street pavement.

**Curb Line.** The vertical plane projected upward from the face of the curb along a street.

## D.

**Deed.** A written instrument for the conveyance of real property from one person to another.

**Deciduous.** A plant with foliage that is shed annually.

**Deck.** An uncovered platform or floor supported above the ground and open to the sky.

**Density.** A unit of measurement; the number of dwelling units per acre of land.

- (1) Gross density. The number of dwelling units per acre of the total land to be developed.
- (2) Net density. The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Developer.** Any person, subdivider, partnership, owner or corporation or duly authorized agent who constructs or contracts to construct improvements on subdivided land.

**Development.** The improvement of a tract or parcel of land, which results in an alteration of land or vegetation.

**Development Agreement.** An agreement between a [Developer and the Village] and which contains the following components:

- (1) Summary and Affidavit;
- (2) Preliminary Development Plan;
- (3) Final Development Plan;
- (4) Restrictive Covenants; and
- (5) Attachments.

**Development Plan.** Reports, applications, maps, technical drawings, illustrations, and other matter describing the intended use and construction of improvements of land, particularly relating to a request for amendment of a zoning district or for creation of a planned unit development.

**Directional Sign.** On-premise sign used to direct vehicles to parking areas or indicate points of entry or exit for a facility or off-street parking lot. Such signs may contain information such as “Lot A”, “Green Lot”, “in”, “enter”, “entrance”, “out”, “exit”, “do not enter” or similar directives. Such signs shall not include any business information other than the business logo and/or name.

**District.** A section of the Village for which zoning regulations governing the use of land and buildings, the height of buildings, the sizes of yards and the intensity of uses are uniform. Boundaries of the districts are shown on the Official Zoning Map.

**Drainage Features and Improvements.** Natural features of land or designed features of land, buildings, and other improvements, including storm sewers, natural and manmade watercourses, swales, yard drains, catch basins, curbs, retention facilities, and other features affecting the flow of storm water or designed to direct or manage the flow of storm water.

**Driveway.** A paved way providing access from a street or other means of access to the subject premises.

**Drive-Thru.** A building or portion thereof that, by design, permits customers to receive goods or services while remaining in a motor vehicle.

**Dwelling.** Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or mobile home, boarding or rooming house or hotel.

**Dwelling, Assisted.** A residential facility for elderly persons (age 60 or older) and their spouses, or for persons having such disabilities as to require assistance with daily living tasks, as suggested by their physician. The facility contains four or more dwelling units and/or rooming units, and provides, through on-site personnel, such exclusive resident services as meal preparation, laundry services and room cleaning.

**Dwelling – Attached Single-Family.** A dwelling unit that is attached to one or more dwelling units, each with independent exterior access and each with no less than two exterior walls. This type of dwelling includes condominiums and townhouses.

**Dwelling – Detached Single-Family.** A building designed for or occupied by one family or housekeeping unit.

**Dwelling - Developmental Disability.** A dwelling devoted to two or more persons who have a physical or mental impairment or handicap, or both, that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, learning, breathing, or working. A physical or mental impairment may include orthopedic, visual, speech, or hearing impairments, Alzheimer’s disease, presenile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.

**Dwelling Floor Area.** The sum of the gross horizontal inside dimension areas of the floors of a dwelling, including stairways, halls, and closets, but not including basements, porches, garages, breeze ways, utility rooms, laundry areas, or carports.

**Dwelling, Mobile Home.** Any non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation when connected to utilities, whether resting on wheels, jacks, blocks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of thirty (30) feet.

**Dwelling, Nursing.** A facility operated and dedicated to the care of persons who cannot care for their own needs either partially or totally. This term includes nursing homes, skilled nursing facilities, convalescent homes, special care facilities (e.g., Alzheimer Unit), assisted living facilities, adult day care facilities, independent living units such as patio homes, and other similar facilities.

**Dwelling - Two-Family.** A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**Dwelling Unit.** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household maintaining a household

## E.

**Easement.** A right granted by a written instrument from one owner of land to another for use of a specified portion of the grantor's real property for a specific purpose or purposes as set forth in an easement agreement.

**Easement Area.** The particularly described area of exclusive or non-exclusive legal interest in, on, under, over or through a portion of a parcel of land or appurtenance thereto.

**Educational/Public Service sign.** A sign designed to provide information on school or public events, community recognition and/or promotes information about good health and safety.

**Emergency.** A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

**Engineer.** Any engineer licensed by the State of Ohio State Board of Registration for Professional Engineers.

**Essential Public Services and Utilities.** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety of general welfare, but not including buildings.

**Event Center – Private Events and Conferences.** A commercial event center used to host private events and conferences such as weddings and other personal events, but not including funerals, and private business or industry conferences.



**Event Center – Public Meetings and Conventions.** A public event center used to host events and conferences such as trade shows, conferences, and other public events.

**Evergreen.** A plant with foliage that persists and remains green year-round.

## F.

**Façade.** A side of the exterior of a building, especially the front, but also sometimes the sides and rear.

**Fee.** A charge, as required by this Zoning Code, paid by an applicant or other person, for the purpose of paying some or all of the costs incurred by the Village in processing and reviewing requests for zoning amendments, site plans, zoning permits, and other administrative activities relating to zoning. Zoning fees are listed in \_\_\_\_\_ or as otherwise established by Village Ordinance.

**Fence.** A structure, hedge or other landscape material positioned up to or on top of the property line, easement line, right-of-way, or setback line, as applicable for the purpose of separating properties, or for screening, enclosing, and/or protecting the property within its perimeter.

**Fence, decorative.** A fence, hedge or other landscaping material used for decorative purposes only and not intended for use as an enclosure, barrier, or means of protection or confinement. Decorative fences shall not be site obscuring.

**Financial Services and Banking – with Drive Thru.** A facility including provisions for the conduct of banking services directly to the occupants of motor vehicles for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

**Financial Services and Banking - without Drive Thru.** A freestanding building without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

**Finished Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of a building.

**Fire Pit.** An aboveground structure together with a seating area, installed, constructed, and designed for the setting of small-scale fires in accordance with the regulations applicable to the subject property upon which such structure and seating area are located.

**Flood plain.** Land under and along a watercourse which is subject to inundation by a 100-year flood, as determined by the Federal Emergency Management Agency (FEMA) or other source determined acceptable to the Village.

**Flood, Regional.** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

**Floodway.** That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe.** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Floor.** That part of a room or story which forms its lower, horizontal enclosing surface.

**Floor area, gross.** The total square feet of all main and accessory buildings which are enclosed, measured from the exterior building face or from the centerline of common walls separating building units.

**Food Sales - Farm Market.** Retail sales of agricultural products and items grown or produced in and around the Village.

**Food Sales - Large Format Grocery.** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 25,000 square feet of gross floor area. At least 1,000 square feet of a large format grocery shall be devoted to the sale of fresh produce at all times.

**Food Sales - Small Format Grocery.** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 5,000 square feet but not more than 25,000 square feet of gross floor area. At least 500 square feet of a small format grocery shall be devoted to the sale of fresh produce at all times.

**Food Service - Commissary/Bakery.** A facility that produces food and baked goods for distribution or sale to restaurants and retail bakeries.

**Foot-candle.** A unit of light intensity that is equal to the amount of light falling on one square foot area from a one candela light source at a distance of one foot.

**Forestry.** Facilities, activities, or equipment used to plant, raise, manage, harvest, and remove trees on private land. The term includes site preparation, fertilization, pest control, and wildlife management.

**Freestanding Sign.** A sign which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.

**Frontage.** The principal elevation of a building, which is most often the elevation that abuts a street. In the context of the location of any building typology described under the Zoning Code, frontage means the street or right-of-way type that a building is permitted to abut.

## G.

**Gable.** The triangular section of wall at the end of a pitched roof, occupying the space between the two slopes of the roof, or the whole end wall of a building or wing having a pitched roof.

**Garage, Private.** An accessory building or part of a principal building used for the storage of motor vehicles as an accessory use and in which no business or industry connected directly or indirectly with the repair or servicing of such motor vehicles is carried on.

**Garden center – indoor and outdoor.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**Golf Course.** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

**Gasoline Station.** See “Retail – Convenience with gasoline”.

**Grade.** The elevation of land surrounding a structure or the slope of a road, in each case expressed as a percentage.

**Ground Sign.** A display sign supported by uprights or braces in or upon the ground surface.

## H.

**Health and Wellness – Clinic.** An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

**Health and Wellness – Fitness Facility/Gym.** Any fitness center, gymnasium, health, studio fitness center and athletic club, which may include any of the following: aerobics instruction, exercise machines, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball and other indoor athletic amenities and events.

**Health and Wellness – Massage.** A private establishment that provides therapeutic or medical massage of a non-sexual nature provided by a licensed practitioner.

**Health and Wellness - Physical therapy.** An outpatient office establishment that provides physical rehabilitation or occupational therapy for individuals with an injury or disability.

**Height or Above Ground Level.** When referring to a tower or other structure, the distance measured from the finished grade at the base of the tower/structure to the highest point on the tower or other structure, including the base pad and any antenna.

**Home Occupation.** An occupation conducted in a dwelling unit, provided that no more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five percent (35%) of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building. No traffic shall be generated by the conduct of such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance, and shall not be located in a required front yard.

**Homeowners Association (HOA) or Property Owners Association (POA).** An incorporated, non-profit organization established by a developer, subdivider, or an association of property owners whose membership shall consist of individual property owners within a subdivision.

**Household.** A person living alone or two (2) or more persons living together as a single housekeeping unit as distinguished from two or more persons living together in any congregate or group housing. For purposes of these Regulations, the following shall create a rebuttable presumption that the group is not a single housekeeping unit:

- (1) Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations;
- (2) Members of the group have separate leases, or sub-leases and/or make separate rent payments to a landlord; or
- (3) The group significantly reforms over the course of a twelve (12) month period by losing and/or gaining members.

## I.

**Identification Sign.** A sign identifying or naming a business institution, residential development, or other use. Specifically, such sign may indicate the name, owner, or manager and address of an existing building, business or other use, including the general type of goods sold or services rendered, but without a listing of numerous specific goods or services and without reference to brand names, prices, “sales” or telephone numbers.

**Illuminated Sign.** Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

**Improvements.** Any additions to the natural state of the land which increases its value or utility, including pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, landscaping and other appropriate facilities or plantings.

- (1) “Site improvements” means the improvements made to the land outside the exterior limits of a structure or structures.
- (2) “Public improvements” means all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement, or deed of transfer.
- (3) “Final Plat Improvements” mean those improvements set forth in the final plan submitted to and approved by the Village in accordance with these regulations.
- (4) “Drainage Improvements” means those improvements determined by the Village Engineer to be necessary to facilitate satisfactory drainage in accordance with these regulations, including but not limited to underground pipe, inlets, catch basins, ditches, and/or retention basins.

**Indoor Recreation Enterprise.** Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to, arcades, bowling alleys, theaters, etc.

**Indoor Storage Facility.** Climate-controlled storage within an enclosed structure containing separate, individual, and private storage spaces of varying sizes leased or rented on an individual basis for varying periods of time, with no unit having direct external access, but being served by common indoor access aisles.

**Information Window/Wall Sign.** Window or wall signage bearing only information about entry and exit, business hours, authorized service representative information and/ or discount, credit systems accepted in that establishment (e.g. American Express, MasterCard, Visa, Golden Buckeye Card, etc.), and business directives (e.g. no soliciting, no firearms, etc.).

**Institutional/Government Offices.** A building or location that provides for community meetings and/or activities including, but not limited to, Village Hall, Township Hall, school administration building, recreation center (public or private), property listed on the National Register of Historic Places, Chamber of Commerce building, Arts Council building, library, or other public buildings owned or operated by the Village.

## J.

**Junk.** Old or scrap copper, brass, rope, gas, trash, waste, batteries, paper, or rubber, junked, dismantled, or wrecked, automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

**Junk Storage and Sales.** Any lot, land, or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

## K.

No definitions.

## L.

**Landscaped Area.** An area with plants, trees, natural turf, or other vegetation planted in accordance with a landscape plan.

**Landscaping.** Physical improvements consisting of plants, shaped earth, walls and fences, rocks, and other related features, typically installed to beautify a premises and/or to screen negative impacts or protect certain uses from one another.

**Land Use Plan.** The long-range plan for the desirable use of land in an area as adopted by the Planning Commission and Council; one purpose of the Plan, among other purposes, is to serve as a guide in future development and zoning for the community.

**Library.** A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

**Lighting Device.** Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.

**Live Plantings.** Trees, shrubs, and organic ground cover which are in healthy condition.

**Live Theater.** A structure used for dramatic, operatic, or other live performance, for admission to which entrance money is received.

**Loading Space, Off-Street.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right of way.

**Logo Flag.** A sign made of flag-like material containing a logo or identifying symbol.

**Logo (or trademark).** A letter or group of letters (usually stylized) or a symbol or symbols that represent a word, group of words, or business name. Usually used as part of a business identification scheme that is meant to identify goods, products, services, or a business entity itself.

**Lot.** A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership and/or for building purposes or development, having fixed boundaries and designated on a plat or survey together with the required open spaces and having frontage on a public street or a private street.

**Lot Coverage.** The ratio of enclosed ground floor area of all buildings and structures on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Lot Line Adjustment.** A process that is used to change property lines of existing parcels for the purpose of combining two (2) or more adjacent parcels into one (1) parcel, alter and/or correct the boundary between two (2) or more parcels, or reconfigure the shape of parcels, without creating any additional parcels.

**Lot Measurements.** The method of measurement for a lot under this chapter, which shall be conducted as follows:

- (1) Depth means the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum required building setback line.

**Lot, Minimum Area of.** The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

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

**Lot Types.** Means, as follows:

- (1) “Corner lot” means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) “Interior lot” means a lot with only one frontage on a street.
- (3) “Through lot” means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (4) “Reversed frontage lot” means a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

## M.

**Maintenance bond.** An agreement by a subdivider or developer with the Village, for a percentage of the established construction cost, used as a guarantee against any deficiencies which might develop between commencement of a development by a subdivider or developer and formal acceptance of dedication by Village Council.

**Major Commercial Development.** A grouping of more than four office uses or personal service uses on a single site with common parking facilities.

**Major Thoroughfare Plan.** The portion of comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

**Major Tree.** Any tree measured with a diameter-at-breast height equal to or greater than 4”.

**Manufactured Home.** Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

**Manufactured Home Park.** Any tract of land upon which three or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

**Manufacturing – Heavy.** Any use in which the major activity is the treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises and produces any externally perceptible noise, fumes, odors, vibrations, or outdoor storage.

**Manufacturing, Light.** Manufacturing establishments engaged in and undertaking the assembly, fabrication, and conversion of already processed raw materials into products, the production of which does not cause excessive noise, odor, or other similar impacts on surrounding land uses

**Marquee.** A permanent structure fastened entirely to the building and projecting from the wall above an entrance and extending over the street right-of-way to provide shelter for automobile passenger loading and unloading entrance.

**Marquee sign.** A display sign attached to or hung from and supported by the building and extending beyond the building wall, building line or street lot line.

**Medical - Clinic.** A facility other than a hospital, emergency room or urgent care where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: offices for physicians, dentists, chiropractors, or other health care professionals; outpatient care facilities; urgent care facilities; and other allied health services. These facilities may also include incidental medical laboratories. Patients are not provided with room and board and are not kept overnight on the premises. Medical Services and medical clinics include medical and dental laboratories incidental to the medical office use.

**Medical – Emergency Services.** A 24-hour outpatient facility, operated by a hospital or health organization, and staffed by doctors and nurses that provides immediate emergency care services similar to what would be expected in a hospital. Urgent care facilities are not considered emergency care facilities.

**Medical – Full-Service Hospital.** An institution in which sick or injured persons are provided medical care and assistance and, in the course of same, may be housed overnight, fed and provided nursing and related services. Hospital shall comprise any related, accessory facilities such as laboratories, outpatient departments, training facilities, food service facilities, central service facilities and staff offices which are integral parts of the principal hospital facility.

**Medical – Office.** A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no over- night patients shall be kept on the premises.

**Medical - Outpatient and Urgent Care.** Outpatient-only medical services that apply to medical issues whereby a patient requires more immediate attention or care than can be provided by an appointment with a family doctor or general practitioner. Emergency ambulance services may not be provided.

**Medical - Psychiatric Facility – Standalone.** An establishment where human patients who may or may not be lodged overnight are admitted for examination and treatment by a group of professionals licensed by the state of Ohio to treat mental health issues or addiction.

**Medical - Standalone Emergency Services.** Stand-alone emergency medical facilities, which provide emergency services, including basic imaging and laboratory services that may be an off-campus emergency center associated with a hospital, or a non-affiliated, licensed medical care provider.

**Mineral Extraction / Processing.** The exploration for or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and the mining of metallic and nonmetallic minerals, sand, gravel, and rock.

**Mini-Warehouse.** A building consisting of individual, self-contained spaces that are leased or owned for the storage of business goods, household goods, or contractor supplies.

**Minor Subdivision.** A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, that may be submitted to the authority having approving jurisdiction of plats under the provisions of R.C. 711.05, 711.09 or 711.10 for approval without plat.

**Mixed-Use Facility.** A building comprised of multiple units each containing a permitted use or condition use in each case as permitted under the applicable regulations for the zoning district or overlay in which the property is located.

**Mobile Home Park.** Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part

**Mobile Home.** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

**Monuments.** Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot comers, boundary line comers and points of change in street alignment.

**Movie Theater.** A specialized theater for showing movies or motion pictures. The primary structural difference between a theater and a movie theater is the projection screen. However, many movie theaters can easily be adapted for stage performances and many stages have folding screens for movie projections. Although screen shapes are mostly rectangular, they come in a variety of shapes. Also, some special-purpose multimedia movie theaters use multiple screens, one on each wall face, or the entire ceiling surface, which are sometimes curved or geodesic in shape.

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

**Multi-Family.** A building or portion thereof designed for or occupied by five (5) or more families, or housekeeping units, living independently of each other in separate dwelling units which are accessible by interior hallways. This type of dwelling unit excludes a hotel.

**Multi-Family Rental Office/Management Site.** A residential apartment structure, permitted in multi-family residential districts, that is used by an apartment owner, employee or realtor to demonstrate construction and to display built-in amenities to prospective apartment tenants and to promote the rental or lease of apartment units. The rental office may be staffed and furnished.

## N.

**Neighborhood Market.** A pedestrian-oriented retail establishment oriented to the daily shopping needs of surrounding residential areas.

**Nonconformities.** A building, structure or use of land existing at the time of enactment of this Zoning Ordinance which does not conform to the regulations of the district or zone in which it is situated.



**Nonpanel Sign.** A sign which is not mounted, attached, painted, or displayed on a sign panel.

## O.

**Office – Corporate.** An establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices or the administrative offices for a corporation. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public.

**Office - Data processing / Call Center.** A facility containing equipment for telecommunications or data processing/storage including switches, routers, operation centers, and other infrastructure critical for telecommunication companies, internet servers, data firms, fiber-optic cable, and other technology providers.

**Office – Professional Services.** Professional offices including: accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside the home. Does not include medical offices or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

**Official Zoning Map.** The Official Zoning Map of the Village of Greenfield, as the same may be amended from time to time in accordance with this Zoning Ordinance.

**Off-Premises Sign.** Any sign unrelated to a business or profession conducted or to a commodity or services sold or offered upon the premises where such sign is located.

**On-Premises Sign.** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

**Opacity.** The degree or extent that light is obscured. 100% opacity meaning fully obscured, 0% meaning fully transparent.

**Open/Closed Sign.** A window or wall sign bearing only information indicating if the business is open or closed. This does not include the hours of operation. Signs that include both the open/closed information and the hours of operation shall be deemed to be an information sign.

**Open Space.** An area of land that is intended and used for environmental, scenic, or recreational purposes and which may include lawns, landscaping, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, and wooded areas. Open space shall not be deemed to include paved areas such as roads, driveways, or parking lots, and shall not be deemed to include spaces required for minimum yards. That portion of a natural or man-made water body which shall be interpreted as open space shall be determined by the Planning Commission.

**Ornamental Tree.** A deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree.

**Outdoor Recreation.** Non-commercial recreation premises consisting of woodlands, water courses, and fields used for active recreational activities that do not require modifying the existing setting, including but not limited to, paintball, laser tag, and orienteering of items grown on the site means a site operated and maintained by an individual or group to

cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use/consumption, donation or sale of items grown on the site.

**Outdoor Recreation Enterprise.** Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include but are not limited to horse stables, fisheries, wilderness preserves, golf course, mini-golf courses, amusement parks and campgrounds.

**Outdoor Processing – Agriculture.** Activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These uses include but are not limited to slaughterhouses, mills, canneries, and milk processing plants.

**Outdoor Processing – Composting.** An establishment for the processing of organic waste in a controlled environment to produce a stable fertilizing product by microbiologically degrading organic matter under aerobic conditions.

**Outdoor Storage.** The keeping of property in an open area of a lot for the purpose of sales, storage, or display.

**Overnight Lodging – Bed and Breakfast.** An owner-occupied residential single-family, detached structure wherein lodging, and breakfast only are provided to transient guests for compensation.

**Overnight Lodging – Hotel.** A place of transient occupancy which includes any structure consisting of one or more buildings containing any combination of more than five (5) guestrooms that are each approved by the Chief Building Official and the fire chief as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons. “Hotel” does not include agricultural labor camps, apartment houses, apartments, or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

**Owner.** Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in real property to commence and maintain proceedings with respect to any land use approval sought hereunder.

**Overlay.** An area depicted on the official zoning map, within which, through super-imposition of a special designation, certain regulations and requirements apply in addition to those of the base zoning districts to which such designation is added.

## P.

**Pad.** A building site prepared by artificial means, including grading, excavation or filling, or any combination thereof.

**Panel Sign.** A sign which is mounted, attached, painted, or displayed on a sign panel.

**Parapet Wall.** A low wall barrier at the edge of a roof or structure which may serve to prevent falls over the edge or serve as a stylistic feature.

**Parcel.** A division of real property contained in a single legal description that is recorded in the official land records of the Recorder’s office.

**Park.** See “Community Facility - Park”.

**Parking Area or Structure.** An off-street area or structure for required parking or loading spaces, including driveways, access ways, aisles, parking, and maneuvering space necessary for the parking or loading areas.

**Parking Space, Off-Street.** An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room but shall be located totally outside of any street or alley right of way.

**Patio.** An outdoor seating area, covered or uncovered, constructed, installed and located upon a property in accordance with all local and state laws and regulations, including this zoning ordinance, applicable to the subject property upon which such seating area is located.

**Pedestrian Amenity.** Elements of individual developments that directly affect the quality and character of the public domain.

**Pedestrian Zone.** An area between a main building and a public street utilized for pedestrian access and amenities.

**Perimeter Treatment Plan.** A plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Said plan shall include materials, techniques, and sizes of buffering treatments such as landscaping, fencing, screen walls, berms, or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into the landscape plan.

**Pergola.** An attached or detached structure constructed and located upon a property in accordance with all local and state laws and regulations, including this zoning ordinance, applicable to the subject property upon which such attached or detached structure is located.

**Performance Bond or Surety Bond.** An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

**Person.** Any firm, association, organization, limited partnership, general partnership, trust, company, or corporation as well as any natural person.

**Planning and Zoning Administrator.** The public official of the Village of Greenfield designated to administer and enforce this Zoning Ordinance.

**Plant Cultivation.** The production of crops, fruit trees, nursery stock, truck garden products, or similar plant materials outside of structures such as greenhouses.

**Planting Area.** Any area utilized for landscape material installation having a minimum area of fifty (50) square feet.

**Plants.** Living vegetation. Artificial plants are not included in this definition.

**Plat.** The map, drawing or chart on which the developer's plan of subdivision is presented to the Village Planning Commission for approval and, after such approval, to the County Recorder for recording.

**Plat, final.** The final map, drawing or chart made by a surveyor registered in the State of Ohio, and supplementary information, based upon the approved preliminary plat, in which the subdivider's plan is presented to the Village Planning Commission for approval and which, if approved, will be certified and submitted to the County Recorder.

**Plat, preliminary.** The preliminary map, drawing or chart, and supplementary information, on which the layout and design of a proposed subdivision is submitted to the Village Planning Commission for consideration and tentative approval.

**Plot-Grade-Utility Plan.** Drawings and other documents describing the approved grading, drainage features and improvements, vehicular facilities, utilities, and other improvements for a development.

**Pole Sign.** Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

**Political Sign.** Signs having reference to a political official, candidate, question, issue, or opinion.

**Pool house.** A detached structure serving a swimming pool, constructed, and located upon a property in accordance with all local and state laws and regulations, including this zoning ordinance, applicable to the subject property upon which such structure is located.

**Portable Sidewalk Sign.** Any portable or freestanding sign displayed on a sidewalk in front of a business or other enterprise and taken inside at night or when the associated business or enterprise is closed.

**Portable Sign.** A sign which is designed to be moved and is not permanently attached to any part of a building or to the ground.

**Power Generation Facility.** A facility that converts one or more energy sources, including but not limited to waterpower, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

**Power Substation Facility.** An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residence districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

**Primary Street.** A primary street as referred to in this section includes Main Street, Brice Road, and Livingston Avenue.

**Private Club.** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Private Swimming Pool.** Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational use and which is available only to the family and guests of the property owner. This includes inground, aboveground, portable, and inflatable swimming pools, hot tubs, and spas.

**Professional Office.** A building or portion of a building wherein services are performed involving predominately administrative, professional, or clerical operations.

**Projecting Sign.** A display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

**Public Access Easement.** An easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

**Public Service Facility.** The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping station, sewage disposal or pumping plants, and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage service.

**Public Street.** A public right-of-way used for vehicular traffic that is permanently maintained by the Village of Greenfield, by the State of Ohio, or by the federal government.

**Public Way.** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right of way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path or other ways in which the general public or a public entity have a right, or which are dedicated whether improved or not.

## Q.

No definitions.

## R.

**R.C.** The Ohio Revised Code.

**Real Estate/Model Home Sign.** A temporary sign promoting the development, construction, rental, sale, or lease of property.

**Recreation Facility, Commercial.** Recreation facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, racetracks, carnivals, and similar commercial enterprises.

**Recreation Facility, Institutional.** Recreation-type facilities open to the public, established, and operated for a profit and offering a learning environment. Such activities may include but are not limited to gymnastics, karate studio, exercise/gym facility, ceramics, photography, and similar commercial enterprises.

**Recreation Facility, Noncommercial.** Any business which is operated as a recreational enterprise, either publicly or privately owned, for nonprofit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

**Recreational Vehicle.** A vehicle type unit primarily designed as temporary living quarters for recreation, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: boat, travel trailer, camping trailer, truck camper, and motor home.

**Recycling Center.** A center for the collection and/or processing of recyclable materials. A recycling facility does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

**Redevelopment.** The increase of a developed property or building gross floor area or combination thereof by more than fifty percent (50%) over a seven-year period.

**Religious Assembly.** A permanently located church, cathedral, synagogue, temple, mosque, or other place dedicated to religious worship. As part of its functions it may include the following incidental and subordinate uses subject to applicable federal, state and local regulations: offices, residences for clergy, religious instruction, educational institutions, private and special schools, day care centers, emergency shelters, and community and recreational activities.

**Research Facility / Laboratory.** A facility primarily for medical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services and/or engaged in the research, development and controlled production of high technology electronic, industrial or scientific products or commodities for sale.

**Reservation.** Any reservation of public land made by a developer in accordance with the provisions of these regulations.

**Residential (Upper Floor).** Where permitted, dwelling units located on a floor other than the ground floor.

**Residential Care and Congregate Residential.** An establishment operated for the purpose of providing special care or rehabilitation to the occupants, as defined in R.C. 5119.341 and 5123.19, including the following:

- (1) Assisted living;
- (2) Developmental disability dwelling;
- (3) Elderly Care;
- (4) Life Care or Continuing Care Services;
- (5) Mental Health or Substance Abuse; and
- (6) Nursing care.

**Restricted Open Space.** Open space within any subdivision that is restricted from further development in accordance with a deed restriction or similar restrictive covenant.

**Retail – Convenience with gasoline.** A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self- service by the consumer. Hot beverages, fountain-type beverages, and pastries may be included in the food items offered for sale.

**Retail – Convenience without gasoline.** A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

**Retail – Large format.** A retail establishment containing consumer goods that exceeds 20,000 square feet.

**Retail – Medium format.** A retail establishment containing consumer goods that is between 5,000 and 20,000 square feet.

**Retail – Pharmacy.** A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

**Retail – Shopping center – enclosed.** A group of commercial establishments planned, constructed, and managed as a total entity shopping center with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

**Retail – Shopping center – outdoor.** A group of commercial establishments planned, constructed, and managed as a total entity shopping center with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, whereby access to individual shops requires outdoor access from a shared sidewalk or road.

**Retail – Small format.** A retail establishment containing consumer goods that is no greater than 5,000 square feet.

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

**Road.** See “Street”.

**Routine Maintenance.** Work that is planned and performed on a routine basis to maintain and preserve the condition of the building or site including but not limited to painting, addition of awnings, roof repair, parking rehabilitation, and window replacement and treatment.

## S.

**School – College / University.** A post-secondary institution for higher learning that grants associate or bachelor’s degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor’s degrees or certificates of completion in business or technical fields.

**School – Primary.** A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in schools within the state.

**School – Secondary.** A public, private, or parochial school offering instruction at the junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools within the state.

**School – Trade.** A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum.

**Screening.** Improvements such as landscaping and fencing, or the intentional arrangement and location of uses, structures, and open spaces in a manner intended to mitigate or conceal negative impacts of one use upon another or to improve the appearance of the use.

**Seat.** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

**Service Director.** The Director of Public Service of the Village of Greenville, as defined by the Administrative Code or Village Charter.

**Setback.** A line established by these regulations and/or Zoning Ordinance or resolution, generally parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as may be provided in such Codes.

**Setback Line.** A line established by the Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in such Zoning Ordinance.

**Sewage and Water Facilities.** Sewage collection and/or water distribution systems provided or franchised by a public authority.

**Sewage Disposal System, Group.** An approved sewage disposal system which provides for the combined collection and disposal of sewage from a group of residential, commercial, or industrial buildings.

**Sewage Disposal System, On-Site.** A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to approval of health and sanitation officials having jurisdiction.

**Sewers, Central or Group.** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site.** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Shade Tree.** A deciduous tree planted primarily for its high crown of foliage or overhead canopy and which typically reaches a height of at least forty (40) feet.

**Shed.** A storage structure constructed and located upon a property in accordance with the regulations applicable to the subject property the purpose of which is for the storage of yard equipment, recreational equipment or other consumer goods to be utilized by the residents of the subject property upon which such structure is located.

**Shelter.** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**Shrub.** That area which the Village requires maintenance in order to preserve the sight distance and safety of motorists, pedestrians and bicyclists by requiring an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle to avoid a collision. Further information is provided in Section 1180.07(a)(11).

**Sidewalk.** That portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign.** Any display, figure, painting, placard, poster, drawing, letter, word, symbol, number, or any combination of these or any other device visible, with or without verbiage, which can be seen from the right-of-way and is designed to inform or attract the attention of persons not on the premises on which the sign or street graphic is located. Used to convey a message, advertise, inform, or direct attention to a person, institution, organization, activity, place, object, or product.

**Sign Area.** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one display shall be computed as the total of the exposed exterior display surface area.

**Sign, Bulletin Board.** A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field, or area of similar use for the announcement of services or activities to be held therein.

**Sign, Construction.** A sign indicating the names of architects, engineers, contractors, and similar persons involved in the design and construction of a structure or project.

**Sign Face.** The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign, Flashing.** Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

**Sign, Governmental.** A sign erected at the side of or above roads to give instructions or provide information to road users.

**Sign Height.** The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.



**Sign, Moving.** Any sign which in part or total, rotates, revolves or otherwise is in motion.

**Sign, Name Plate.** A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

**Sign Panel.** A structural object or portion of a structural object designed to form a distinct background area or frame for the display of a sign's information.

**Sign, Painted Bulletin.** An advertising structure on which advertising design is painted and posted, and which may incorporate the use of cutouts and/or other embellishments.

**Sign, Poster Panel.** An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.

**Sign, Promotional.** A temporary sign, the function of which is to announce a special event.

**Sign, Roof.** Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

**Sign Structure.** The supports, uprights, bracing or framework for signs.

**Sign, Warning.** Any sign indicating danger or a situation which is potentially dangerous.

**Site Plan.** A drawing and other documents, subject to review and approval by the Village, describing the planned improvements of a lot. A site plan is one of the following types:

- (1) Major Site Plan. A plan review required for any development that meets the requirements of Section 1143.03(a)(1), and which is subject to review and approval by the Planning Commission.
- (2) Minor Site Plan. A plan review required for any development which does not qualify for a major site plan review and consists of an improvement other than a single family dwelling, two-family dwelling, or a dwelling within a planned development, and which is subject to review and approval by the Planning and Zoning Administrator and other Village staff; or
- (3) Residential Site Plan. A plan review required for a single-family dwelling, two-family dwelling, or a dwelling within a planned development, and which may be approved by the Planning and Zoning Administrator.

**Site Obscuring Structure.** Opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the site obscuring object. A fence, which partially obscures a site, shall not be considered site obscuring if it has maintained at least 40% transparency.

**Site Triangle.** A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as hedges so that people in one road can see cars approaching on the other.

**Skirting.** The rigid physical attachments to a mobile home designed and intended to completely screen, shelter, and protect such mobile home's base and entire area between the floor surface and the ground, which includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.

**Social Activities.** Any building and land used for private or semiprivate club activities, including lodges, fraternities, and similar activities.

**Solar Panel.** A solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

**Solar Panel Array.** An integrated assembly of solar panels with a support structure or foundation and other components.

**Sold Sign.** A temporary sign announcing that a property has been sold, leased or is no longer available.

**Special Event.** A temporary outdoor use of land for the purposes of a gathering, including but not limited to a fair, festival, celebration, or fundraiser.

**Special Exception.** A use which, due to its special characteristics or impacts, may only be approved subject to special application, review, and conditions.

**Stacking Space.** Area where cars are permitted to wait in a resting state to access a use, or at a traffic signal or sign.

**Storage – commercial gases.** Any establishment whereby the primary activity is, or necessitates, the storage of compressed gasses.

**Storage – Contractor.** An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor’s storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

**Storage – Self-Store.** A building or group of buildings designed and used solely for the purpose of leasing interior space for the storage of personal property, household items and the inventory of commercial businesses where storage units are individually leased or rented and where access to storage units is infrequent. Outdoor storage and the storage of junk, explosives, flammable materials and other noxious or dangerous materials are specifically prohibited.

**Storage – vehicular and boat.** An enclosed or outdoor facility used solely for the storage of land-, air-, or water-based vehicles.

**Storm Water Design Manual.** The most current copy of the “Storm Water Design Manual”, which provides guidelines for developing proper and adequate storm water collection and disposal facilities will be on file in the office of the Village Engineer. The Storm Water Design Manual is that manual prepared by the Mid-Ohio Regional Planning Commission.

**Story.** That portion of a building other than a cellar included between the surface of any floor and the surface of the floor above it or if there is not floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is above the average finished grade of the adjoining ground. See also, “Basement”.

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

- (1) “Alley” means minor ways used primarily for vehicular service access to the back or side of properties abutting on other streets.
- (2) “Arterial street” means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- (3) “Collector street” means a thoroughfare, whether within a residential, industrial, commercial, or other type of development, which carries traffic from local streets to arterial highways, including principal entrance streets of residential developments and primary circulation routes within such development.

- (4) “Cul-de-sac” means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- (5) “Dead-end street” means a street or a portion of a street with only one vehicular traffic outlet.
- (6) “Expressway” or “freeway” means a thoroughfare which carries relatively large volumes of traffic at a relatively high speed over long distances. Expressways are usually multi-lane highways for through traffic with all crossroads separated in grade and with full control of access.
- (7) “Half-street” means a street or a portion of a street with only one-half of the width paved and having proper right of way. Usual access at edge of subdivision where the centerline is also the plat boundary
- (8) “Local street” means a street primarily for providing access to residential, commercial, or other abutting property.
- (9) “Loop street” means a type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from such arterial or collector street, nor normally more than 600 feet from each other.
- (10) “Major arterial street” or “principal arterial street” means a throughway which carries through traffic, usually intra-city, on a continuous route. Major arterial streets will have no curb parking and will have no curb parking and will use of marginal access roads, including limited access highways.
- (11) “Marginal access streets” means a local street parallel and adjacent to an arterial highway, providing access to abutting properties and protection from the major street or arterial highway.
- (12) “Minor arterial street” means a throughway which carries crosstown traffic from several neighborhoods, thereby servicing several residential collector streets.

**Street Tree.** A tree planted in close proximity to a street in order to provide canopy over the street to provide shade and soften the street environment.

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

**Studio – Art.** Workspace for one or more artists or artisans, including the accessory sale of art produced on the premises, or gallery space.

**Studio – Gymnastics/martial arts.** A space used for physical indoor exercise which is offered in a class or organized format for activities such as gymnastics, martial arts, dance, aerobics, Pilates, or circuit training.

**Subdivider.** Any individual, owner, developer, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations as an applicant to affect a subdivision of land hereunder for himself or for another.

**Subdivision.**

- (1) The division of any parcel of land shown as a unit or as contiguous units on or before January 1, 1976 into two or more parcels, sites or lots, any one of which is less than five acres for the purposes, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easement of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

- (2) “Commercial Subdivision” means the improvement of one or more parcels of land for commercial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities; or
- (3) “Industrial Subdivision” means the improvement of one or more parcels of land for industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities; or
- (4) “Minor Subdivision”. See “Minor Subdivision”.
- (5) Swimming Pool. A body of water of artificial construction, used for swimming or recreational bathing, which is over eighteen inches (18”) in depth at any point, and has more than one hundred (100) square feet of area on the water surface when filled to capacity, and including the bottom and sides of the pool, and the equipment appurtenances thereof.

## T.

**Temporary Portable Storage Units.** A transportable unit designed and used for the temporary storage of building materials, household goods, commercial goods, waste, or other similar materials.

**Temporary Sign.** A display sign, banner or other advertising device constructed of cloth, canvas, fabric, or other light temporary material with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

**Temporary Special Land Use.** A temporary use of land for a set amount of time, permitted in conjunction with the display or the display and sales of merchandise, goods, or materials.

**Temporary Use.** A temporary use of land for a set amount of time, permitted in conjunction with the display or the display and sales of merchandise, goods, or materials.

**Tenants-in-Common.** That form of real property ownership described in R.C. 5302.19, as the same may be amended from time to time.

**Thoroughfare.** See “Street”.

**Thoroughfare Plan.** A plan, adopted by Village Council, which shows general locations and extent of existing, planned, and proposed streets and other transportation facilities of the Village.

**Tract.** A continuous expanse of land.

**Traditional or Natural Materials.** Consists of clay bricks (full or thin set, if thin set, corners must have full brick appearance), stone, cultured stone (samples must be provided), wood or fiber cement board siding.

**Transient Lodging.** Lodging in which guest rooms are occupied for less than thirty (30) consecutive days

**Tree Lawn.** A small area, often planted with trees and grass, between a street and the sidewalk of that street.

**Tree.** A large woody plant having one (1) or several self-supporting stems or trunks and numerous branches and which may be deciduous or evergreen.

## U.

**Unit of a Building or Building Unit.** A space occupying a portion of a building, containing an entrance from the building exterior, and separated from other such spaces by a party wall or walls.

**Use.** The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

**Use, Accessory.** A use located on the same lot with, and of a nature customarily incidental and subordinate to, the main use. Examples include: a parking lot for a commercial or industrial business; administrative and sales offices for an industrial plant; or a home occupation.

**Use, Main.** A use which is the dominant or principal activity or use of a lot.

**Use, Permitted.** A use which is permitted by right in a district, as listed on Table 1103.01A or as otherwise permitted by right in this Code, provided that such use shall comply with all provisions of this Code.

**Use, Prohibited.** A use which is not identified in this Zoning Code as either a permitted use or a special exception.

**Use, Similar.** A use which is not identified in this Code as a permitted use or a special exception in any district, but which is determined by action of the Board of Zoning Appeals and Village Council to be a use sufficiently like or compatible with other uses in a district as to be allowed as a special exception in that district.

## V.

**Variance.** An adjustment to the development standards of the zoning regulations, that does not apply to use or required density that is reviewed and approved, modified, or denied by the Board of Zoning Appeals after at least one public hearing.

**Vehicular Care Services – Major.** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

**Vehicular Care Services – Minor.** The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential, incidental body and fender work, minor painting, and upholstery service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

**Vehicle Care Services – Washes.** The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**Vehicular Sales – Automobiles.** The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

**Vehicular Sales – Boats.** The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new boats or watercraft, or used boats or watercraft as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

**Vehicular Sales – Motorcycles.** The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motorbikes or motorcycles, or used motorbikes or motorcycles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

**Vehicular Sales - Recreational Vehicles.** The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new recreational vehicles or campers, or used recreational vehicles or campers as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

**Vehicular Sign.** A sign mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile, or other vehicle parked or placed so that the signs thereon are visible from a public street or right of way.

**Veterinary.** A structure or premises utilized for the diagnosis and treatment of ill and injured animals and the short-term boarding incidental to the clinical use. A veterinary clinic cannot be implicitly interpreted as a kennel.

**Vicinity Map.** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general Village.

## W.

**Walkway.** A public or private way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Wall, of a building.** An external, vertical surface enclosing a portion of a building.

**Wall, front.** That wall of a building which most nearly parallels the front lot line of the lot on which the building is located or, for the purpose of locating a wall sign on a space within a multi-occupant building, that wall which is declared by the Planning Administrator to be the front wall, generally that wall which faces a common, central parking lot or drive.

**Wall Sign.** A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

**Warehouse – large format.** An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is greater than 50,000 square feet and includes cross-dock facilities.

**Warehouse – small format.** An enclosed storage facility which is used to store goods or parts, or for any part of the shipping process, that is under 50,000 square feet and does not include cross-dock facilities.

**Warehousing, Private.** A person or business whose primary concern and profit motive is manufacture, assembly or sale of finished products and who needs to receive, store and ship merchandise or commodities only for purposes of supporting the primary concern.

**Warehousing, Public.** A person or business whose primary purpose and profit motive is the receiving, storing, and shipping of merchandise or commodities for one or more unrelated persons or businesses.

**Water Supply Improvements.** Those improvements determined by the Village Engineer to be necessary to facilitate the satisfactory delivery of water in accordance with these regulations, with the Village Water Department standards and applicable state and federal laws and regulations.

**Weed.** Any ground cover or shrub which is typically not installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic.

**Wholesale and Distribution.** An establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

**Window Sign.** A sign painted, attached, or affixed to the interior or exterior surface of windows or doors of a building or suspended on the inside or outside of the windows or doors.

**Working day.** The days occurring Monday through Friday, excluding legal holidays. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on the weekend or a legal holiday, the act may be done on the next succeeding day that is not the weekend or a legal holiday.

## X.

No definitions.

## Y.

**Yard.** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward; provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

**Yard, front.** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

**Yard, rear.** A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.

**Yard, side.** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

## Z.

**Zoning Certificate.** A document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or lands in accordance with the previously issued zoning permit.

**Zoning District or District.** An area depicted on the official zoning map comprised of properties and land uses that are otherwise intended to reflect the comprehensive plan.

**Zoning Permit.** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses

## Landscaping Definitions

**Crown Spread.** The distance measured across the greatest diameter of the above ground portions of a plant.

**Decorative Walls and Fences.** Barriers constructed of wood, masonry, or other appropriate material.

**Developed Area.** That a portion of a plot or parcel of land upon which a building, structure, pavement, landscaped material, or other improvements, excluding public rights-of-way, have been placed.

**Diameter at Breast Height (DBH).** The diameter of the tree as measured at four and a half (4½) feet above grade. If a tree splits into multiple trunks below 4½ feet above grade, the trunk is measured at its most narrow point below the split.

**Earth Mounds.** Earthen physical barriers which block or screen a view, which have vegetation capable of preventing erosion, and have a maximum permitted slope of three feet horizontal to one vertical (3:1) where mounds are to be mowed.

**Ground Cover.** Landscape materials such as natural mulch or low growing plants installed in such a manner so as to form a continuous cover over the ground.

**Interior Landscaping.** The use of landscape materials within the boundaries of the parcel, exclusive of the perimeter landscaping.

**Landscape Buffer.** Landscape materials installed between certain land uses [i.e. (1) between multifamily and single-family uses, (2) between any residential and commercial uses, and (3) between any manufacturing and residential or commercial use], between thoroughfares and land uses, and between thoroughfares and off-street parking in order to reduce glare, unsightly views, and noise.

**Landscape Material.** Materials such as, but not limited to, living trees, shrubs, vines, lawn grasses, ground cover, landscape water features and non-living, durable material commonly used in landscaping, including, but not limited to, rocks, pebbles, sand, decorative walls and fences, earthen mounds, but excluding pavements or surfaces for

**Native Plant Species.** A plant species, other than noxious weeds, that are indigenous to the area and usually do not need human intervention to grow or reproduce.

**New Structure.** Any structure newly constructed or erected, except for fences, decks, signs, trash enclosures, swimming pools, playground equipment and accessory structures under 250 sq. ft., which requires location on the ground. Additions to, alterations to and/or reconstruction of an existing structure or building shall not be considered a new structure.

**Opacity.** The required percent of visual screening from adjacent properties in a vertical plane extending from the established grade to a required height.



**Service Structures.** Equipment or elements providing service to a building or a site including but not limited to loading docks, storage tanks, trash containers or receptacles, electrical transformers, utility vaults which extend above the surface, cooling towers, and heating and cooling units.

**Shrub.** A perennial plant which has persistent multiple woody stems from a common root and differing from a tree by its low stature and habit of branching from the base.

**Substantial Expansion.** When an existing structure or vehicular access area is expanded, altered, or enlarged where such expansion, alteration, or enlargement exceeds twenty-five (25) percent of the area of the existing structure or vehicular access area.

**Tree.** Any self-supporting, woody perennial plant which normally grows to an overall height of at least fifteen (15) feet.

**Tree, Deciduous.** Trees which normally shed their leaves in the fall.

**Tree, Large.** Any tree which normally attains a mature height equal to or greater than forty (40) feet.

**Tree Lawn.** That part of the street right of way not covered by sidewalk, bike path or other paving, lying between the sidewalk and street.

**Tree, Major.** An existing living tree with a DBH of at least eighteen (18) inches.

**Tree, Measurement.** The diameter in inches of a tree trunk measured six (6) inches above grade for trees equal to or less than six (6) inches in diameter or measured at DBH for trees larger than six (6) inches in diameter.

**Tree, Medium.** Any tree which normally attains a mature height greater than twenty-five (25) feet and less than forty (40) feet.

**Tree, Small.** Any tree which normally attains a mature height greater than fifteen (15) feet and less than twenty-five (25) feet.

**Tree, Standard.** A tree planted with a trunk caliper (diameter) of at least one and 3/4 (1¾) inches measured 6" above grade.

**Vehicle Encroachment.** Any protrusion of a vehicle outside of a parking space, display area, storage area, access way, or access aisle into a landscape area.

**Vehicular Use Area.** Any paved surface area, excepting public rights-of-way, used by any type vehicle, whether moving or at rest for the purpose of (including but not limited to) driving, parking, loading, unloading, or storage.

## Telecommunications Definitions

**Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Antenna Support Structure.** Any building or other structure other than a Tower which can be used for location of Wireless Telecommunications Facilities.

**Co-location.** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Engineer, Radio Frequency.** An engineer who possesses the additional qualifications of holding an FCC General Radiotelephone Operator License and who has successfully completed training in electromagnetic field theory and antenna theory.

**Equipment Shelter.** The structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.

**FAA.** The Federal Aviation Administration and any legally appointed, designated, or elected agent or successor.

**FCC.** The Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

**Height or Above Ground Level.** When with respect to Chapter 1105.13, the distance measured from the finished grade at the base of the tower/structure to the highest point on the tower or other structure, including the base pad and any antenna.

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

**Open Space.** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

**Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless telecommunications towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Towers, Pre-existing and Pre-existing Antennas.** Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**Viewshed.** The area surrounding a Wireless Telecommunications Facility or Antenna Support Structure, within which the Facility or Structure is visible from street level.

**Wireless Telecommunications Facilities.** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a Person seeks to locate or has installed upon a Tower or Antenna Support Structure. However, the term Wireless Telecommunications Facilities shall not include: (1) Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial; (2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; (3) Antennas used by amateur radio operators are excluded from this definition.