

CODIFIED ORDINANCES OF SHAWNEE HILLS
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Regulations

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CHAPTER 1105
General Provisions

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| 1105.01 Authority and purpose. | 1105.03 Application. |
| 1105.02 Scope. | 1105.04 New annexed areas. |

CROSS REFERENCES

- Zoning of Annexed Areas - see Ohio R.C. 303.25, 519.18
- Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

1105.01 AUTHORITY AND PURPOSE.

(a) Authority. This Zoning Ordinance adopted under authority granted to Ohio Municipal Corporations by the Legislature of the State of Ohio in Chapter 713, Ohio Revised Code. This Ordinance and all provisions contained herein shall be known as village of Shawnee Hills Zoning Ordinance and may be cited as such or as the Zoning Ordinance.

(b) Purpose. The purpose of this Zoning Ordinance is as prescribed by Section 713.02 Ohio Revised Code. (Ord. 363. Passed 6-22-81.)

1105.02 SCOPE.

(a) Territorial Limits. The provisions of this Zoning Ordinance shall apply to all land within the Village of Shawnee Hills, Ohio. (Ord. 363. Passed 6-22-81.)

1105.03 APPLICATION.

(a) Exemptions. The regulations set forth in this Zoning Ordinance shall affect all land, every structure and every use of structure, except public utilities or railroads as is now specifically exempt by law or as may be hereafter amended by law or as is exempted by subsection (a)(3) hereof.

- (1) Public utility and railroads. Public utilities and railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures for the operation of its business.
- (2) Outdoor advertising. Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, trade or lands used for agricultural purposes.
- (3) Governmental functions. Any local, State or Federal activity carried on for the purpose of administrative, protective, executive, service, legislative or judicial function shall not be prohibited.

(b) New Development. New development including the subdivision of land, construction and the use of land or structures shall conform with the regulations for the Zoning District in which such development is located.

- (1) New subdivisions. The subdivision or re-subdivision of land shall not create lots less than the minimum size required for the Zoning District in which such land is located nor shall lots be provided or intended for uses not allowed in the Zoning District.
- (2) New structures. New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Ordinance and in accordance with the Subdivision Ordinance of Shawnee Hills, Ohio, and shall conform with the development standards of the Zoning Districts in which such constructions are permitted, except as is otherwise provided for in subsection (d)(1) hereof.
- (3) New uses. Any new use of land or a structure shall be a permitted use or a conditional use for the Zoning District in which such use is to be located.

(c) Existing Conforming Lots, Structures or Uses. Lots, structures, or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued; and may be altered, extended, or changed in accordance with the following:

- (1) Conforming lots. A conforming lot may be changed, altered, enlarged or reduced in dimension, provided however, that the remaining lot and/or resulting lots shall conform to the development standards for the Zoning District in which the lot is located.
- (2) Conforming structure. A conforming structure may be altered, reconstructed, or extended only in such manner as will comply with the development standards of the Zoning District in which the structure is located.
- (3) Conforming use. A conforming use may be expanded, modified, or changed only in such a manner as will comply with the permitted use, or conditioned use regulations and with the development standards of the Zoning District in which the conforming use is located.

(d) Non-conforming Lots, Structures, or Uses. Existing lots, structures and accessory development or the use of lots and/or structures which would be prohibited under the regulations for the Zoning District in which they are located shall be considered as non-conforming.

(1) Non-conforming Lots of Record:

- A. Any lot of record that does not meet the requirements of this ordinance shall be considered a nonconforming lot of record.
- B. If two (2) or more contiguous lots or combinations of contiguous lots in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance in the zoning district in which the lot(s) are located, the lands shall be considered to be an undivided parcel for the purposes of this ordinance.
- C. Exceptions:
 - 1. A non-conforming lot or lots of record may be conveyed to adjacent tracts to make those tracts into a conforming (or more conforming) lot, provided such transfer does not create a residual non conforming lot or lots of record that is even less conforming to current zoning standards.
 - 2. The construction of a single family residence may be permitted as a conditional use on a non conforming lot(s) of record if a development plan is approved by the Board of Zoning Appeals pursuant to the following standards.

Exception (I) Single Lot of Record (35' x 70', or larger, minimum area of lot) Where a single, free standing non-conforming lot of record exists as of September 1, 2000, having a lot area less than required by the residential zone wherein said lot is located, a single family house may be permitted on the lot as a conditional use, provided the Board of Zoning Appeals determines that the following conditions are met:

aa.) The lot has a least 35' of frontage on an existing and improved (paved asphalt or concrete) publicly maintained street;

bb.) The lot was of separate ownership from all adjacent and contiguous lots (not adjacent to any lots held by the same legal owner or legal entity) as of September 1, 2000;

cc.) The lot has not been separated from adjacent contiguous lots under the same ownership after September 1, 2000 for the purpose of qualifying for an individual lot exception;

dd.) The adjacent and contiguous parcels exist as developed building lots, street right of way, or other legal non conforming lots of record under other separate ownership;

(Ord. 04-2001. Passed 4-9-01.)

ee.) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer that conforms to the following minimum standards for both a house and a required one-car garage. (Ord. 04-2004. Passed 3-22-04.)

- 1.) Front Setback (House): 17 & ½ feet from street right of way
- 2.) Front Setback (Garage): 40 feet from street right of way
- 3.) Rear Yard Setback (House): 20 feet from rear lot line
- 4.) Side Yard Setback for a house constructed with full masonry exterior (stone, stucco, of brick): 5 feet on the non-driveway side; 10 feet on the driveway side.

- 5.) Side Yard Setback for a house without full masonry exterior: 8 feet on the non-driveway side; 10 feet on the driveway side.
- 6.) Rear/Side Setback (Garage): 3 feet; or 0 (zero) feet if the garage walls are solid masonry construction (stone, stucco, or brick), with the side and back walls of the garage being coterminous with a masonry (stone, stucco, or brick) perimeter wall adjacent to the lot line. Garage eaves shall not overhang or encroach onto neighboring lots without adjacent owner's permission.
- 7.) Privacy Walls: A masonry (stone, stucco, or brick) party wall up to 72 inches in height may be required by the Board of Zoning Appeals to extend along portions of the side or rear lot lines to provide privacy to contiguous established residences.
- 8.) Minimum total square footage of dwelling: 1,050 square feet.
- 9.) Maximum square footage of garage: 288 square feet.
- 10.) Maximum structural (house and garage) coverage of lot: 35%
- 11.) Maximum impervious surface coverage of lot: 55%, Decks may constitute an additional 10% of the lot area for a maximum of 65% total impervious surfaces.
- 12.) Minimum landscaped green space on lot: 45%, adhering to Village standards. Approved decks are considered landscaped green space.
- 13.) Public water is provided.
- 14.) Sanitary Sewer: A sewer tap is allocated by the Village, and the house connects to the sanitary sewer system.
- 15.) Variance of any development standard as described above shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of **CHAPTER 1133 BOARD OF ZONING APPEALS.**

Exception (II)- Two Contiguous Front-to-Back Lots of Record with less than 14,700 square feet of aggregate minimum lot area: Same requirements as Exception (1), but a two-car garage is permitted, maximum 480 square feet, and the lots shall be combined into one lot for tax purposes. If both lots have frontage on improved streets, garage access may be from the rear street.

Exception (III)- Two Contiguous Side-by-Side Lots of Record with less than 14,700 square feet of aggregate minimum lot area: Where two, contiguous non-conforming lots of record exist side-by-side as of September 1, 2000, having a lot area less than required by the residential zone wherein said lot is located, a single family house and two car garage may be permitted on the two lots as a conditional use, provided the Board of Zoning Appeals determines that the following conditions are met:

- aa.) The lots are combined into one lot for tax purposes.
- bb.) The combined lot has at least 70' of frontage on an existing and improved (paved asphalt or concrete) publicly maintained street;

- cc.) The two lots were of separate ownership from all adjacent and contiguous lots (not adjacent to any lots held by the same legal owner or legal entity) as of September 1, 2000.
- (dd.) The lots have not been separated from adjacent contiguous lots under the same ownership after September 1, 2000 for the purpose of qualifying for a dual lot exception;
- ee.) The adjacent and contiguous parcels exist as developed building lots, street right of way, or other legal non conforming lots of record under other separate ownership;
(Ord. 4-2001. Passed 4-9-01.)
- ff.) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer that conforms to the following minimum standards for both a house and a required two-car garage: (Ord. 04-2004. Passed 3-22-04.)
- 1.) Front Setback (House): 17 ½ feet from street right of way;
 - 2.) Front Setback (Garage): 40 feet from street right of way; 30 feet if a 16' wide driveway is installed.
 - 3.) Rear Yard (House): 20 feet from rear lot line.
 - 4.) Side Yard Setback for a house constructed with full masonry exterior (stone, stucco, or brick): 5 feet on the non-driveway side; 10 feet on the driveway side.
 - 5.) Side Yard Setback for a house without full masonry exterior: 8 feet on the non-driveway side; 10 feet on the driveway side.
 - 6.) Rear/side Yard Setback(Garage): 3 feet; 0 (zero) feet if the garage is full masonry construction (stone, stucco, or brick), with the side and back walls of the garage being coterminous with a masonry perimeter wall adjacent to the lot line. Garage eaves shall not overhang or encroach onto neighboring lots without the adjacent owner's permission
 - 7.) Privacy Walls: A masonry (stone, stucco, or brick) wall up to 72 inches in height may be required by the Board of Zoning Appeals to extend along portions of the side and rear lot lines to provide privacy to an established contiguous residence.
 - 8.) Minimum total square footage of dwelling: 1,250 square feet.
 - 9.) Maximum square footage of garage: 576 square feet.
 - 10.) Maximum structural (house and garage) coverage of lot: 35%
 - 11.) Maximum impervious surface coverage of lot: 55%
 - 12.) Minimum landscaped green space on lot: 45%, adhering to Village streetscape standards.
 - 13.) Public Water is provided.
 - 14.) Sanitary Sewer: A sewer tap is allocated by the Village, and the home connects to the sanitary sewer system.
 - 15.) Variance of any development standard as described above, shall be obtained only through action of the Board of Zoning appeals in accordance with the provisions of **CHAPTER 1133 BOARD OF ZONING APPEALS.**

Exception IV – Three Contiguous Side-by-Side Lots of Record

with less than 14,700 aggregate square feet exclusive of road right of way – Same as Exception (III) EXCEPT THAT SIDE YARDS FOR THE HOUSE ARE MINIMUM 15', BOTH SIDES.

Exception V – Three Contiguous Lots of Record with Two Lots Side-by-Side, and Two Lots Contiguous Front-to-Back

with less than 14,700 aggregate square feet of area exclusive of road right-of-way. Same standards as Exception (III); a two car garage is permitted and a rear driveway is permitted on lots with front and rear access to improved streets.

Exception VI - Four or Five Contiguous Lots of Record, Two of Which are Contiguous Side-to-Side and Two of Which Are Contiguous Front to Back:

Where four or five contiguous non-conforming lots of record exist side by side as of September 1, 2000, having a lot area less than required by the residential zone wherein said combined lot is located, a single family house and two car garage may be permitted on the combined lots as a conditional use, provided the Board of Zoning Appeals determines that the following conditions are met:

- aa.) The lots are combined into one lot for tax purposes.
- bb.) The combined lot has at least 70' of frontage on an existing and improved (paved asphalt or concrete) publicly maintained street.
- cc.) The lots were of separate ownership from all adjacent and contiguous lot (not adjacent to any lots held by the same legal owner or legal entity) as of September 1, 2000.
- dd.) The lots have not been separated from adjacent contiguous lots under the same ownership after September 1, 2000 for the purpose of qualifying for an exception.
- ee.) The adjacent and contiguous parcels exist as developed building lots, street right-of-way, or other legal non conforming lots of record under separate ownership. (Ord. 04-2001. Passed 4-9-01.)
- ff.) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer that conforms to the following minimum standards for both a house and a required two-car garage: (Ord. 04-2004. Passed 3-22-04.)
 - 1.) Front Setback (House): 17 ½ feet from street right of way.
 - 2.) Front Setback (Garage): 30 feet from street right of way.
 - 3.) Rear Yard (House): 25 feet from rear lot line.
 - 4.) Side Yard (House): setback: 15 feet on both sides.
 - 5.) Rear/Side Setback (Garage): 5 feet
 - 6.) Minimum Total Square Footage of Dwelling: 1,250 square feet.
 - 7.) Minimum Square Footage of Two Car Garage: 400 square feet.
 - 8.) Maximum Structural (House and Garage) Coverage of Lot: 30%
 - 9.) Maximum Impervious Surface Coverage of Lot: 45%
 - 10.) Minimum Landscaped Green space on Lot: 55%, adhering to Village streetscape standards.
 - 11.) Public Water is provided.

- 12.) Sanitary sewer – A sewer tap is allocated by the Village, and the home connects to the sanitary sewer system.
- 13.) Variance of any development standard as described above shall be obtained only through action of the Board of Zoning Appeals in accordance with the provision of **CHAPTER 1133**. (Ord. 04-2001. Passed 4-9-01.)
- (2) Non-conforming structures and development. Structures and/or accessory development, which by reason of size, type, location on the lot, or otherwise in conflict with the regulations of the Zoning District in which they are located may be altered, reconstructed or extended only in such a manner that the alteration, reconstruction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located.
- Such alteration, reconstruction, or extension shall include additional development and compliance with the development standards of the Zoning District as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.
- (3) Non-conforming uses. The non-conforming use of a lot and/or a structure may be continued, expanded or changed subject to the following:
- A. Change of a non-conforming use shall be allowed to a permitted use of the Zoning District in which the non-conforming use is located.
 - B. On approval of an appeal to the Board of Zoning Appeals a non-conforming use may be changed to a use found to be more nearly in character with the Zoning District in which the non-conforming use is located.
 - C. On approval of an appeal to the Board of Zoning Appeals a non-conforming use may be expanded within an existing structure manifestly arranged or developed for such use; said expansion of such non-conforming use shall not exceed fifty percent (50%) of the total floor area of the existing building.
 - D. No non-conforming use may be re-established where such non-conforming use has been discontinued for a period of at least two years. The non-conforming use of any structure damaged by fire, explosion, flood, riot, or act of God may be continued and used as before any such calamity, provided such reconstruction is started within twelve months of such calamity and is continued in a reasonable manner until completed.
(Ord. 363. Passed 6-22-81.)

1105.04 NEW ANNEXED AREAS.

Any territory annexed to the Village on or after adoption of this Zoning Ordinance, shall immediately upon its acceptance by the Village, be zoned R-2 Single-Family, unless such other zoning district is considered and acted upon in accordance with requirements of law at the time of annexation. (Ord. 11-99. Passed 9-13-99.)

**CHAPTER 1109
Zoning District Map**

**1109.01 Zoning district map adopted.
1109.02 Designation of zoning districts.**

1109.03 Interpretation of zoning district boundaries.

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10
Basis of districts - see Ohio R.C. 713.10

1109.01 ZONING DISTRICT MAP ADOPTED.

(a) Division of Land. All land in Shawnee Hills within the scope of this Zoning Ordinance is placed into Zoning Districts as shown on the Zoning District Map of Shawnee Hills, Ohio, which is hereby adopted and declared to be a part of this Zoning Ordinance.

- (1) Final authority. The Zoning District Map, as amended from time to time, shall be the final authority for the current Zoning District status of land under the jurisdiction of the Zoning Ordinance.
- (2) Land not otherwise designated. All land under this Zoning Ordinance and not designated or otherwise included within another zoning district shall be included in the R-2 Single Family District.

(b) Identification of the Zoning District Map. The Zoning District Map, with any amendments made thereon, shall be identified by the signatures of the Mayor and Clerk of the Village of Shawnee Hills, Ohio, under the following words:

“Zoning District Map, Shawnee Hills, Ohio, Adopted by
the Council of the Village of Shawnee Hills, Ohio”

(Ord. 14-2003. Passed 7-14-03.)

1109.02 DESIGNATION OF ZONING DISTRICTS.

(a) Standard Zoning Districts. The name and symbol for Standard Zoning Districts as shown on the Zoning District Map are as follows:

<u>NAME</u>	<u>SYMBOL</u>
Single Family District	R-2
Multiple Family District	R-4
Office-Institutional	O-I
Neighborhood Commercial	NC
Community Commercial	CC
General Commercial	GC
Select Commercial Planned District	SCPD

(b) Planned Development Zoning District. The name and symbol for Planned Development Zoning Districts as shown on the Zoning District Map or as prescribed by this Zoning Ordinance are as follows:

<u>NAME</u>	<u>SYMBOL</u>
Planned Unit Development District	PUD
Planned Neighborhood Center	PNC

(c) Legend. There shall be provided on the Zoning District Map a Legend which shall list the name and symbol for each Zoning District.

- (1) Use of color or pattern. In lieu of a symbol, a color or black and white pattern may be used on the Zoning District Map to identify each Zoning District as indicated in the Legend. A Planned Zoning District boundary shall be in green. A Special District shall have a black and white pattern.
- (2) Explanatory notes.
 - A. The Rural District has no symbol and includes all land under this Zoning Ordinance not designated or otherwise included within another Zoning District.
 - B. A Residential Zoning District symbol is suffixed by a number which indicates the general number of dwelling units per acre land obtainable under the regulations of the Residential Zoning District.

(Ord. 363. Passed 6-22-81; Ord. 4-99. Passed 5-10-99; Ord. 12-2003. Passed 6-23-03.)

1109.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of Zoning Districts as shown on the Zoning District Map, the following rules shall apply:

- (a) Along a Street or Other Right of Way. Where Zoning District boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement or other right of way, or a river, creek or other water course, such center line shall be the Zoning District boundary.
- (b) Along a Property Line. Where Zoning District boundary lines are indicated as approximately following a lot line, such lot line shall be the Zoning District boundary.
- (c) Parallel to Right of Way or Property Line. Where Zoning District boundary lines are indicated as approximately being parallel to the center line or a property line, such Zoning District boundary lines shall be parallel thereto and, in the absence of specified dimension on the map, at such scaled distance therefrom as indicated on the Zoning District Map.
- (d) Actual Conflict with Map. When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists, shall furnish an actual survey for interpretation by Council. (Ord. 363. Passed 6-22-81.)

**CHAPTER 1113
District Regulations**

<p>1113.01 Regulation of the use and development of land and structures.</p> <p>1113.02 Rural district. (Repealed)</p> <p>1113.03 (R-1) Single Family District. (Repealed)</p> <p>1113.04 (R-2) Single Family District.</p> <p>1113.041 Deed restrictions for Shawnee Woods Subdivision.</p> <p>1113.05 (R-4) Multiple Family District. (Repealed)</p> <p>1113.06 (O-I) Office-Institutional District.</p>	<p>1113.07 (NC) Neighborhood Commercial District.</p> <p>1113.08 (CC) Community Commercial District.</p> <p>1113.09 (GC) General Commercial District.</p> <p>1113.10 (LI) Light Industrial District. (Repealed)</p> <p>1113.11 Tree Preservation Overlay District.</p> <p>1113.12 (SCPD) Select Commercial Planned District.</p>
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CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Airport zoning - see Ohio R.C. Ch. 4563

1113.01 REGULATION OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES.

Regulations pertaining to the use of land and/or structures, and the physical developments thereof within each of the Zoning Districts as adopted as a Standard Zoning District in Chapter 1109 and as shown on the Zoning District Map are hereby established and adopted.

- (a) Rules of Application. The Standard District Regulations set forth in this Chapter shall be interpreted and enforced according to the following rules.
- (1) Identification of Uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Ordinance.
 - (2) Permitted Uses. Only a use designated as a Permitted Use shall be allowed as matter of right in a Zoning District and any use not so designated shall be prohibited except, when in character with the Zoning District, such additional uses may be added to the Permitted Uses of the Zoning District.

- (3) Conditional Uses. A use designated as a Conditional Use shall be allowed in a Zoning District when such Conditional Use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District. To this end the Board of Zoning Appeals shall in addition to the Development Standards for the Zoning District, set forth such additional requirements as will, in its judgment render the Conditional Use compatible with the existing and future use of adjacent lots and the vicinity. (For Procedure, see 1133.05)
- (4) Development Standards. The Development Standards set forth shall be minimum allowed for development in a Zoning District. If the Development Standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern. (Ord. 363. Passed 6-22-81.)

1113.02 RURAL DISTRICT.

(EDITOR'S NOTE: Former Section 1113.02 was deleted from the Zoning Ordinance by Ordinance 4-99, passed May 10, 1999.)

1113.03 (R-1) SINGLE FAMILY DISTRICT.

(EDITOR'S NOTE: Former Section 1113.03 was deleted from the Zoning Ordinance by Ordinance 4-99, passed May 10, 1999.)

1113.04 (R-2) SINGLE FAMILY DISTRICT.

(a) Purpose. The R-2 District is specifically created to provide for the development of medium to low density of single family homes and customary supporting residential facilities. (Ord. 363. Passed 6-22-81.)

(b) Permitted Uses.

- (1) One-family dwellings.
- (2) Accessory structures to single family dwellings such as garages for the noncommercial storage of automobiles.
- (3) Churches and places of worship providing such a structure occupies a site of two or more acres. All parking regulations must be met.
- (4) Public elementary, middle, or high schools provided all parking regulations are met and the site is at least three acres.
- (5) Public park, playgrounds, and play fields operated with or without a fee.

(c) Conditional Uses.

- (1) Private schools, including child care centers offering general education courses and having no facilities for the housing of students. Such uses shall be shown to have sufficient site area to provide for adequate traffic movement and minimum interference to adjacent property.
- (2) Other public facilities such as public libraries, municipal buildings, and community buildings subject to location, traffic considerations and site characteristics.

- (3) Customary home occupations contained totally within the home, meeting the requirements of the home occupation and sign regulations pertaining to identification of such occupation and having no adverse effect upon neighboring properties, such as traffic or parking burdens.
 - (4) Violation of the permitted uses shall be grounds for revocation of the conditional use. (Ord. 10-99. Passed 9-13-99.)
- (d) Development Standards.
- (1) Site requirements for each dwelling.
 - A. Minimum site area: 14,700 square feet.
 - B. Minimum site width: Seventy feet
 - C. Minimum front yard: Structures shall be set back from all street right of way lines a minimum of 17 1/2 feet
 - D. Minimum side yard: 15 feet
 - E. Minimum rear yard: 25 feet
 - F. Maximum site coverage: Twenty percent (20%)
 - (2) Building requirements for each dwelling unit.
 - A. Maximum height: Thirty feet
 - B. For accessory buildings over 200 sq. feet: Minimum side yard: 10 feet. Minimum set back from rear property line: 15 feet.
For accessory buildings 200 sq. feet or less:
No minimum side or rear yard setback.
 - C. Swimming pools, rear yard only, minimum setback from house ten feet, minimum setback from side or rear lot line five feet. The yard and/or pool shall be enclosed with a fence no less than 48 inches high and must have a self-closing/locking gate.
 - (3) Site development requirements. In all cases, all applicable sections of the sign, parking, landscaping and subdivision regulations must be followed to satisfy site development requirements.

(e) Dwelling Size. Each permanent, single family dwelling hereafter erected within the Incorporated Boundaries of the Village, shall have a living area of no less than 1,250 square feet, plus a two car garage. The garage may be attached or detached. (Ord. 363. Passed 6-22-81; Ord. 08-97. Passed 4-28-97; Ord. 10-01. Passed 5-23-01; Ord. 02-2003. Passed 5-12-03.)

(f) Obstructing Line of Sight. No accessory building shall be placed in such a location that it will obscure the line of sight of people using the streets (walking or driving) and approaching an intersection. (Ord. 10-2001. Passed 5-23-01.)

1113.041 DEED RESTRICTIONS FOR SHAWNEE WOODS SUBDIVISION.

The following deed restrictions and protective covenants be adopted for the Shawnee Woods subdivision exclusively.

- (a) Land Use. No lot shall be used for anything other than residential purposes, unless said Lot is designated as a commercial property. Reserve B and C are not subject to restrictions. No building shall be erected, altered, placed or permitted to remain on any Lot other than one single-family dwelling, not to exceed two and one-half stories in height, maximum of thirty (30) feet, together with necessary accessory buildings including an attached or detached private garage for a minimum of two (2) cars, but not more than three (3) cars.

- (b) Plan Approval. No excavation, building, or other structure requiring a permit shall be commenced, erected, installed, used or maintained on any Lot, nor shall an addition, change or alteration to any structure on any Lot be made, until plans and specifications have been submitted to, and approved by the Village of Shawnee Hills.
- (c) Minimum Square Footage. For each dwelling to be constructed the following minimum livable heated and finished floor areas are required, exclusive of open porches, garages, attics and basements.
 - (1) Each two-story home shall contain a minimum of 2,200 square feet.
 - (2) Each one-story home shall contain a minimum of 2,000 square feet.
 - (3) Each one and one-half story home (1-1/2) shall contain no less than 2,200 square feet.
 - (4) Each split level home (multi-level) shall contain a minimum of 2,200 square feet on no more than three (3) different levels.
- (d) Set Back/Set in Lines. The set back and/or set in lines relating to the location of the dwellings and permanent improvements on the respective Lots herein described shall be as follows:
 - (1) From the front Lot line (facing the street) a minimum of thirty-five (35) feet, with the exception of Lots #5562,5563, 5564, which shall be a minimum of twenty-five (25) feet.
 - (2) From the rear Lot line, a minimum of twenty-five (25) feet.
 - (3) From the side yard Lot lines, a minimum of fifteen (15) feet.
 - (4) Houses are to be built into the woods. Front trees facing street not to be removed except for driveway and other required services.
- (e) Exterior Materials. Most earth-tone colors work well in tying together the continuity of buildings. The intent is for the individual house to blend into the total image. All materials used in construction shall be stone, brick, cultured brick or stone, wood and/or stucco. There shall be no exposed concrete block, except foundation, nor any vinyl or aluminum siding, except soffits and fascia. Stains are preferred to paints. Roof colors should not contrast sharply with the rest of the house, darker colors are preferred. All elevations shall be finished and in keeping (compatible) with each other.
- (f) Detached Structures. All improvements to the Lots which are detached shall be constructed of the same type of materials as the dwelling unit. No prefab metal buildings are acceptable.
- (g) Roof Slope. All front facing roof slopes on the improvements constructed on the Lots shall have a minimum pitch of 6/12. Generally gable, hip and shed roofs with combinations thereof are acceptable. The dominant colors of the roof which are acceptable shall be dark colors.
- (h) Utilities. All pipes, lines, electrical line, secondary service, and telephone lines furnishing utility services to any building hereafter constructed on the above described premises shall be located underground.

- (i) Paving. All drives and parking areas shall be paved. Examples of acceptable materials are: concrete, asphalt, stone and brick pavers. Ideally, garage doors should be screened from the street and drives should curve. Garage to be side entry, (minimum of 45 degrees from front of house), or rear entry garage.
- (j) Grading and Drainage. No construction, grading or other improvements shall be made to any Lot if such improvements would interfere with or otherwise alter the general grading and drainage plan of the Subdivision or any existing swales, floodways, or other drainage configurations. If original drainage is altered, Lot owner is responsible for repairing and grading to original condition.
- (k) Landscaping. All Lots or parts thereof on which residences or commercial buildings are constructed shall be graded and landscaped promptly upon completion of such residence or commercial building, and shall thereafter be maintained neatly and in accordance with the descriptions, plans and specifications thereof.
- (l) Mailboxes. All mailboxes within the Subdivision shall be of uniform design, color, and construction. To order, call Cedar Craft Products, Inc. (614) 759-1600. Product code: SNW 6604.
- (m) Fences. No chain link or wire fences, including dog runs, or stockade fences, shall be constructed and/or permitted on the subject Lots. All other fences are to meet the Village requirements.
- (n) Antennas. No television or radio antennas or dishes of any type or nature shall rise above the roof line of any residence, nor shall there be any freestanding antenna of any type on any Lot with the exception of dishes not to exceed twenty-one (21) inches in diameter which must be screened from street and adjacent properties.
- (o) Temporary Structures. No structures of a temporary character, basement, shack, garage, barn, or other out building shall be used on any Lot at any time as a residence, either temporarily or permanently.
- (p) Soil Removal. No soil shall be removed for any commercial purpose.
- (q) Signs. No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than twelve (12) square feet advertising the property for sale or rent and promotional signs used by a builder during the construction period, not to exceed two (2) square feet. School spirit signs are allowed.
- (r) Nuisances. No obnoxious or offensive activity shall be permitted on any Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- (s) Animals. No animals, birds, insects, livestock, reptiles, or poultry of any kind shall be raised, bred, or kept on any Lot except dogs, cats, or other household pets which are kept for domestic purposed only, and are not kept, bred, or maintained for any commercial purpose. No more than two dogs and two cats may be kept on any Lot or in any Building or combination of Buildings on any Lot except when such dogs or cats in excess of such numbers are less than three months of age.

- (t) Pleasure and Utility Vehicle and Equipment Parking and Storage. No truck, trailer, boat, camper or other recreational vehicles, commercial vehicles or utility vehicles and equipment, including mowers, tractors and other lawn or garden equipment, shall be parked or stored on any Lot outside of an enclosed garage; provided, however, that nothing herein shall prohibit the occasional non-recurring temporary parking of such truck, trailer, boat, camper, recreational vehicle or commercial vehicle on the premises for a period not to exceed 48(forty-eight) hours in any period of 30 (thirty) days. The work “truck” shall include and mean every type of motor vehicle other than passenger cars and other than any pickup truck and SUV vehicles which are used as a vehicle by an owner of a Lot and his family, for personal, household, and family purposes.
- (u) Vehicles Not in Use. No automobile or motor-driven vehicle shall be left upon a Lot for a period of longer than fourteen (14) days in a condition where it is not able to be operated upon the public highway, after which time the vehicle shall be considered as a nuisance and detrimental to the welfare of the neighborhood and shall be removed from the Lot.
- (v) Waste Disposal. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment used for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
- (w) Lot Split. No Lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise, so as to create a new Lot.
- (x) Term. These reservations, restrictions, conditions, easements, charges, agreements, covenants, obligations, rights and uses and provisions shall bind the Grantee, its successors and assigns, and shall be considered covenants running with the land until the first day of January 2005, after which time said covenants shall be automatically extended for successive periods of then (10) years each, unless an instrument signed by a majority of the then owners of the Lots has been recorded, agreeing to change said covenants, in whole or in part.
(Ord. 24-2001. Passed 11-26-01.)

1113.05 (R-4) MULTIPLE FAMILY DISTRICT. (REPEALED)

(EDITOR'S NOTE: Former Section 1113.05 was repealed by Ordinance 19-99, passed December 13, 1999.)

1113.06 (O-I) OFFICE-INSTITUTIONAL DISTRICT.

(a) Purpose. Certain areas are better suited to meet the traffic accessibility demands of office and institutional uses and to serve as compatible buffer zones between residential district and commercial or other higher use areas. It is the purpose of the Office-Institutional District to promote, encourage, and regulate the development of applicable uses within the District.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Administrative office primarily engaged in general administrative supervision, purchasing, accounting and other management functions.
 - 1. Banks, credit and other financial agencies without drive-in facilities;
 - 2. Security, investment and commodity brokers, dealers and associated services;
 - 3. Insurance agents, brokers and services;
 - 4. Real estate and associated services.
- B. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions to include:
 - 1. Medical and medical related activities, but not to include veterinary office or animal hospitals;
 - 2. Other health and allied medical facilities;
 - 3. Legal, engineering and architectural services;
 - 4. Accounting, auditing and other bookkeeping services.
- C. Institutes providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public including:

1. Hospitals.
 2. Elementary and secondary schools.
 3. Colleges, universities, professional schools, junior colleges and galleries.
 4. Libraries, museums, and art galleries.
 5. Religious organizations.
- D. Organizations and associations organized on a profit making or non-profit making basis for the promotion of membership interests to include:
1. Business and professional associations and organizations.
 2. Labor unions and similar labor organizations.
 3. Civic, social, and fraternal associations.
 4. Political, charitable and other non-profit membership associations not elsewhere classified.
- (2) Conditional uses.
- A. Funeral homes and related facilities.
 - B. Veterinary offices and animal hospitals.
 - C. Motels, organization motels and lodging houses on a membership basis.
 - D. Restaurants and eating places, but not to include drive-in or fast food operations.
 - E. Banks, credit and other financial agencies with drive-in facilities.
 - F. Photographic studios, including commercial photography.
 - G. Beauty and barber shops.
 - H. Research, development and testing laboratories.
 - I. Non-profit educational and scientific research laboratories.
 - J. Vocational schools.
- (c) Development Standards.
- (1) Site requirements.
- A. Minimum site requirement: Six contiguous lots or 15,750 sq. ft. whichever is less. Site must be adequate to meet all yard and parking requirements.
 - B. Minimum site width: Structures shall be set back from all street right of way lines a minimum of 40 feet.
 - C. Minimum front yard: Structures shall be set back from all street right of way lines a minimum of five feet of green space protected by curb or barrier.
 - D. Minimum side yard facing side streets: Structures shall be set back from all street right of way lines a minimum of five feet of green space protected by curb or barrier.
 - E. Minimum rear yard: Twenty-five feet when abutting residential district, twenty feet in all other cases.
 - F. Maximum site coverage: Main and accessory structures shall occupy no more than eighty percent (80%) of the site.
 - G. Parking areas: (Deleted)
- (2) Building requirements.
- A. Maximum height: Thirty feet
 - B. Church steeples and bell towers as part of the construction of a church are excepted from this requirement.

- (3) General site development.
- A. The applicable sections of the parking, sign and landscaping regulations of this Zoning Ordinance must be met.
 - B. A traffic concept scheme must be shown, illustrating traffic control points, points of access, loading areas, parking areas, with number of spaces indicated and overall traffic flow patterns. In addition, expected number of peak hour traffic volume for employees as well as deliveries or other transports shall be described by text.
 - C. Storm drainage systems shall be indicated and outdoor trash container systems shall be specifically located and sufficiently screened to avoid nuisance to surrounding properties.
 - D. All sections of the lot not being planned for development according to the application plan shall be labeled as to expected future use or expansion. (Ord. 363. Passed 6-22-81.)

1113.07 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose. The purpose of the Neighborhood Commercial District is to permit and encourage the orderly, visually cohesive development of businesses and neighborhood shopping facilities on commercially-zoned properties along State Route 745 in Shawnee Hills. The Neighborhood Commercial District seeks to protect and enhance the aesthetic image of the Village, while providing for the health, safety and welfare of business patrons and Village residents.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Any retail business or service establishment supplying commodities or performing service primarily for residents of the neighborhood.
- B. Grocery stores of less than 4,000 square feet. Fruit and vegetable stores, bakeries, drug stores, shoe repair shops, barber and beauty shops, meat markets, music stores, newspaper stations, postal substations.
- C. Business and professional offices, excluding drive-in banks, and other similar establishments.
- D. Restaurants, delicatessens, tea rooms, soda fountains, and ice cream parlors, not including drive-in restaurants, entertainment dancing or sale of alcoholic beverages.
- E. Churches, public buildings, and other facilities for public use, excluding hospitals.

(2) Conditional uses.

- A. Book stores.
- B. Nursery schools and day care centers.
- C. Veterinary clinics without outside runs or overnight boarding.
- D. Minor automotive repair garage and parking lots, not permitting overnight parking or storage.
- E. Coin operated self service laundry and dry cleaning establishments, distance of not less than 20 feet of any residential district.
- F. Apartment facilities may be constructed over storerooms in Neighborhood Commercial District provided each unit shall comply with the Building Code as to a completed apartment and shall have at least 150 square feet of lot area per room (of over eighty feet inside area) exclusive of the required parking area or garage area.
- G. Art or antique shops, interior decorating shops, paint or wallpaper shops, and artists supply stores.

- H. Other uses: Any other retail business or service establishment or use determined by the Planning Commission to be of the same general character as the above general uses, but not including any use which is first permitted or prohibited in the Community Commercial District.

(c) Development Standards

(1) Site requirements.

- A. Minimum site area. Six contiguous lots or 15,750 sq. ft. whichever is less. Site must be adequate to meet all yard and parking requirements.
- B. Minimum site width: None except that all sites must abut a public street and have adequate width to meet the parking and yard space requirements.
- C. Minimum front yard. Structure shall be set back from all street right of way lines a minimum of thirty-five (35) feet. Property located between the street right of way and the building line shall include:
1. Planting of at least three street trees of a minimum of three inch caliper and of a variety required by the Village;
 2. Four foot wide concrete sidewalk running the length of the property from side property line to side property line, to be located twenty feet from edge of the front street easement;
 3. Landscaping to include grass and applicable property/parking lot screening. Application landscape softening of building landscape density to be forty percent (40%). Plan must be submitted and approved by Municipal Forester.
- D. Minimum side yard facing side streets: Structures shall be set back from all street right of way lines a minimum of fifteen feet of which five feet shall be a ditch easement and ten feet shall be a landscape buffer. Where the side yard faces another commercial lot, there shall be a ten foot landscape buffer from the lot line, however, no side yard landscape buffer shall be required where the adjoining commercial lots have a joint landscape plan acceptable to the Planning and Zoning Board.
- E. Minimum rear yard: Thirty five feet. Loading zones as required in Section 1121.05, a twenty foot wide rear drive path to run from side lot line to side lot line, and ten foot wide, seven foot high screen to be located at the rear lot line must be included in the rear yard.
- F. Maximum site coverage: Main and accessory structures shall occupy no more than eighty percent (80%) of the site.
- G. Parking: Parking areas adjacent to a residential district shall be screened to avoid a nuisance to a minimum height of seven feet and have a minimum year-round opacity of seventy-five percent (75%).

(2) Building requirements.

- A. Maximum height: Thirty feet.
- B. Accessory buildings shall be no closer to a main structure than 10 feet.

(3) General development requirements.

- A. The applicable sections of the parking, sign, and landscaping regulations of this Zoning Ordinance must be met.

- B. A traffic concept scheme must be shown, illustrating traffic control points, points of access, loading areas, parking patterns. In addition, expected number of peak hour traffic volume for employees as well as deliveries or other transports shall be described by text.
- C. Storm drainage systems shall be indicated and outdoor trash containers systems shall be specifically located and sufficiently screened according to Section 1121.04(2)B., except that the screening must have an opacity of eighty percent (80%) year round.
(Ord. 02-97. Passed 1-13-97.)
- D. All sections of the lot not being planned for development according to the application plan shall be labeled as to expected future use or expansion.
- E. The outdoor storage and display of merchandise on public sidewalk shall be prohibited unless written application is made and approved by the Mayor or his designee.
(Ord. 363. Passed 6-22-81; Ord. 02-97. Passed 1-13-97.)

1113.08 (CC) COMMUNITY COMMERCIAL DISTRICT.

(a) Purpose. The purpose of the Community Commercial District is to permit and encourage the cohesive development of businesses and community shopping facilities. The Community Commercial District seeks to enhance the aesthetic image of the Village, while providing for the health, safety and welfare of business patrons and Village residents.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Any use permitted as regulated in the Neighborhood Commercial District, hereinafter specified in this section, but not including filling stations or repair garages.
- B. Art or antique shops, interior decorating shops, paint or wallpaper shops, artist supply stores, furniture, liquor stores, dry goods, and apparel stores, mail order houses or any other retail business or service not first permitted or prohibited in Perimeter Commercial District.
- C. Banks, savings and loan associations and similar financial institutions, excluding drive-in facilities.
- D. Billiard parlors and pool halls not permitting the sale of alcohol.
- E. Trade or business schools provided machinery is used for instruction purposes and is not objectionable due to noise, fumes, smoke, odor or vibration.
- F. Commercial studios including photographic studios, music, dancing, radio and telecasting studios.
- G. Newspaper printing and publishing.

(2) Conditional uses.

- A. Drive-in facilities for banks, saving and loan associations and similar financial facilities.
- B. Theaters, but not within 100 feet of residential district.
- C. Hotels, including motels and motor hotels.
- D. Filling stations, minor automotive repair shops and parking lots not permitting overnight or vehicle storage.

- E. Apartment facilities may be constructed over storerooms in Community Commercial District, provided each unit shall comply with the building code as to a completed apartment and shall have at least 150 square feet of lot area per room (of over 80 sq. ft. inside area) exclusive of the required parking area or garage area.
 - F. Other uses: Any other retail business or service establishment or use determined by the Planning Commission to be of the same general character as the above general uses, but not including any use which is first permitted or prohibited in the General District.
- (c) Development Standards.
- (1) Site requirements.
 - A. Minimum site area: Eight contiguous lots or 20,000 sq. ft. whichever is less. Site must be adequate to meet all yard and parking requirements.
 - B. Minimum site width: None except that all sites must abut a public street and have adequate width to meet parking and yard space requirements.
 - C. Minimum front yard: Structures shall be set back from all street right of way lines a minimum of thirty-five feet. Property located between the street right of way and the building line shall include:
 - 1. Plantings of at least three street trees of a minimum of three inch caliper and of a variety required by the Village;
 - 2. Four foot wide concrete sidewalk running the length of the property from side property line to side property line, to be located twenty feet from edge of the front street easement;
 - 3. Landscaping to include grass and applicable property/parking lot screening. Application landscape softening of building landscape density to be forty percent (40%). Plan must be submitted and approved by Municipal Forester.
 - D. Minimum side yard facing side streets: Structures shall be set back from all street right of way line a minimum of fifteen feet of which five feet shall be a ditch easement and ten feet shall be a landscape buffer. Where the side yard faces another commercial lot, there shall be a ten foot landscape buffer from the lot line, however, no side yard landscape buffer shall be required where the adjoining commercial lots have a joint landscaping plan acceptable to the Planning and Zoning Board.
 - E. Minimum rear yard. Thirty-five feet. Loading zones as required in Section 1121.05, a twenty foot wide rear drive path to run from side lot line to side lot line, and ten foot wide, seven foot high screen to be located at the rear lot line, must be included in the rear yard.
 - F. Maximum site coverage: Both structures, pedestrian sidewalks and parking areas shall not cover more than ninety percent (90%) of the site. The remaining ten percent (10%) of the site area shall be landscaped with natural vegetation.
 - G. Parking: Parking areas adjacent to a residential district shall be screened to avoid a nuisance to a minimum height of seven feet and have a minimum year-round opacity of seventy-five percent (75%).

- (2) Building requirements.
 - A. Maximum height: Thirty feet.
 - B. Any accessory buildings shall have the same yard requirements as for the main buildings.
- (3) General development requirements.
 - A. The applicable sections of the parking, sign, and landscaping regulations of this Zoning Ordinance must be met.
 - B. A parking area layout shall be shown, indicating traffic flow patterns, ingress and egress points, traffic control points, number of spaces to be controlled on site.
 - C. Storm drainage systems shall be indicated and outdoor trash containers systems shall be specifically located and sufficiently screened according to Section 1121.04(2), B., except that the screening must have an opacity of eighty percent (80%) year-round.
 - D. All service and delivery shall be made to the rear of the structure or use except under unusual conditions for which service can be made to the side of the structure.
 - E. The outdoor storage and display of merchandise on public sidewalks shall be prohibited unless written application is made and approved by the Mayor or his designee.
(Ord. 363. Passed 6-22-81; Ord. 02-97. Passed 1-13-97.)

1113.09 (GC) GENERAL COMMERCIAL DISTRICT.

(a) Purpose. The purpose of the General Commercial District is to encourage and provide suitable areas for the development of traffic oriented business service facilities and restricted types of retail sales operations and community service facilities.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Any use permitted as regulated in the Neighborhood and Community Commercial District, hereinafter specified in this section, but not including filling stations or repair garages.
- B. Discount houses, garden supply stores, and laundries, excluding cleaning and dyeing bulk plant establishments.
- C. Drive-in eating and drinking places provided the principal building is not less than 100 feet from any residential area.
- D. Bowling lanes, but not within 100 feet of any residential district, drive-in theaters provided such screen shall be set back not less than 200 ft. from the established right of way of any such street or highway.
- E. Commercial recreation facilities including baseball fields miniature golf courses, trampoline centers and similar open air facilities provided such facilities shall be distant at least 100 ft. from any residential district.
- F. Carpenter shops, electrical, plumbing, and heating shops, furniture and upholstery shops, job printing, lithographing, blue printing and similar enterprises not including contractors yards, not within 50 ft. of any residential district and containing less than 10,000 sq. ft. of floor space.
- G. Sign painting shops and wholesale bakeries, but not within 100 ft. of any residential district.
- H. Lumber and other building material dealers.
(Ord. 363. Passed 6-22-81.)

- I. Sexually oriented business establishments.
(Ord. 07-2003. Passed 5-12-03.)
- (2) Conditional uses.
- A. Any wholesale business, storage and warehousing facility.
- B. Private assembly halls.
- C. Automotive service stations, but not within 50 ft. of any residential district; establishments for automobiles, trucks, trailers, recreational vehicles, motorcycles, farm tractors, or implements or machinery and other types of vehicles for sale, display, hire, or repair, including sales lots, used car lots, or lots for the sale of other used vehicles, implements and equipment but not within 100 ft. of any residential district.
- D. Automatic car wash or car wash establishment but not within 100 ft. of any residential district.
- E. Animal hospitals or animal clinics but without regular overnight boarding or outside runs.
- F. Hospitals, convalescent centers and nursing homes.
- G. Mortuaries and funeral homes.
- H. Commercial greenhouses.
- I. Apartment facilities may be constructed over storerooms in General Commercial Districts, provided each unit shall comply with the Building Code as to a completed apartment and shall have at least one hundred fifty sq. ft. of lot area per room (of over 80 sq. ft. inside area) exclusive of the required parking area or garage area.
- J. Any other retail business or service establishment determined by the Planning Commission to be of the same general character as the above conditional and permitted uses, not including those which are first permitted or not permitted in this General Commercial District.
(Ord. 363. Passed 6-22-81.)
- K. Sexually Oriented Business Establishments.
1. In addition to all other applicable development standards, no person shall operate, locate, or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of any residential use or district, school, preschool, daycare, place of worship, or other civic or public use.
 2. No person shall operate, locate or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of another sexually oriented business establishment.
 3. No person shall operate, locate or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of any commercial establishment selling beer or alcohol for consumption on the premises.
 4. No person shall operate, locate or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of any hotel or motel.
 5. No person shall operate, locate or permit the location of more than one (1) sexually oriented business on the same property, in the same building or structure, or any part thereof.
(Ord. 07-2003. Passed 5-12-03.)

- (c) Development Standards for Property Abutting State Route 745 (Dublin Road).
- (1) Site requirements.
- A. Minimum site area: None, except that lot size shall be adequate to meet all yard and parking requirements.
 - B. Minimum lot width: None, except that all lots must abut a public street and have width to meet parking and yard space requirements.
 - C. Minimum front yard: Structures shall be set back from all street right of ways a minimum of thirty-five feet. Property located between the street right of way and the building line shall include:
 - 1. Plantings of at least three street trees of a minimum 3" caliper and of a variety required by the Village.
 - 2. Four foot wide concrete sidewalk running the length of the property from side property line to side property line, to be located twenty feet from edge of the front street easement.
 - 3. Landscaping to include grass and applicable property/parking lot screening. Application landscape softening of building landscape density to be forty percent (40%). Plan must be submitted and approved by Municipal Forester.
 - D. Minimum side yard: For structures twenty feet: twenty five feet when abutting residential districts, or parking areas fifteen feet, of which five feet shall be a ditch easement and ten feet shall be a landscape buffer. Where the side yard faces another commercial lot, there shall be a ten foot landscape buffer from the lot line, however, no side yard landscape buffer shall be required where the adjoining commercial lots have a joint landscaping plan acceptable to the Planning and Zoning Board.
 - E. Minimum rear yard: Thirty five feet. Loading Zones as required in Section 1121.05, a twenty foot wide rear drive path to run from side lot line to side lot line, and ten foot wide, seven foot high screen to be located at the rear lot line must be included in the rear yard.
 - F. Maximum site coverage: Both structures, pedestrian sidewalks and parking areas shall not cover more than eighty percent (80%) of the site.
 - G. Parking areas shall be no closer to main structures than ten feet. A minimum of forty feet shall be provided for service court to the rear of the structures. Parking areas adjacent to a residential district shall be screened to avoid a nuisance to a minimum height of seven feet and have a minimum year-round opacity of seventy-five percent (75%).
- (2) Building requirements.
- A. Maximum height: Thirty feet.
 - B. Any accessory buildings shall have the same requirements for yards as for main buildings.
- (3) General development standards.
- A. The applicable sections of the parking, sign and landscaping regulations of this Zoning Ordinance must be met.
 - B. A parking area layout plan must be shown indicating traffic flow patterns, ingress and egress points, number of spaces and service areas.

- C. Storm drainage collection points shall be indicated and outdoor trash containers shall be specifically located and sufficiently screened to avoid nuisance to surrounding properties.
- D. All service and deliveries shall be made to the rear of the structure or use, except under unusual conditions for which service can be made to the side of the structure(s).
- E. The outdoor storage or display of merchandise on public sidewalks shall be prohibited unless written application is given and approved by the Mayor or his designee.
- F. Additional information or conditions as may be determined by the Planning Commission.
(Ord. 363. Passed 6-22-81; Ord. 09-97. Passed 4-28-97.)

1113.10 (LI) LIGHT INDUSTRIAL DISTRICT.

(EDITOR'S NOTE: Former Section 1113.10 was deleted from the Zoning Ordinance by Ordinance 4-99, passed May 10, 1999.)

1113.11 TREE PRESERVATION OVERLAY DISTRICT.

(a) Statement of Intent. Trees are an essential element of the rural-village character of Shawnee Hills as defined in the Long Range Master Plan for land use. Trees are also important to the Village as they contribute to stormwater management, reduce erosion and provide habitat for wildlife. Therefore, it is the intention of the Village to preserve healthy trees over 6" in diameter when measured 24" from the ground. It is the intent of this section to promote and protect public safety, convenience, comfort, prosperity and general welfare of the Village.

(b) Trees Affected by the Tree Preservation Overlay District. All trees over 6" in diameter when measured 24" from the ground shall not be cut down or otherwise be compromised for any reason without written approval from the Village Forester or written approval from the Planning and Zoning Board according to the procedure described in this section.

(c) Area of Applicability. The Tree Preservation Overlay District is to cover all areas of the Village in order to protect the aesthetic and environmental significance of the trees in all of the Village's Zoning Districts.

(d) Authority for Village Decisions Affecting Trees on Public and Private Property. The Village Forester shall have the authority to approve or prohibit activities related to and affecting trees within the Tree Preservation Overlay District.

(e) Procedures for Obtaining Approval for Removing, Pruning, or Relocating a Tree.

- (1) Anyone wishing to remove (cut down), prune, relocate or otherwise compromise the welfare of a tree as defined in the Tree Preservation Overlay District shall notify the Village Forester of his or her plans prior to commencing any activity affecting the tree(s).
- (2) The Village Forester shall meet with the person wishing to remove, prune, relocate or otherwise compromise a tree and personally visit the site. The Village Forester shall review construction plans and other plans for removal, pruning, or moving trees.
- (3) Pruning means the shortening or removal of any tree limb greater than twelve inches in diameter as measured at any location on the limb. The Village Forester shall provide written authorization for the pruning, relocation, or removal of any tree within the Village to the property owner and to the Planning and Zoning Board within fifteen days of the applicant's request for review under this section.

- (4) Village residents may address their opinions regarding any tree-related plans to the Planning and Zoning Board.
- (5) Decisions of the Village Forester shall be appealable to the Planning and Zoning Board.

(f) Tree Topping Prohibited. No trees shall be topped. Topping is the removal of the upper portion (from one-quarter to one-half) of a tree.

(g) Removal and Replacement of Diseased, Dead, Damaged or Overmature Trees, Trees which Interfere with Utility Lines and Trees that are of an Inappropriate or Undesirable Species for their Specific Location.

- (1) Trees that are diseased, dead or damaged by forces of nature such as storms and high winds to the extent they are a safety hazard may be removed with the approval of the Village Forester. Whether such diseased, dead or damaged trees are removed in accordance with the recommendations of the Village Forester or outside the procedures herein described, the tree(s) removed must be replaced with a tree of at least 2" in diameter measured 24" from the ground and be of a species approved by the Village Forester.
- (2) Overmatured trees, trees which interfere with utility lines and trees that are of an inappropriate or undesirable species for their specific location may be removed with the approval of the Village Forester. Whether such overmature trees and trees the Village Forester has deemed to be inappropriate or undesirable species for their location that are removed in accordance with the recommendation of the Village Forester or outside the procedures herein described, the tree(s) removed must be replaced by a tree of at least 2" in diameter measured from the ground and be of a species approved by the Village Forester.
- (3) Trees removed for any non-emergency reason without review and written approval by the Village Forester will result in penalties as later described in this section. An emergency for the purposes of this section is a situation in which there is an immediate threat to life or property due to a sudden circumstance. (Ord. 13-97. Passed 6-9-97; Ord. 12-99. Passed 10-11-99.)

(h) New Construction Around Trees.

- (1) Before any site clearing or other construction activity begins, all trees, either individually or as a group or groups, shall be enclosed with at least three foot high orange construction fencing to prevent any access to the tree(s). Unless otherwise approved by the Village Forester. Fencing should be placed six feet from the base of the tree. Such fencing shall not be removed until the construction is complete. Such trees to which this section applies shall not be disturbed any time before or after construction except for necessary access as approved by the Village Forester.
- (2) No development, clearing, construction or work shall be performed within six feet of trees protected by this section except as deemed necessary by the Village Forester. If a tree or trees are disturbed at any time, including but not limited to utility construction and/or easement, building or grading construction, by the developer, such disturbances that occur shall be restored to a condition approved by the Village Forester.
- (3) All construction projects within six feet of a tree shall be conducted with evidence that the following elements are being monitored in regard to the welfare of the tree(s).

- A. Conservation of soil moisture.
 - B. Reduction of rainfall and erosion.
 - C. Reduction of soil compaction from construction activities.
 - D. Reduction of competition from grasses and weeds.
 - E. Increased soil fertility.
 - F. Improved soil structure; and
 - G. Moderation of soil temperature, with a subsequent increase in root development activity.
- (i) Penalty.
- (1) If this section is violated during a construction project, the Building Inspector may place a stop work order on the construction until such time as the Village Forester has approved remedial measures bringing the construction activity into compliance with this section.
 - (2) Violations of this section shall be calculated and fines shall be assessed on a per tree basis.
 - (3) Any resident or other person who violated any provisions of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this section, shall, upon conviction thereof, be found guilty of a minor misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all cost and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.
 - (4) Any organization (including but not limited to a developer, contractor, and/or subcontractor) who violated any provisions of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this section, shall, upon conviction thereof, be found guilty of a minor misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.
 - (5) Any fines collected under this section shall be paid to the Village Park Fund for use in improving landscaping within Village Parks and Village Property.
 - (6) Nothing herein contained shall prevent Village Council from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. 13-97. Passed 6-9-97.)

1113.12 (SCPD) SELECT COMMERCIAL PLANNED DISTRICT.

(a) Permitted Uses. Land and buildings within the Select Commercial Planned District shall be used only for those selected uses identified by an applicant for zoning plan amendment and found within the Neighborhood Commercial, Community Commercial, or General Commercial zoning districts. Proposed uses shall be enumerated in the application as being appropriate to provide compatibility with the neighborhood and community character and for compliance with the Shawnee Hills Village Council as part of the Development Plan required (subsection (c)) for the subject tract. Said permitted uses shall run with the land as long as the SCPD zoning as approved remains in effect.

(b) Procedure. The following procedure shall be followed in placing land in the Select Commercial Planned District.

- (1) Submission of application. The owner or owners of a tract or tracts of land of any size may request that the Zoning District map be amended to include such tract or tracts in the Select Commercial Planned District.
- (2) Development standards. The development standards of the zoning district within which the specified use would normally reside shall apply to the Select Commercial Planned District, or a compliance waiver for any Development Standard may be granted as a part of the Development Plan if approved by the Shawnee Hills Village Council. The development plan shall also comply with subsection (b)(3) Performance Standards.
- (3) Performance standards. Applications for Select Commercial Planned District shall meet the following requirements. The Development Plan (subsection (c)) and the Detailed Site Plan (subsection (f)) will be reviewed to determine whether the following performance criteria have been addressed and satisfied. Unless otherwise indicated, information required by the Performance Standard criteria shall be submitted in conjunction with Development Plan submission. A compliance waiver for any Performance Standard may be granted as part of the Development Plan if approved by the Shawnee Hills Village Council.

(c) Development Plan. A Development Plan at a scale of at least 1"=50' shall be prepared and sealed by either a registered architect, registered engineer or a registered landscape architect to satisfy Development Plan requirements. Five (5) copies of a Development Plan shall be submitted with the application to amend the zoning district map. Such Development Plan shall demonstrate engineering and project feasibility, shall be in map form with accompanying text as appropriate, and shall address the following:

- (1) Permitted uses. Selected uses in accordance with subsection (a) hereof to be permitted within the Select Commercial Planned District shall be specified by area or specific building location as a part of the Development Plan submission. The Development Plan may state specific individual uses by area or structure in order to accomplish the desired compatibility with the surrounding environment.
- (2) Site map. A survey map of the boundary of the area being requested for zoning map amendment shall depict existing roads, streets and easements within the subject tract as well as the proposed location and approximate size of all structures and ancillary uses. Off-site contour and easement locations shall be provided where necessary to determine special off-site circumstances as they relate to the development, or off-site features affected by the development.

- (3) Vegetation. Significant stands of existing vegetation are to be depicted.
- (4) Soils. Soil types found on the subject tract are to be submitted based upon the Delaware County Soil Survey.
- (5) Traffic. Each Development Plan shall be accompanied by an analysis of traffic conditions which can be expected to result from the proposed development. The analysis shall estimate the Average Daily Traffic (ADT), the peak hour(s) of traffic, and distribution of the same to the existing and proposed street system together with an analysis of street improvements necessary to accommodate the additional traffic. The applicant shall state and document assumptions made regarding the projected traffic figures. Standard techniques and references shall be utilized. The following references, or other references which may be acceptable to the Village Council shall be used:
 - A. Highway Capacity Manual (Special Report #209, 1994, National Academy of Sciences)
 - B. "Trip Generation": Institute of Traffic Engineers, (Current Edition). Traffic analysis shall be based on existing off-site conditions and known plans for the development of off-site areas.

Traffic expected to be generated by the proposed development shall not cause any tributary street or highway facility to operate below a level of service "C", as defined in the current edition of the "Highway Capacity Manual" (see above reference)
- (6) Access. Whenever multiple structures to be located in SCPD are located on a collector street or arterial street, as defined by the Delaware County Thoroughfare Plan access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses within the SCPD shall derive their access from the interior streets within the SCPD, unless specific exemptions are made as a part of the approved Development Plan.
- (7) Parking. Off-street parking, loading and service areas shall be provided in accordance with Shawnee Hills parking standards or as approved per plan. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and structural arrangement set forth in the Development Plan.
 - A. All open off-street parking areas consisting of five (5) or more parking spaces or one thousand (1000) square feet or more shall be screened from abutting residential uses. Curb barriers a minimum of five (5) feet from the property line shall be provided. Grass, plantings or other acceptable surface material shall be provided for all areas bordering the parking area. When large parking areas are planned, landscaped islands or medians shall be utilized to lessen negative visual impact and direct traffic flow.
 - B. Whenever a parking lot or access drive is located adjacent to a residential area, screening shall be designed to prevent vehicle lights from shining directly onto the residential property.
- (8) Stormwater drainage. A preliminary drainage plan, showing topographical contours in two (2) foot intervals, and general locations of existing and proposed improvements. Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the Shawnee Hills Subdivision Regulations.

- (9) Sewage disposal and water supply. Information regarding sewage disposal and water supply techniques to be utilized will be provided in the application for the proposed SCPD together with letters of approval from the pertinent local, state and, if applicable, private agencies. The letters shall be submitted with the Development Plan.
(Ord. 9-00. Passed 3-27-00.)
- (10) Architectural design. All buildings shall be constructed with material consistent with the design character for each building on all sides. A sample materials board shall be submitted to the Village Council prior to approval of the development plan for any site that is currently zoned SCPD. In addition, all developers must submit a sample materials board to the Village Council before approval will be granted to rezone any property within the Village to SCPD. The sample board shall clearly and accurately display the color, material, design, and use of all exterior materials. Any deviation from the approved materials must have prior written approval from the Village Council. (Ord. 21-2002. Passed 12-9-02.)
- A. Building density. No parcel or lot shall have constructed thereon any building(s) which shall have a ground level floor density of greater than thirty-five (35) percent of the lot or parcel upon which said building(s) is or are constructed, or as approved per plan.
- B. Building height. Shall not exceed thirty eight (38) feet unless otherwise indicated and approved as a part of the Development Plan as appropriate to the specific site and neighborhood character.
- (11) Outside storage. Outside storage shall be permitted only as a part of an approved development plan within an SCPD. No rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.
- (12) Utilities and facilities. All utilities shall be placed underground. All below ground storage facilities not under the ground floor of structures must be illustrated on the Development Plan.
- (13) Pollution.
- A. Smoke: No noxious smoke from a commercial process shall be emitted from any structure in the SCPD.
- B. Odor: No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the SCPD boundary.
- C. Noise: No commercial, service or industrial use shall emit noise greater than sixty (60) decibels at the lot line.
- (14) Graphics. The Development Plan shall specify the signage concept indicating the general locations and size of all exterior signs and the relationship of signs to overall architectural design of the development. No sign located within the SCPD shall advertise off-premise activity. All signs shall meet the applicable provisions of the Shawnee Hills sign code as well as the following:
- A. Wall signs: Each business may have one (1) sign attached to the structure below roof level, other than identification signs for service areas. Signs for individual businesses may be no greater than ten (10) percent of the area below the roof of the exterior surface of the wall to which they are attached, or as approved per plan.

- B. Ground signs: Each lot zoned for SCPD may have one ground sign. A ground sign is a sign that is continuously attached to the ground via a stone, brick or concrete base, and which is not supported on posts or poles. A ground sign may be two sided, with each side limited to a maximum for 32 square feet of fascia for an externally lit sign. Internally lit ground signs may not exceed 20 square feet of fascia per side.
 - C. Freestanding signs: Shall not be permitted in the SCPD unless they are mounted on a community sign kiosk or streetscape feature as approved per plan. No free standing pole signs are permitted.
 - D. A sign may be illuminated, provided that no flashing, traveling, animated or intermittent illumination shall be used. Permitted illumination shall be confined to the area of the sign except when such illumination is backlighting for an otherwise non-illuminated sign. Internally lit signs shall not be used to broadcast light as a parking lot illuminator.
 - E. All private deed restrictions pertaining to sign shall be included as part of the Development Plan.
- (15) Lighting. The Development Plan must indicate the types of lamps and lighting fixtures, and the height of lighting fixtures to be used and the relationship of lighting fixtures to overall architectural design of the development.
- A. Light sources outside the public right-of-way shall be located and arranged to provide good visibility and reflect the light away from adjacent residential properties or any streets.
 - B. Street lights shall be installed by the developer or by petition to the Village on all interior streets dedicated as public rights-of-way unless otherwise exempted by the Village Council.
 - C. All private deed restrictions pertaining to lighting shall be included in the Development Plan.
- (16) Screening and landscaping plan. Screening shall consist of earth mounding, plantings, fencing, or a combination of the same. The Select Commercial Planned District requires the submission of a separate plan that incorporates screening and landscaping proposals.
- A. A general screening and landscaping plan meeting the following requirements shall be prepared and submitted as a part of the Development Plan. For purposes of Development Plan submission, the screening concept proposes to meet the requirements of this Section shall be submitted in sketch and text form.
 - 1. Fencing: Fencing utilized in providing screening shall be architecturally appealing and shall be incorporated into the overall architectural design concept.
 - 2. Abutting Residential Areas - Whenever a proposed SCPD abuts a residential area, screening shall be provided along the entire area of abutment in a manner that is aesthetically pleasing and effectively screens the residential areas from the proposed select commercial activities.

3. Plantings. When mounding is utilized in conjunction with plantings, the plant material shall be of a size and species suitable which together will produce a minimum six (6) foot high screen within a two (2) year period. When plant material without mounding is utilized, the plant materials shall be a minimum five (5) feet in height when planted and be of such species that will produce a dense six (6) foot visual screen within a two (2) year period. All screen plantings shall be maintained permanently and any plant material which does not survive shall be replaced within one (1) year with material meeting the specifications of the original planting. Maintenance responsibilities for the screen planting shall be addressed in the Development Plan.
 4. Minimum Opacity. All screens must provide a minimum opaqueness of sixty percent (60%) or more.
 5. Landscaping. Landscaping shall mean the improvement of the natural beauty of the land by grading, clearing and decorative planting or grass to create a pleasant and functional environment. Landscaping of a lot shall be installed within six (6) months after the month in which the building is completed. Any portion of a lot upon which a building or parking area is not to be constructed per the Development Plan shall be landscaped. For every ten (10) parking spaces on an individual lot, the owner shall be required to place at least one (1) tree (1 ½" caliper or larger) in such a manner as to be spaced and placed in or among the parking rows. Such trees shall be in addition to any screening requirements contained herein and all replacement materials shall meet the specifications of the original planting. All shrubs, trees, grass, ground cover, and plantings of every kind or type shall be well-maintained, properly cultivated and free from trash and other unsightly material and/or debris.
- B. Exceptions to screening requirements may be made where:
1. Existing topographical or vegetative characteristics provide the necessary screening effect, or
 2. Where existing topographical conditions make it difficult to adequately screen the proposed use from adjacent properties. When the use cannot be adequately screened due to elevation differences between adjacent properties and the proposed site, the proposed design should minimize negative visual impact.
- (17) Any additional information necessary to demonstrate compliance with subsection (b)(3), Performance Standards.

(d) Effect of Approval.

- (1) The Development Plan as approved by the Shawnee Hills Village Council shall constitute an amendment to the Shawnee Hills zoning map as it applies to the land included in the approved amendment. This is a legislative act and is subject to referendum.
- (2) Detailed Site Plan approval is assured based on good faith compliance with the approved Development SCPD plan and the development standards. The Detailed Site Plan approval is an administrative act and is subject to referendum.
- (3) The approval shall be for a period of two (2) years to allow for the submission of a Zoning compliance in accordance with the administrative regulations of the Shawnee Hills zoning code and subdivision regulations.
- (4) Unless the required zoning compliance is properly submitted and approved within the two (2) year period, the development plan approval shall be voided.

(e) Extension of Time. The Village Council may approve an extension of time limit. Such approval shall be given upon a finding of the purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original Development Plan and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the Select Commercial Planned District.

(f) Detailed Site Plan Required. Following zoning map amendment approval by the Village Council and prior to submitting an application for a building permit or zoning compliance a Detailed Site Plan shall be submitted to the Village Planning Commission for approval. The Detailed Site Plan shall conform to the Shawnee Hills subdivision regulations for design and construction of improvements. The Detailed Site Plan shall constitute the applicant's final proposal, which illustrates compliance with the previously approved Development Plan; intended uses and required Performance Standards.

(g) Detail Site Plan Requirements.

- (1) A plan illustrating the location and design of all proposed structures as they relate to the Development Plan. The Planning Commission may require the submission of additional information or documentation which it may find necessary or appropriate to permit full consideration of the Detailed Site Plan and its relationship to required Performance Standards.
- (2) Architectural renderings shall illustrate exterior design and construction.
- (3) Any sign proposed shall be constructed with durable materials and shall conform to the overall design concept proposed and be compatible with the surrounding uses and environment. The Detailed Site Plan shall illustrate sign materials and composition. Information including location, size, height, lighting and landscaping shall be submitted as a part of the Detailed Site Plan.
- (4) A Screening and Landscaping Plan shall be prepared and sealed by a registered landscape architect. Five (5) copies of a Screening and Landscaping Plan shall be submitted in map form with accompanying text as appropriate. The Detailed Site Plan shall show the placement, species and size of all plant materials and the placement, size, composition and type of fencing or other materials proposed.

- (5) Specific statements of divergence from the development standards or Subdivision regulations or standards and the justification therefore, unless a variation from these development standards is specifically approved the same shall be complied with. Since the detailed site plan is an exact rendition of what is intended to be built, all standards for setback, landscaping, parking and lot size are approved per plan.
- (h) Detailed Site Plan; Basis of Approval. The Basis for approving a Select Commercial Planned District Detailed Site Plan shall be:
- (1) The Shawnee Hills Village Council finds the Detailed Site Plan information submitted under subsection (f) to be in compliance with the Development Plan (subsection (c)) previously approved by the Shawnee Hills Village Council.
- (i) Expansion or Deviation from Development Plan.
- (1) A request for minor changes to the final development plans may be approved by the Village Council without being subject to the same procedures as the original application.
- (2) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of final development plan approval as the original application. The following shall be considered substantial departures from the original application.
- A. A change in the use or character of the Development.
 - B. An increase in overall lot coverage of structures and off-street parking.
 - C. An increase in the density.
 - D. An increase in the problems of traffic circulation and public utilities.
 - E. A reduction in approved open space.
 - F. A reduction of off street parking and loading space.
 - G. A reduction in required pavement widths.
 - H. A reduction of the acreage in the planned development.
 - I. Any other departure from the approved development plan which is deemed substantial by the Planning Commission.
- (Ord. 9-00. Passed 3-27-00.)

CHAPTER 1117
Planned Development Procedures and Regulations

1117.01	Procedures and regulations for planned development.	1117.03	(PNC) Planned Neighborhood Center.
1117.02	(PUD-2) Planned Unit Development District. (Repealed)	1117.04	(PID) Planned Industrial Park District. (Repealed)

CROSS REFERENCES

Planned Unit Development defined - see P. & Z. 1137.01

1117.01 PROCEDURES AND REGULATIONS FOR PLANNED DEVELOPMENT.

(a) Procedures for the Establishment of Planned Development Zoning. Planned Development may be established by application in accordance with the provisions of Chapter 1133 and the requirements of procedure of the Planned Development Zoning District.

(b) Regulation of the Use and Development of Land and Structures. Regulation pertaining to the use of land and/or structures, and the physical development thereof within each of the Zoning Districts as adopted as a Planned Development Zoning District in Chapter 1109, and as may be drawn on the Zoning District Map are hereby established and adopted.

(c) Rules of Application. The planned development regulations set forth in this chapter shall be interpreted and enforced according to the following rules.

- (1) Identification of uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Ordinance.
- (2) Permitted uses. Only uses designated as a Permitted Use shall be allowed as a matter of right in a Planned Development Zoning District and any use not so designated shall be prohibited except when in character with the proposed development such additional uses may be approved as a part of the Development Plan.
- (3) Procedure.
 - A. A parcel shall be zoned to a Planned District with a development plan. The procedure shall be the same as in typical rezoning, requiring Council to act upon recommendation of the Planning Commission.
 - B. All reserve areas and uses for each reserve area shall be designated on the development plan and on successive phasing plans of the development.
 - C. In all cases, the development plan shall conform to the applicable sections of the subdivision regulations.
 - D. Development plan approval shall be for a period of three years; within that period the first phase of the development shall have commenced.

- E. If the development is not completed within the three year period, the developer may seek a three year extension from the Planning Commission.
- F. If the Planning Commission refuses to grant the extension, then the development plan must be submitted for approval by the Planning Commission and the Village Council.
- G. With the approval of the Planning Commission, minor modifications of the approved development plan may be made. Such modifications shall not increase the overall structural density on the lot or change the essential character of the original approved plan. (Ord. 363. Passed 6-22-81.)

1117.02 (PUD-2) PLANNED UNIT DEVELOPMENT DISTRICT. (REPEALED)

(EDITOR'S NOTE: Former Section 1117.02 was repealed by Ordinance 13-2003, passed June 23, 2003.)

1117.03 (PNC) PLANNED NEIGHBORHOOD CENTER.

(a) Purpose. The purpose of the Planned Neighborhood Center District is to provide convenient commercial and office facilities for the surrounding residential areas. It is the intent of the Planned Neighborhood Center to meet any of the day-to-day needs of the surrounding residents. Through integrated and harmonious design landscaping, varying of building setbacks, development of bicycle and pedestrian traffic systems and other such elements more efficient, successful and pleasant facilities can be created.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

Miscellaneous retail sales include:

- A. Grocery stores, fruit and vegetable stores, bakery stores, drug stores, book stores, gift stores, florist stores, hardware stores, dry cleaning shops, shoe repair shops, barber/beauty shops, optical goods shops, tobacco shops and news sales and antique shops.
- B. Physicians and dentists offices.
- C. Restaurants, not including drive-in restaurants.
- D. Community facilities including non-profit cultural, civic or religious uses; such as churches, schools and parks.

(2) Conditional uses.

- A. Business and professional offices including drive-in bank facilities.
- B. Carry outs (see definitions) and gasoline service stations, limited to light repair.
- C. Residential structures.
- D. Other uses the Planning Commission deems to be in keeping with the intent of this district and not listed above.

- (c) Development Standards.
- (1) Site requirements.
- A. Site size: No minimum, except the Planned Neighborhood Center shall be no less than five acres and the entire site shall be treated as a single lot.
 - B. Minimum site width: None, except that all parking, landscaping and yard requirements must be met.
 - C. Minimum site frontage: 350 feet on a major or minor arterial road.
 - D. Minimum yard requirements: No structure shall be constructed closer than 50 feet to the right of way line. When abutting a residential district(s) structures and pavement areas shall be a minimum of 35 feet from such lot lines. Yard requirements may be reduced based on design features or screening through the use of planting and mounding as approved by the Planning Commission in keeping with the intent of this District and the Zoning Ordinance.
 - E. Landscaping, signs, and parking lots: shall meet the requirements set forth in the applicable sections of the Zoning Ordinance. Parking areas shall be no closer to the main structure(s) than 10 feet, and shall be prohibited within the required setback.
- (2) Building requirements.
- A. Maximum height: Thirty-five feet.
 - B. Any accessory building shall have the same yard requirements as for main buildings.
- (3) General site standards.
- A. A parking area and circulation layout shall be shown indicating traffic flow patterns, ingress and egress points, traffic control points, number of parking spaces, pedestrian circulation, bicycle circulation and service areas.
 - B. All service and delivery shall be made to the rear of the structure or use unless the special design treatment or other circumstance as approved by the Planning Commission.
 - C. Storm drainage systems shall be indicated and outdoor trash container systems shall be specifically located and sufficiently screened to avoid nuisance to surrounding properties. All litter shall be controlled on site as approved by the Shawnee Hills Street Commissioner.
 - D. Outdoor storage and display of merchandise on public sidewalks shall be prohibited unless written application is given and approved by the Village Mayor or his designee.
 - E. All drive-in or drive-through businesses shall allocate service areas, loading docks and off street parking areas behind the primary structure and shall be screened by walls, fences or shrubbery. These walls, fences or shrubbery shall be of design so as to effectively screen such service, loading or parking areas from all public streets and other zoning districts.

- F. All gasoline service stations shall locate their service areas including pumps in the rear yard unless such areas utilize mounding and planting to effectively screen such areas from all public streets and other zoning districts. Such mounding shall be at least three feet above street grade.
 - G. Maximum lot coverage: Structures, pedestrian areas, parking areas and other hard surfaced or paved areas shall not cover more than eighty percent (80%) of the lot. Maximum coverage of the lot by structures (but not to include unenclosed loading docks) shall not exceed twenty-five percent (25%).
 - H. No parking shall be permitted in the front yard setback.
 - I. In addition to the above requirements the Planning Commission shall have the right to request additional information from the applicant and to attach conditions for approval as are deemed necessary to meet the requirements of this Zoning Ordinance.
- (4) Criteria for approval. In approving the Planned Neighborhood Center Plan, the reviewing authorities shall determine:
- A. If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Ordinance.
 - B. If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
 - C. It enhances the general welfare of the Village and its surroundings.
 - D. The integration of buildings and structures with the natural assets of the character of the site through the use of natural materials or through well defined, high quality design.
 - E. A well designed circulation system which minimizes vehicular, pedestrian and bicycle traffic conflicts.
 - F. A well designed open space system which links the Planned Neighborhood Center with the surrounding residential open space system.
 - G. Landscaping and mounding which shields buildings, paved areas and parking lots. (Ord. 363. Passed 6-22-81.)

1117.04 (PID) PLANNED INDUSTRIAL PARK DISTRICT.

(EDITOR'S NOTE: Former Section 1117.04 was deleted from the Zoning Ordinance by Ordinance 4-99, passed May 10, 1999.)

CHAPTER 1121
General Development Standards

<p>1121.01 Arrangement and development of land and structures.</p> <p>1121.02 Lot and yard space requirements.</p> <p>1121.03 Home occupation.</p> <p>1121.04 Landscaping.</p> <p>1121.05 Parking and off street loading requirements.</p>	<p>1121.06 Signs.</p> <p>1121.07 Environmental review district.</p> <p>1121.08 Mailboxes.</p> <p>1121.09 Architectural standards for Commercial Zoning Districts.</p> <p>1121.10 Long Range Land Use Plan.</p> <p>1121.11 Parking and storage of commercial vehicles on residential property.</p>
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CROSS REFERENCES

Zoning applied to housing projects - see Ohio R.C. 3735.44
Referral of zoning permit applications to Director of Transportation - see Ohio R.C. 5511.01

1121.01 ARRANGEMENT AND DEVELOPMENT OF LAND AND STRUCTURES.

Standards pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning Districts adopted in Chapter 1109 are hereby established and adopted as supplementary to the District Regulations of Chapter 1113 and Chapter 1117. (Ord. 363. Passed 6-22-81.)

1121.02 LOT AND YARD SPACE REQUIREMENTS.

(a) Platting Required. No use shall be established or altered and no structure shall be constructed or altered except upon a lot that has been platted in accordance with, or which otherwise meets, the requirements of the Subdivision Regulations for the Village of Shawnee Hills, Ohio.

(b) Minimum Requirements. Development Standards are minimum requirements for the arrangement of lots and spaces to be achieved in all developments.

(c) Lot Area and Yard Space Preserved. A lot area and yard area required for a use or structure shall be maintained during its life and shall not be reduced below the minimum requirement occupied by another use or structure, or counted as yard space for any other use or structure.

(d) Yards, Required Open. The yard space required for a use or structure shall, during its life, remain free of all uses or occupancy except as follows:

- (1) Fences, walls, and landscaping shall be permitted in any required yard, or along the edge of any yard, provided that no fence or wall between a street and a front building line is more than three feet in height, except as required in "required screening" or in accordance with an approved Development Plan of a Planned Development District.
- (2) A front yard fence may be constructed of decorative or painted wood, or painted or decorative iron or wire. (Ord. 363. Passed 6-22-81.)
- (3) Back and side yard fences shall not exceed six feet in height, except as required in "required screening" or in accordance within approved Development Plan of a Planned Development District. The back and side fence shall be constructed of an appropriate material for that area. (Ord. 15-97. Passed 7-14-97.)
- (4) A permit shall be required to erect any fence within the Village. To obtain such permit, a sketch of the proposed fence to be constructed shall be submitted to the Planning and Zoning Commission. If the Planning and Zoning Commission determines that all requirements are met, a permit shall be issued. (Ord. 09-95. Passed 6-12-95.)
- (5) It shall be unlawful to construct, erect, replace, or remodel any fence in violation of any of the provisions of this Zoning Ordinance or any amendments or supplements thereof.
- (6) No fence shall be erected which obstructs a driver's view of the traffic at street or road intersections.
- (7) Any person, firm, corporation, organization or business violating the provisions of this Zoning Ordinance shall upon conviction be fined not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). Each day during which unlawful construction, erection, replacement, or remodeling continues, shall constitute a separate offense.
- (8) Eaves may project into any required yard a distance not to exceed two feet.
- (9) Open and uncovered porches may project beyond the front building line or into a required rear yard a distance not to exceed five feet.
- (10) Driveways shall be permitted in required yards, but shall be three feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots. Each driveway shall be not less than ten feet wide. Driveways may also be connected to provide a common turn around for adjoining lots.
- (11) Parking areas shall be permitted in required yards developed in Industrial Zoning Districts to within 15 feet of a Residential Zoning District or a Planned Residential Zoning District as listed in Section 1109.02.

(e) Yards Not Otherwise Required. Yard space not otherwise required but provided shall be five feet or more in width.

(f) Yards Maintained. All yard space shall be maintained in accordance with one or more of the following provisions:

- (1) Fenced as permitted or required
- (2) Landscaped by lawns, shrubberies, tree and other plantings, maintained in a neat and orderly natural state, or used for permitted accessory or ancillary use.
- (3) Paved for parking as permitted. (Ord. 363. Passed 6-22-81.)

1121.03 HOME OCCUPATION.**(a) Permit Required.**

- (1) A written application must be made to the Village Mayor or his designee detailing the nature of the home occupation, the number of persons to be involved in such occupation, the expected length of time such home occupation shall be carried on, and any additional information as may be requested.
- (2) Upon the directive of the Village Mayor or his designee, the Zoning Officer shall issue a permit to carry on a home occupation.

(b) Regulations.

- (1) Only one person other than members of the family residing in the premise shall be engaged in said occupation.
- (2) The use of 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 one third (33 1/3%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no external indication of such home occupation other than one sign, controlled by the sign regulations in this Zoning Ordinance.
- (4) No home occupation shall be conducted in any accessory building.
- (5) There shall be no sales on the premises of goods produced on the premises, without permission of the Zoning Officer.
- (6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood 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.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical 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 line voltage off the premises.

(c) Violations.

- (1) If one or more of the conditions in subsection (b) hereof are violated, the Zoning Officer shall have the power to revoke the permit to carry on the home occupation.
- (2) The operator of such a home occupation may appeal the revoking of the permit to the Planning Commission.

1121.04 LANDSCAPING.

(a) Purpose. The purpose of the landscaping regulations shall be to promote and protect the public health, safety and welfare through the preservation and protection of the environment by recognizing the vital importance of tree growth to the ecological system. It is further the purpose of this section to specifically promote the preservation and replacement of trees and major vegetation removed in the course of land development, and to promote the proper utilization of landscaping as a buffer between certain land uses to minimize the possibility of nuisances. Through the proper use of landscaping, nuisances can be avoided between abutting land uses and distractions eliminated for traffic passing by and through a particular use. For the purpose of this Zoning Ordinance, "landscaping" means the treatment of the ground surface with natural greenery and plant material, including seeding and sod.

(b) Plan.

- (1) All applications for a subdivision, zoning permit, variance, conditional use permit or in other such cases where a site plan or development plan is to be filed, a landscape plan must be shown. The owner or applicant shall indicate and show proof of preserving major vegetation either by generally locating major tree growth as related to development and construction plans on the landscape plan or boundary survey or by tree spot as determined by the Village Mayor or his designee.
- (2) All trees having a trunk diameter of six inches or greater as measured twenty-four inches from the ground level shall be preserved unless such trees are exempted as follows:
 - A. Trees within public rights-of-way or utility easements, which impair use of the easement.
 - B. Trees within the ground coverage of proposed structures or within twelve feet from the perimeter of such structure(s).
 - C. Trees within the driveway to service a single-family home.
 - D. Trees that in the judgment of the Village Mayor or his designee are damaged, diseased, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.

It is encouraged that exempted trees subject to destruction are preserved by relocation and replanting of such trees on a lot.
- (3) For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this section, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved by the Village Mayor or his designee, the applicant or owner shall plant such trees as may be required within one year after the issuance of a building permit.

(c) Screening Requirements.

(1) Screening of service courts and loading dock areas.

- A. For applicable uses under the commercial and industrial districts both planned and standard all areas used for service, loading and unloading activities shall be adequately screened if adjacent to or abutting a residential district.
- B. Such screening can consist of walls, fence structures, landscaping or, an acceptable combination of these elements, provided that the height of any wall or fence structure is at minimum seven feet and at maximum twelve feet.
- C. Such screening shall cover a minimum of seventy-five percent (75%) of the area of the visual face formed by the property line between adjacent residential uses extended vertically to a height of nine feet from ground level, and extended horizontally between the side lot lines of the property. In addition, such screening, during full foliage, shall have a minimum opaqueness of seventy-five percent (75%). The use of year round vegetation, shall be no closer than three feet to any property line.

(2) Screening of trash containers; receptacles.

- A. For applicable uses under the commercial and industrial district, both planned and standard, all trash containers or receptacles shall be sufficiently screened or enclosed. Trash containers designed to service more than one residential unit or to service a non-residential restructure or structures shall be screened by walls, a fence structure or landscaping or an acceptable combination of these elements.
- B. The height of such walls, fence structures or landscaping shall be a minimum of six feet. The maximum height of walls and fence structures shall not exceed ten feet. All screening, during full foliage, shall have a minimum opaqueness of eighty percent (80%). The use of year round vegetation such as pines or evergreens is encouraged.
- C. For every six inch tree removed in the course of development or construction that is otherwise not exempted from regulation, the owner or applicant shall plant a tree having a trunk diameter of no less than one and one half inches within one year from the date a building permit was granted. For every six inch tree removed, and if no replacement trees are planted within this one year period, the Village Mayor or his designee may find the owner or applicant in violation of this chapter and assess a fine of fifty dollars (\$50.00) per violation. Such fee shall be used by the Village to plant trees on public property or rights of way. In the case of dispute between the applicant or owner and the Village Forester relative to whether a specific tree is exempted or non-exempted from these regulations, the Village Mayor or his designee may require that an accurate tree spot be made by the applicant for determination of violation.

- (d) Standards.
- (1) Preservation of wooded areas. It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.
 - (2) Tree planting requirements. For all new development the following landscape requirements shall apply:

USE

Individual lots under R-2, R-4, PUD
Districts

CC, GC, PNC, NC

REQUIREMENTS

There must be tree plantings equal to one half inch in tree trunk size for every 150 sq. ft. in ground coverage by a single family structure.

A. Up to 20,000 sq. ft.: Tree planting equal to 1/2 inch in tree trunk size for every 2,000 sq. ft. of ground coverage.

B. Between 20,000 and 50,000 sq. ft.: tree plantings equal to five inches plus 1/4 inch in tree trunk size per every 2,000 sq. ft. over 20,000 sq. ft. in ground coverage.

C. Over 50,000 sq. ft.: Tree plantings equal to eight and three fourths inches plus 1/2 inch in tree trunk size per every 4,000 sq. ft. over 50,000 sq. ft. in ground coverage.

No new tree plantings shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Zoning Ordinance. The minimum tree size for each tree planting shall be no less than one and one fourth inches in trunk diameter.

(3) Additional screening requirements.

- A. For all applicable uses under the Commercial and Industrial Districts, both planned and standard, screening shall be provided between such uses and any adjacent or abutting residential districts.
- B. Such screening can consist of walls, fence structures, and landscaping or an acceptable combination of these elements. Such screening shall cover a minimum of fifty percent (50%) of the area of the visual face formed by the rear and side property lines extended vertically to a height of seven feet and extended horizontally between the front building line and the rear property line for side lot lines. Such landscaping shall be not closer than three feet to any property line.
- C. Such screening during full foliage shall have an opaqueness of at least seventy-five percent (75%) and walls and fence structures shall have a minimum height of four feet and a maximum height of eight feet.
- D. For all industrial uses adjacent or abutting a residential district, screening shall be provided as per the following requirements:

Minimum visual face coverage	80%
Minimum opaqueness	80%
Minimum height, walls and fence structures	7 feet
Maximum height, walls and fence structures	12 feet

- E. No screening shall be erected which obstructs a driver's view of traffic at street or road intersections.

(e) Procedure.

- A. The applicant, developer or builder at the time of procuring a building permit shall submit his building plans, and landscaping plans to the Village Mayor or his designee indicating location, size of trees, location of trees over six inches to be removed and location and size of replacement trees, if any, to be planted.
- B. The Village Mayor or his designee shall review the building and landscape plan simultaneously with the engineering and subdivision review and have 15 days from the date of receipt of such plans to indicate approval or disapproval of the landscape plan to the Planning Commission under appeal, no building permit shall be issued.
- C. Under the requirements set forth for screening, the Village Mayor or his designee shall recommend to the Planning Commission the acceptability of the screening plans and the Planning Commission shall approve or disapprove the screening plan. (Ord. 363. Passed 6-22-81; Ord. 4-99. Passed 5-10-99.)

1121.05 PARKING AND OFF STREET LOADING REQUIREMENTS.

(a) Purpose. It is the intent of these requirements to insure adequate parking and off street loading areas, both for the convenience of the people and to avoid undue congestion and circulation conflicts.

(b) General Requirements.

- (1) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this Zoning Ordinance.
- (2) All off street parking areas for multiple-family and non-residential uses shall be paved with all weather paving, adequately drained, and lighted. Such lighting shall be so arranged as to reflect the light away from adjoining property, subject to approval by the Village Mayor or his designee.
- (3) The owner of the property used for parking and/or loading shall maintain such area in good conditions without holes and free of all dust, trash, and other debris.
- (4) Location of Parking Space: The following shall govern the location of off street parking spaces and areas.
 - A. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
 - B. Parking spaces for commercial, industrial or institutional areas shall be located not more than 600 feet from the principal use.
 - C. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.
- (5) No part of any parking area for more than five vehicles shall be closer than twenty feet to any dwelling unit, school, hospital, or other institution for human care located on an adjacent lot unless separated by acceptable, adequate screening of seventy-five percent (75%) opaqueness. In no case shall any part of a parking area be closer than 15 feet to any established street.
- (6) Parking spaces: Minimum area and dimensions exclusive of driveways are as follows: For at least fifty percent (50%) of parking spaces on any development site:

	Stall minimum width	Minimum length	Minimum area sq. ft.	Aisle minimum width
90 degree angle parking	10'	20'	200'	22'
parallel parking	10'	23'	230'	14'
60 degree angle parking	10'	20'	200'	18'
45 degree angle parking	13'	20'	260'	18'

Access drives into parking area: Minimum widths as follows:

Single family driveways	10'
Two family combined drive	16'
All other uses	Minimum 20', but additional width may be required dependent on size and type of lot.

- (7) Traffic control and access:
- A. Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.
 - B. Whenever a parking lot extends to a property line or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to restrict such extension.
 - C. All parking areas with a capacity over twelve vehicles shall be striped with double lines twelve inches both sides of center to facilitate the movement into and out of the parking stalls.
- (8) A detailed parking layout must be shown to include the following:
- A. Number of spaces indicated by total number of on-site spaces and to be summed by row.
 - B. Access points and expected movement through and between separate parking lot areas.
 - C. Expected pedestrian access routes from parking areas to stores.
- It is encouraged that the total area used for parking be so defined as to create smaller, defined parking lot areas in lieu of a single, unbroken paved lot.
- It is required that adequate landscaping be used to delineate or accent parking, pedestrian, and bicycle areas.

(c) Schedule of Requirements.Building UseMinimum Off-Street Parking Spaces(1) Residential.

Residences, apartment unit

Two per dwelling

Rented rooms

One space per rented room plus two per dwelling unit (see definition)

Hotels, motels, lodges

One space per guest room and one space per employee.

(2) Community uses.

Governmental (unless otherwise specified)

One space per 300 sq. ft. of net floor area plus one space per every 2 employees.

Civic (unless otherwise specified)

One space per 400 sq. ft. of net floor area plus one space per every 2 employees.

Educational (excluding colleges or universities)

One space per 1000 sq. ft. of net floor area.

Places of assembly (auditoriums, lodge hall, theaters, gymnasiums, stadiums, and churches)

One space per four seats.

Hospitals

(3) Commercial/business/office

Retail

One space per 500 sq. ft. of net floor area

Office

One space per 250 sq. ft. net floor area

Barber/beauty shops

One space per 300 sq. ft. net floor area

Medical, dental, or veterinary office

Four spaces per barber/beautician

Funeral homes, mortuaries

Seven per doctor having office to provide services to public

Commercial recreation

One space per 50 sq. ft. net floor area

Open commercial amusement

Bowling alleys

One space per 500 sq. ft. net floor area
Four spaces per lane, plus one per 150 sq. ft. of net floor area of a restaurant, lounge, entertainment.(4) Service/manufacturing/industrial

Manufacturing/industrial/service processing operations, warehousing

One per 1.5 employees on the largest shift plus one for each motor vehicle maintained on the premises.

(5) Loading space.

- A. Loading spaces shall be required for all industrial, commercial and office uses. These spaces shall be located in the rear yard except upon Planning Commission approval.
- B. A loading space shall have minimum dimensions of not less than 14 feet in width, 55 feet in length, exclusive of driveways, aisles and other circulation areas, and a height of clearance of not less than 15 feet, except as provided below. One off-street loading space shall be provided and maintained on the same lot for every commercial, office and institutional building excluding churches having floor area of 2,500 to 5,000 sq. ft. or industrial building floor area up to 5,000 sq. ft. Additional loading spaces shall be provided for buildings over 10,000 sq. ft. as meets the intent of this section as approved by the Planning Commission. For all commercial, office and institutional buildings excluding churches having a floor area of 750 to 2500 sq. ft., one loading space having dimensions of not less than twelve feet in width, thirty feet in height and arranged so as not to inhibit other service traffic shall be provided.
- (6) Planning Commission shall review all parking and loading plans to insure the intent of this section is met. For all uses not listed the Planning Commission shall determine what the reasonable and proper and loading requirements are to meet the intent of these regulations.
- (7) All applicable sections of the landscaping and signage sections of this Zoning Ordinance shall be met. (Ord. 363. Passed 6-22-81.)

1121.06 SIGNS.

(a) Purpose. To regulate the size, number, use and location of signs.

(b) Definitions.

- (1) "Sign" means and includes every sign, billboard, ground sign, free standing sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, pole sign, marquee, awning, display, illustration, insignia or similar device used to advertise or promote the interest of any person or business when the same is placed out of doors in view of the general public, or is visible to the general public from out of doors.
- (2) "Wall sign" means any sign attached to or erected against the exterior wall of a building or structure or which is an integral part of the exterior of a building.
- (3) "Free standing sign" means any sign which is not a wall sign and which is permanent in nature and which is affixed to the realty.
- (4) "Temporary sign" means any sign which is permitted for a limited period of time.
- (5) "Display area" means the area available on the sign structure for the purpose of displaying the advertising message, whether the area is used or not used.
- (6) "Roof sign" means any sign which projects above the parapet or structural and visual roof of the building.

(c) Permit Requirements and Exemptions.

- (1) Except as otherwise specifically provided herein, no sign not subject to the Shawnee Hills Environmental District shall hereafter be constructed, erected, replaced, re-erected or remodeled within the limits of the Village of Shawnee Hills by any person, firm, corporation, or organization until a permit for the same has been issued by the Building Inspector. Such permits will be granted by the Building Inspector only upon the basis of representations submitted to him pertaining to the design, specifications and location of each sign.
- (2) Any sign to be erected within the boundaries of the Shawnee Hills Environmental Review District shall be subject to the provisions of such District and must receive a Certificate of Appropriateness prior to the erection of such sign. The provisions of this Zoning Ordinance with regard to size, location, type, and number of signs shall be maximums for property within said district and such Board, where appropriate may further restrict the size, location, type, number, and design of such sign.
- (3) There will be a fee of ten dollars (\$10.00) for each permit, plus an additional charge of twenty-five cents (25¢) per sq. ft. of available display area.
- (4) Any request for variances from the provisions hereof, or any requests for permits for signs not specifically permitted hereunder shall be submitted to the Board of Zoning Appeals for their final decision, unless such signs are subject to the Shawnee Hills Environmental Review District, in which event such variance or requests shall be submitted to the Shawnee Hills Environmental Review Board for approval.
- (5) No permit shall be required for the following signs:
 - A. Temporary real estate signs of an area of 12 sq. ft. or less for the sale or lease of property.
 - B. Professional name plates not exceeding 2 sq. ft. in area.
 - C. Small announcements with an area of less than 4 sq. ft. located inside buildings, whether or not the same are visible from the outside.
- (6) Public notices by government bodies, traffic control signs and other official signs and notices are exempt from the provisions of this Zoning Ordinance.

(d) General Provisions.

- (1) No sign, including its frame and structure, shall exceed 40 sq. ft. in area on any one side; and in addition the total display area of all signs on any one property, shall not exceed 100 sq. ft. Neither the vertical nor the horizontal measurements of any sign shall exceed 15 ft. in length.
- (2) No sign shall be placed on or above any public right of way except publicly owned signs, such as traffic control signs and directional signals, without the consent of the Mayor.
- (3) No sign shall be installed, erected or constructed in such a manner as to obstruct any fire escape or any door or window giving access to a fire escape.
- (4) Every wall sign or free standing sign shall be securely attached to the building wall or suitable metal support iron or metal anchors, bolts, supports, chains, cables or steel rods.

- (5) All signs attached to buildings may extend not more than two feet above the roof or parapet of said building whichever is higher. All other signs may extend not more than 18 feet in the air, measured from street level.
 - (6) On a corner lot, only one pole will be permitted within 12 ft. of the corner of said lot.
 - (7) Any sign on a corner lot which is within 12 ft. of the corner of said lot shall be at least seven ft. above the highest point of the sidewalk, unless such signs are wall signs and the flat side of said sign is attached to the front or side of the building. No sign base within 12 ft. of the corner permitted to extend more than six inches above grade.
 - (8) No temporary sign shall be attached to, painted on or otherwise displayed on a light standard, fence, wall, post, pole, portable supporting device or other structure except as specifically authorized by this Zoning Ordinance.
 - (9) Except as provided in Subsections (d)(7) and (8) hereof, no signs shall be permitted other than those which pertain to the business being carried on the premises on which the sign is located.
 - (10) No sign shall be erected which obstructs a driver's view of traffic at street or road intersections.
- (e) Wall Signs.
- (1) Each business may have not more than one wall sign on the front, one wall sign on each side and one wall sign on the rear of the building in which it is located.
 - (2) The aggregate area of all wall signs for any single business on any one wall may have a maximum area equivalent to 3 sq. ft. of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area shall not exceed 70 sq. ft.
 - (3) No wall sign shall project laterally beyond the building.
- (f) Free Standing Signs.
- (1) Each business shall not have more than one free standing sign.
 - (2) All free standing signs shall be designed in accordance with the sign requirements of Ohio Basic Building Code.
 - (3) No temporary sign shall be attached to any free standing sign, or its support.
- (g) Illuminated Signs.
- (1) All wiring, fittings, and materials used in the construction connection and operation of electrically illuminated signs shall be in accordance with provisions of the National Electric Code, and shall be inspected by the Building Inspector for the Village of Shawnee Hills.
 - (2) Every illuminated sign shall be constructed of metal or other equally non-combustible material.
 - (3) No mounded lamp fitting of the gooseneck type shall be permitted on any sign with the exception of roof signs.
 - (4) No sign shall contain electric bulbs, lamps, fixtures, or equipment of a nature resembling flasher signals or traffic lights, and the light from signs shall not interfere with the vision of motorists.
 - (5) No free standing plastic signs internally illuminated shall be permitted in the Village of Shawnee Hills.

- (h) Special Signs.
- (1) Signs used for announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc. shall not exceed 24 sq. ft. and may be erected for a period not to exceed 30 days plus the construction period.
 - (2) All candidates for public office, their campaign committees or other persons responsible for the posting on private property of campaign material or special announcements shall remove such material within 10 days following the election or special event.
- (i) Real Estate Signs.
- (1) Signs not exceeding 12 sq. ft. in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted. Real estate "open house" signs shall be permitted only when a house is open for inspection and only on the premises for which this sign is applicable. Such signs shall not exceed four feet in height.
 - (2) "For Sale" or "rent" signs shall be removed not later than 10 days after the contract for sale or rent of said property has been entered into. Signs indicating that the property has been sold shall not be displayed for more than 10 days.
- (j) Unsafe and Unsightly Signs.
- (1) Should any sign be or become insecure or in danger of falling or otherwise unsafe, the Building Inspector may declare such sign unsafe because of failure to conform with the provisions set forth herein; and the owner thereof or person or organization maintaining or responsible for the same shall, upon receipt of written notice from the Building Inspector, proceed at once to comply with the instructions of the Building Inspector, and put such sign in a safe and secure condition, or remove the same.
 - (2) If the Building Inspector at any time decides that because of the appearance of a sign the owner thereof or the business being advertised has abandoned maintenance of the same, he may notify such person, firm, corporation or business to either restore said sign to this original condition or remove the same within 15 days.
- (k) Violations and Penalties.
- (1) It shall be unlawful to construct, erect, replace, re-erect, or remodel any sign in violation of any of the provisions of this Zoning Ordinance or any amendments or supplements thereof.
 - (2) Any person, firm, corporation, organization, or business violating the provisions of this Zoning Ordinance shall upon conviction, be fined not less than five dollars (\$5.00) not more than one hundred dollars (\$100.00). Each day during which such unlawful construction, erection, replacement, re-erection or remodeling continues shall constitute a separate offense.

(l) Removal of Signs.

- (1) Temporary signs in existence at the effective date of this section which do not comply with the provisions of this Zoning Ordinance and all other signs heretofore erected or displayed without legal authorization or as to which a non-conforming use has not been established, shall be removed within ten days after delivery of written notice to that effect by the Building Inspector to the owner or occupant of the premises on which such signs are located.
- (2) No sign shall be permitted on a building's premises for longer than two weeks after the business to which said sign pertains has ceased operating on said premises.

(m) Canvas Awnings. Canvas awnings to protect windows from rain or sunshine may be erected and maintained if the framework and all parts thereof are made of metal and no part of such awning or of any support therefore that extends over the sidewalk shall be less than seven feet above the highest point of the sidewalk. (Ord. 363. Passed 6-22-81.)

1121.07 ENVIRONMENTAL REVIEW DISTRICT.

(a) Purpose. The Environmental Review District is established to protect the economic and social welfare of the Village of Shawnee Hills by requiring reasonable controls over the character, design, placement and relationship of the buildings, structures, and spaces of the commercial areas while enhancing and protecting the residential land uses which abut the commercial areas through the proper development of the commercial areas.

(b) Organization. The Shawnee Hills Environmental Review District is hereby established to control, encourage and regulate the character, design, placement and relationship of buildings, structures, and spaces within the boundaries of the District. (Ord. 363. Passed 6-22-81.)

(c) Affected Property. The district shall be applicable to land presently or hereafter commercially zoned or considered a non-conforming lot.

(d) Regulations.

- (1) The Architectural Board of Review shall sit as the Shawnee Hills Environmental review Board (and for the purposes of this section shall be referred to as the Board). (Ord. 09-2002. Passed 4-8-02.)
- (2) No building, structure, or space within the Shawnee Hills Environmental Review District shall be constructed, reconstructed, altered, moved, extended, raised, enlarged, or changed in external appearance, unless and until the plans and specifications of such building or structure and the landscaping plan for the premises on which it is to be located have been approved by the Board. The Board, in reviewing such plans and specifications shall examine the architectural design, the exterior surface treatment, the arrangement of buildings and structures on the premises, the uses of signage, the means of integrating parking, the use of landscape materials and the impact of the proposed project on the surrounding properties to determine the effect the project will have upon the appearance and environment of the district. The Board shall endeavor to assure that the exterior appearance and environment of such buildings, structures, and spaces will enhance the attractiveness and desirability of the district in keeping with its purpose and intent; encourage the orderly and harmonious development of the district in keeping with the character of the district; improve residential amenities in any adjoining residential neighborhood; enhance and protect the public in private investment in the value of all lands and improvements within the district and adjoining districts.
- (3) Architectural style: The Board in the performance of its duties shall not attempt to prescribe the style of architecture so long as the architectural style and design under construction meets the standards set forth above.

(e) Certificate of Appropriateness.

- (1) A Certificate of Appropriateness must be obtained prior to any new construction of any remodeling, reconstruction or other change which would come within the provisions of this Zoning Ordinance.
- (2) The responsibility of review and approval or denial of the application for a Certificate of Appropriateness shall rest with the Board. All applications for a Certificate of Appropriateness shall be made to the Mayor or his designee at least 7 days before a regularly scheduled Board meeting. The applicant shall submit with his application drawings, materials, sketches, and other such items that indicate or identify the proposed exterior and environment of any new or existing building or structure within the Environmental Review District.
- (3) The Board shall review and approve, approve with modifications or conditions, or disapprove such applications within 45 days of the meeting. Upon approval by the Board, the Mayor or his designee shall issue a Certificate of Appropriateness to the applicant within 15 days thereafter. Upon disapproval by the Board, the Mayor or his designee shall not issue a Certificate of Zoning Compliance for such project. Any applicant may appeal the decision of the Board to the Shawnee Hills Village Council by filing a notice of appeal to the Clerk of Council within 14 days after the decision of the Board. The decision of the Shawnee Hills Village Council shall be final.

- (f) Penalty.
- (1) Whoever constructs, reconstructs, alters, moves, extends, raises, enlarges, or changes the external appearance of any building, structure or use of land within the Shawnee Hills Environmental Review District or whoever maintains, changes or installs a sign in violation of this Chapter shall be fined no more than one hundred dollars (\$100.00). Each day in which such violation continues shall be deemed a separate offense and punishable under the terms of the Section.
 - (2) In the event that any exterior change is made for any structure or building which is located within the Shawnee Hills Environmental Review District, or in the event that any construction occurs within the District in violation of the provisions of this chapter, the Village may institute appropriate proceedings to enjoin such unlawful change or construction.
(Ord. 363. Passed 6-22-81.)

1121.08 MAILBOXES.

- (a) All mailboxes can be installed with the following: a 4' by 4" wooden post, a rust proof metal post, stone or brick permanently anchored into the ground.
- (b) Types of mailboxes allowed:
- (1) Basic metal.
 - (2) Basic plastic.
 - (3) Basic all aluminum.
 - (4) Cedar.
 - (5) Stone or brick.
- (c) All mailboxes will be installed according to the U.S. Postal Regulations regarding height from the ground and distance from the roadway.
- (d) All mailboxes and posts must be maintained in a "like new" condition.
- (e) Any person, firm, corporation, organization, or business violating the provisions of this section shall upon conviction, be fined not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00). Each day after which an unapproved mailbox is installed and the owner is notified in writing. (Ord. 05-97. Passed 3-10-97.)

1121.09 ARCHITECTURAL STANDARDS FOR COMMERCIAL ZONING DISTRICTS.

The following guidelines will supplement the existing architectural standards already in the Village's commercial districts' development standards:

- (a) Maximum Building Height: 35 feet. (Ord. 12-97. Passed 6-9-97.)
- (b) Building Materials: A sample materials board shall be submitted to and reviewed by the Village Planning and Zoning Commission prior to approval of any commercial site plan. The sample board shall clearly and accurately display the color, material, design, and use of all exterior materials. Any deviation from the approved material must have prior written approval from the Village Planning and Zoning Commission. (Ord. 22-2002. Passed 12-9-02.)

- (c) Building Colors. Rustic, muted colors that contribute to a “country” look and feel from the following color families, white, gray, brown and green.
- (d) Roof Pitch. Roof pitch as part of the front facade shall be a minimum of 4:12 (four inches of rise for every twelve inches in length.)
- (e) Lighting. Building and parking lot lighting schemes shall not produce glare onto adjacent properties that are not similarly zoned for commercial uses. Overlapping lighting among commercial uses is desirable to prevent dark spots between uses/buildings.
- (f) Building Orientation. All buildings shall be oriented to a public street unless otherwise approved by Village Council.
- (g) Standard of Repair. All buildings shall be regularly maintained so as to be kept in good condition. (Ord. 12-97. Passed 6-9-97.)

1121.10 LONG RANGE LAND USE PLAN.

(a) The final draft of the Long Range Land Use Plan is adopted as presented by the Long Range Planning Committee.

(b) This Land Use Plan be reviewed every five years and be updated as necessary. (Ord. 16-97. Passed 7-14-97.)

1211.11 PARKING AND STORAGE OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY.

(a) The following guidelines for commercial vehicles, operable vehicles and inoperable vehicles are established.

- (1) Commercial vehicles. No commercial vehicle or other vehicle which infringes upon the residential character of a residential district shall be stored, or parked on a residentially zoned lot. However, infrequent short-term parking of a commercial vehicle, or commercial-type vehicle for conveying tools and materials to premises, where laborers, using such tools and materials, are working, and commercial vehicles delivering goods to a residence, or moving furniture to and from a residence, only during the time such parking is actually necessary, is hereby excepted from this section.

For the purpose of this section, commercial vehicle means: any vehicle used, or designed to be used, for business or commercial purposes which infringe on the residential character of the residential district, and includes, but is not limited to: buses, cement trucks, commercial tree trimming equipment, construction equipment, dump trucks, garbage trucks, tow trucks, semi-tractors, semi-trailers, stake-bed trucks, step vans, tank trucks, tow trucks, or other commercial vehicles licensed by the State Bureau of Motor Vehicles as a commercial vehicle or truck.

- (2) Operable vehicles. No operable vehicle may be stored on any residentially zoned lot for a period exceeding fourteen days. For purposes of this section, a stored vehicle is one which has not been moved within fourteen days, is not used for transportation by any resident of the lot, and is in view of any adjacent street or lot.
- (3) Inoperable vehicles. Outdoor storage of inoperable, unlicensed, or unused vehicles of any type, for a period exceeding seven days, is prohibited.

(b) Any person violating the provision of this section shall be penalized according to the provisions set forth in Section 1129.02 of the Codified Ordinances of the Village of Shawnee Hills. (Ord. 9-99. Passed 11-8-99.)

CHAPTER 1125
Special Districts

EDITOR'S NOTE: Former Chapter 1125 was deleted from the Codified Ordinances by Ordinance 4-99, passed May 10, 1999.

CROSS REFERENCES
Zoning Map - see P. & Z. Ch. 1109
District Regulations - see P. & Z. 1113

(The next printed page is page 59.)

**CHAPTER 1129
Administration**

1129.01	Enforcement of regulations.	1129.05	Severability.
1129.02	Penalty.	1129.06	Planning commission.
1129.03	Amendments.	1129.07	Fees for zoning applications and permits.
1129.04	Procedure for proposed amendment.		

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10
Violation of Zoning Ordinances - see Ohio R.C. 713.13

1129.01 ENFORCEMENT OF REGULATIONS.

(a) Administration Officer. This Zoning Ordinance shall be administered and enforced by the Code Enforcement Officer who shall report to the Village Administrator. The duties of the Code Enforcement Officer are:

- (1) To issue a Certificate of Zoning Compliance when these regulations have been followed or, to refuse to issue the same in the event of non-compliance.
- (2) To collect the designated fees as set forth in this Zoning Ordinance for Certificate of Zoning Compliance, application for amendment or changes, Appeal and Conditional Use.
- (3) To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all Certificates of Zoning Compliance, and of receipt of complaints of violation of this Zoning Ordinance and action taken on the same.
- (4) To inspect any building or land to determine whether any violations of this Zoning Ordinance have been committed or exist.
- (5) To enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, a discontinuance of illegal uses or illegal work in progress, and may request the Village Solicitor to commence appropriate action.
- (6) To keep the Planning Commission advised of all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining to supplements and amendments.
- (7) To keep the Board of Zoning Appeals and Architectural Review Board advised of all matters pertaining to the Conditional Use permits, appeals or variances and to transmit all applications and records pertaining thereto.
(Ord. 363. Passed 6-22-81; Ord. 07-2004. Passed 5-24-04.)

(b) Certificate of Zoning Compliance. No occupied or vacant land shall be changed in its use in whole or part until the Certificate of Zoning Compliance shall have been issued by the Administrative Officer. No existing or new building shall hereafter be changed in its use in whole or in part until the Certificate of Zoning Compliance shall have been issued by the Administrative Officer. This section shall in no case be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership or tenancy only without a change in use or intended use, provided that no repairs, alterations, or additions are proposed for such building.

(c) Building Permit. No Building Permit for the extension, erection, or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued and no building shall be occupied until such certificate is approved. (Ord. 363. Passed 6-22-81.)

(d) Application for Certificate. Each application for a Certificate of Zoning compliance for new development shall be accompanied by a plan and supporting documentation in quadruple to scale, three copies of which shall be returned to the owner upon approval. The physical survey stamped and signed by a registered surveyor shall show the following:

- (1) The actual dimensions of the lot.
- (2) Lot numbers.
- (3) Easements and road pavement locations.
- (4) Setbacks from street right of way and street pavement to the front of the structure.
- (5) Exact size, location and intended use of all proposed structures on the site.
- (6) Driveway location, width and setback from neighboring property line.
- (7) Trees greater than 6 inches in diameter.
- (8) Blue prints showing all floor plans, existing elevations, proposed finished elevation, square footage of the building and building height.
- (9) Such other information with regard to the lot and neighboring lots may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

(e) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer. Include information as listed on the Village of Shawnee Hills Site Plan or Conceptual Grading Plan Requirements as on file.

(f) Issuance of Certificates: Certificate of Zoning Compliance shall be issued or refusal thereof given within ten (10) business days after the date of receiving a completed application. Written notice of such refusal and reason thereof shall be given to the applicant.

(g) A Zoning Inspection Certificate and a final drainage inspection is required before an occupancy permit will be granted by Delaware County Code Compliance.

(h) If Village Code does not specifically address an area then the Delaware County Building Code will be used for clarification. (Ord. 03-2004. Passed 3-22-04.)

1129.02 PENALTY.

(a) Any person violating any provision of any section of this Zoning Ordinance, or who shall violate or fail to comply with any order made thereunder, or who shall falsify plans or statements filed thereunder, or who shall continue to work upon any structure after having received written notice from the Administrative Officer to cease work, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00).

(b) 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. (Ord. 363. Passed 6-22-81.)

1129.03 AMENDMENTS.

(a) By Council. The Village Council may change or amend the text of this Zoning Ordinance or the Zoning District Map.

(b) Initiation by Ordinance. Proposed changes or amendments may be initiated by the Village Council by Ordinance or by motion of the Planning Commission.

(c) Initiation by Application. Proposed change or amendments may be initiated by one or more owners or lessees of land within the area that is proposed to be changed by amendment of the Zoning District Map or by one or more owners or lessees of land to be affected by change or amendment of other provisions of this Zoning Ordinance.

(d) Initiation of Action by Owner or Lessee of Land. One copy of a provided application form shall be filed with the Mayor, Zoning Officer, or person designated by the Mayor to receive said applications.

(1) Application. The application for any proposed change or amendment shall contain:

- A. Name, address, phone number of applicant and property owner.
 - B. A statement describing the present section, or sections of the Zoning Ordinance, or the district boundaries of the Zoning District Map that the petitioner wishes to have changed or modified, as well as the petitioners specific recommendations for said change.
 - C. Legal description of the property.
 - D. A statement of the relation of the proposed change or amendment to the general health, safety, and welfare of the public in terms of need or appropriate within the area by reason of changed or changing conditions and the relation to appropriate plans for the area.
 - E. A list of owners and their mailing addresses of property within and contiguous to and directly across the street from such area proposed to be rezoned. Such lists to be in accordance with the Delaware County Auditor's current tax list.
 - F. Two copies of a plot plan drawn to scale drawing:
 1. Shape and dimensions of the lot with front, rear and side yard dimensions shown.
 2. Exact size, location and dimensions of existing or proposed structures or of proposed alteration.
 3. Traffic access and parking.
 4. Tree spots to show all major site vegetation.
 5. Any additional information as required by the Mayor, Zoning Officer, or Mayor's designee.
- (Ord. 363. Passed 6-22-81.)

1129.04 PROCEDURE FOR PROPOSED AMENDMENT.

(a) Hearing Date. Upon receipt of an application, the Mayor shall set a date for a combined public hearing with the Planning Commission and the Village Council not later than 60 days following receipt of the application but not less than 40 days after receipt of the application so as to provide for publication of notice as required by Ohio Revised Code 713.12. It is contemplated that said public hearing will normally be held at the second regular meeting of the Village Council following submission of the application.

(b) Notification of Solicitor. Upon receipt of the application, the Mayor, or his designee shall notify the Solicitor of the filing of the application and request for preparation of an Ordinance effecting the proposed change. Said Ordinance shall be prepared for public examination during the 30 day period required after notice is given under Ohio R.C. 713.12.

(c) Notice of Combined Public Hearing.

(1) A notice setting forth the time and place of the public hearing and a summary of the proposed change or amendment shall be given by the Village Council by publication in one or more newspapers of general circulation in the Village once a week for two consecutive weeks at least 30 days before the date of the scheduled combined hearing.

(2) If a proposed change or amendment tends to effect (re-zone) or (re-district) 10 or less parcels of land as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Clerk of the Village of Shawnee Hills by first class mail at least 20 days before the date of the public hearing to all owners of property within a contiguous to and directly across the street from the area effected by the proposed change or amendment. Such notice is to be mailed to the address of such owners appearing on the Delaware County Treasurer's Tax mailing list.

(d) Public Examination. During such 30 day period as provided for in the published notice, the text or copy of the text of such ordinance, application, measure or regulation, together with maps or plans, or copies thereof, forming part of or referred to in such ordinance, application, measure, or regulation, and maps, plans, and reports submitted by the Mayor, Planning Commission, or Mayor's designee, shall be on file for public examination, in the Office of the Clerk or in such other office as designated by Council.

(e) Action by Planning Commission. After the combined public hearing, the Planning Commission shall act on a proposed change or amendment.

(1) Consideration. The Planning Commission shall consider the approval, denial, or modification of the proposed change or amendment as such proposal in the Commission's judgment advances the general health, safety, and welfare of the public by encouraging appropriate use and development of land effected and the comprehensive overall development of the surrounding area.

(2) Recommendations. Within 30 days after the public hearing, the Planning Commission shall submit to the Village Council, a recommendation of approval, denial, or some modification of the proposed change or amendment including a statement of reasons for such a recommendation, together with such application, the text and map pertaining thereto.

(f) Action by Council.

- (1) Upon receipt of such recommendation concerning proposed change or amendment the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof.
- (2) No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than three fourths of the membership of Council. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to Council.
(Ord. 363. Passed 6-22-81.)

1129.05 SEVERABILITY.

If for any reason any one or more sections, sentences, clauses or parts of this Zoning Ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Ordinance. (Ord. 363. Passed 6-22-81.)

1129.06 PLANNING COMMISSION.

(a) Organization.

- (1) The Planning Commission shall consist of five members including the Mayor, and a member of Council. Each member shall be a citizen of the Village and appointed by the Mayor for terms of six years each, except that the term of one of the members of the first Commission shall be for four years and one for two years. All such members shall serve without compensation.
- (2) The Planning Commission shall draw up and adopt rules and regulations for its own government and procedure that is consistent with this Zoning Ordinance, and shall annually choose a chairman and a vice-chairman. The chairman shall be elected at the first meeting of the Planning Commission in January of each year. The chairman shall serve a one-year term.

(b) Meetings. The Planning Commission shall meet at the request of the Mayor or his designee or upon written notice by two or more of its members. Such request or notice shall be given at least twelve hours prior to the meeting time. Such written notice from Planning Commission members must be given to all available members of the Planning Commission and the Mayor or his designee. Such written notice must specify the item or items on the agenda. All meetings requiring passage of resolutions shall be public and complete public records shall be kept of all proceedings indicating the vote of each member on each issue, the members present or absent, and the facts of each case and other minutes of the meeting, a copy of which shall be sent to the Clerk of the Village Council.

(c) Quorum. Three members shall constitute a quorum of the Planning Commission.

- (d) Powers and Duties. The duties of the Planning Commission:
- (1) Review proposed amendments or rezonings and make recommendations to Council.
 - (2) Review and approval or denial of applications for Conditional Use Permits.
 - (3) Review and supervise subdivision platting and development plans for planned district applications with reference to this Zoning Ordinance and the Subdivision Regulations.
 - (4) Initiate amendments or make whatever planning or zoning recommendations to Council as are deemed necessary.
 - (5) Perform other such duties as may be required by Ordinance or requested by the Mayor or Council.

(e) Removal. The Council may at any time remove any member of the Planning Commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency; provided, however, that such removal shall not be effective without the concurrence of two-thirds of all members elected to Council, nor until such member shall have been notified in writing of the charge against him at least 10 days in advance of any hearing upon such charge by the Council and he or his counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of such charge. (Ord. 363. Passed 6-22-81.)

1129.07 FEES FOR ZONING APPLICATIONS AND PERMITS.

Council hereby adopts the following schedule of fees for Zoning permits and all other related activities:

New Single Family Certificate of Zoning Compliance	\$325.00
Alteration/Addition	325.00
Garage	325.00
Re-review of drainage plan due to partial work or disapproval	85.00 per hour
Re-inspection of a final drainage plan	85.00 per hour
Certificate of Appropriateness - Commercial	400.00
Solicitor fees	130.00 per hour

(Ord. 03-2004. Passed 3-22-04.)

CHAPTER 1133
Board of Zoning Appeals

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| 1133.01 Established; members; duties. | 1133.04 Procedure for authorizing a conditional use. |
| 1133.02 Procedure for administrative appeals. | |
| 1133.03 Procedure for variance. | |

CROSS REFERENCES

Council may amend zoning - see Ohio R.C. 713.10
Appeals - see Ohio R.C. 713.11, Ch. 2506

1133.01 ESTABLISHED; MEMBERS; DUTIES.

(a) Members. The Board of Zoning Appeals shall consist of five members appointed by Council. Each member of the Board shall serve a three year term. The terms shall be staggered so appointments will be reconsidered each year. The first appointments shall be: two shall be appointed for three years, two shall be appointed for two years and one shall be appointed for one year. Each term commences after the Council reconsiders the new appointment at the first Council meeting each year and the term of the previous appointee will continue until the Council has appointed a successor. No elected official and no member of the Planning and Zoning Commission shall serve on this Board. A vacancy occurring during the term of any member shall be filled for the unexpired term of that member. This Board shall be paid thirty-five dollars (\$35.00) per member per meeting.

(b) Proceedings of the Board of Zoning Appeals.

- (1) The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the Zoning Ordinance. (Editor's Note: Pursuant to Ord. 15-2001, passed September 10, 2001 Council adopted the Rules of Procedure for the Board).
- (2) Meetings shall be held at the call of the Chairman or at such times as the Board may determine.
- (3) The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses.
- (4) All meetings shall be open to the public. A record of all proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be public record and filed with the Clerk of Council.
- (5) Three members of the Board shall constitute a quorum. The Board shall act by resolution and the concurring vote of three members of the Board shall be necessary to reverse an order or determination by the Planning and Zoning Commission, to decide in favor of an applicant in any matter over which this Board has original jurisdiction under the Zoning Code, or to grant any variance from the requirements stipulated in the Zoning Ordinance.

(c) Duties of the Board of Zoning Appeals. For the purposes of this Zoning Ordinance, the Board of Zoning Appeals has the following specific responsibilities:

- (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Planning and Zoning Commission.
- (2) Authorize such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where owing to the special conditions, a literal enforcement of the Zoning Ordinance shall be observed and substantial justice done. Such variances shall only be awarded in strict compliance with the conditions of Chapter 1133 of the Codified Ordinances of the Village of Shawnee Hills.
- (3) Grant conditional use zoning permits as specified in the Zoning Code. (Ord. 06-2001. Passed 3-26-01.)

1133.02 PROCEDURE FOR ADMINISTRATIVE APPEALS.

(a) Administrative Appeals. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved.

(b) Notice of Appeal. Such appeal shall be taken within twenty days after the decision by filing with the Officer from whom the appeal is taken and with the Board of Zoning Appeals, a Notice of Appeal, specifying the grounds. The Officer from whom the appeal is taken shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action was taken. (Ord. 363. Passed 6-22-81.)

1133.03 PROCEDURE FOR VARIANCE.

(a) Nature of Variance. On a particular property extraordinary circumstances may exist in making a strict enforcement of the applicable Development Standards of the Zoning Ordinance unreasonable and therefore, the procedure for variance from Development Standards is provided to allow flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of land or structure permitted.

(b) Written Application. One copy of a provided application accompanied by a copy of the denial shall be filed with the Zoning Administrator not more than twenty days from the date such denial of the Certificate of Zoning is issued.

- (1) Description of property and nature of variance. The application shall include the following:
 - A. The nature of the variance: i.e., including the specific provisions of the Zoning Ordinance upon which the variance is requested.
 - B. A legal description of the property.
 - C. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
 - D. A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
 - E. A statement showing that the special conditions and circumstances do not result from the actions of the applicant.
 - F. Such other information regarding the application for appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

- (2) Plot plan. The application shall be accompanied by two copies of the plot plan drawn to an appropriate scale showing the following:
 - A. The boundaries and dimensions of the lot.
 - B. The nature of the special conditions or circumstances.
 - C. The size and location of existing and proposed structures.
 - D. The proposed use of all parts of the lot and structures including accessways, walks, off-street parking and loading spaces and landscaping.
 - E. The relationship of the requested variance to the Development Standards.
 - F. The use of land and location of structures on adjacent property.
- (c) Actions of the Board. The Board of Zoning Appeals shall hold a public hearing and act on an appeal in one of the following ways:
 - (1) Public notice. Notice of the public hearing shall be given to the adjoining property owners as set forth in Section 1129.04(c). No publication shall be necessary.
 - (2) Approval of a variance. The Board of Zoning Appeals shall only approve a variance or modification thereof if the following findings are made:
 - A. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same Zoning District.
 - B. That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the terms of this Zoning Ordinance.
 - C. That the special conditions and circumstances do not result from the action of the applicant.
 - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same Zoning District.
 - E. That granting the variance requested will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.
 - (3) Certificate of Zoning. A Certificate of Zoning Compliance may be issued only within the period of one year from the date of final approval by the Board of Zoning Appeals.
 - (4) Building Permit. A Building Permit may be obtained only for the development in accordance with the approved plot plan.
(Ord. 363. Passed 6-22-81.)

1133.04 PROCEDURE FOR AUTHORIZING A CONDITIONAL USE.

- (a) Nature of Conditional Uses.
 - (1) Specifically listed Conditional Uses are provided within the Zoning District Regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning Districts.
 - (2) The intent of this Section is to set forth the Development Standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

(b) Written Applications. One copy of a provided application form shall be filed with the Zoning Administrator not less than twenty days prior to the date of the public hearing.

- (1) Description of property and intended use. The application shall include the following statements:
 - A. A legal description of the property.
 - B. The proposed use of the property.
 - C. A statement of the necessity or desirability of the proposed use of the neighborhood or community.
 - D. A statement of the relationship of the proposed use to adjacent property and land use.
 - E. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.
- (2) Plot plan. The application shall be accompanied by two copies of a plot plan, drawn to an appropriate scale, clearly showing the following:
 - A. The boundaries and dimensions of the lot.
 - B. The size and location of existing and proposed structures.
 - C. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking and loading spaces, and landscaping.
 - D. The relationship of the proposed development to the Development Standards.
 - E. The use of land and location of structures on adjacent property.

(c) Actions of the Board. The Board of Zoning Appeals shall hold a public hearing and act on a Conditional Use in one of the following ways:

- (1) Public notice. Notice of the public hearing shall be given to the adjoining property owners as set forth in Section 1129.04(c)
- (2) Approval. The Board of Zoning Appeals shall approve an application for a Conditional Use if the following conditions are met:
 - A. The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Ordinance are met.
 - B. The proposed development is in accord with appropriate plans for the area.
 - C. The proposed development will be in keeping with the existing land use character and physical development potential of the area.
- (3) Approval with modification.
 - A. The Board of Zoning Appeals may approve with modification an application for a Conditional Use, if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met, but plot plan modification is required:
 1. To be in accord with appropriate plan for the area.
 2. To prevent undesirable effects on adjacent property and the surrounding area.
 - B. Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.

- (4) Disapproval. The Board of Zoning Appeals shall only disapprove an application for a Conditional Use for any one of the following reasons:
 - A. The proposed use is not a Conditional Use of the Zoning District, or the applicable Development Standards are not and cannot be met.
 - B. The proposed development is not in accord with appropriate plans of the area.
 - C. The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.
- (5) Conditional use approval. Upon a favorable finding, the Board of Zoning Appeals shall approve the Conditional Use application within 30 days following the public hearing.
- (6) Conditional use permit. A Certificate of Zoning Compliance may be issued only for an approved Conditional Use within a period of one year from the date of final approval by the Board of Zoning Appeals.
- (7) Building permit. A Building Permit may be obtained only for the development of accordance with the approved plot plan.

(Ord. 363. Passed 6-22-81.)

CHAPTER 1137
Definitions

1137.01 General interpretation.**1137.02 Definitions.**

CROSS REFERENCES

General code definitions - see ADM. 101.02

1137.01 GENERAL INTERPRETATION.

(a) For the purposes of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

(b) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied"; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Zoning Ordinance and any caption or illustration, the text shall control.

(c) Terms not herein defined shall have meaning customarily assigned to them.
(Ord. 363. Passed 6-22-81.)

1137.02 DEFINITIONS.

(1) "Accessory use or building" is a use or building on the same lot with, and of a nature customarily incidental and subordinate to those of the main use of building.
(Ord. 363. Passed 6-22-81.)

(2) "Adult booth" means any area of a sexually oriented business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

(3) "Adult material" means any of the following, whether new or used:

- A. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- B. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual presentations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

C. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas. (Ord. 07-2003. Passed 5-12-03.)

(4) "Agriculture" means the use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for parking, treating or storing of goods produced on premises; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

(5) "Alteration" is any change, addition or modification or type of occupance, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

(6) "Automotive sales" means the sale and/or rental of new or used motor vehicles only.

(7) "Automotive repair major" means the repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

(8) "Automotive repair minor" means the replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half ton capacity, but not including repairs specified under "Automotive Repair Major".

(9) "Aviation-oriented facilities" means any runway, land area, or other facility designed to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars and other necessary buildings and open space. Also, to include aviation rental facilities.

(10) "Basement" means a space with a floor level two feet or more below grade level, but having less than half its clear height above grade level.

(11) "Building" is any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

(12) "Building height" means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the building structure.

(13) "Building Inspector" means the Building Inspector of the Village of Shawnee Hills, Ohio.

(14) "Building Line" is a line formed by the face of a building, and for the purposes of this Zoning Ordinance, a building line is the same as a front setback line; this line forms a plane which goes above and below ground and defines the limits of a front yard in which no building or structure may be located except as may be provided by this Zoning Ordinance or District Regulation or as established by the Planning Commission.

(15) "Carry-out operation" shall be defined as a retail business established on an individual tract of land or lot, contained in a structure having 8,000 or less square feet of gross floor area and where such use is designed and oriented to primarily serve short-term shoppers in the purchase of, but not wholly to include foods, beverages and other incidental items for consumption and use off the premises. (See also "drive-in or drive-through" business.) (Ord. 363. Passed 6-22-81.)

(16) "Civic building or use" means a building or location that provides for community meetings and/or activities including, but not limited to, Village Hall, school administration building, recreation center (public or private), property listed on the National Register of Historic Places, Chamber of Commerce building, library, or other public buildings owned or operated by the Village. (Ord. 07-2003. Passed 5-12-03.)

(17) "Clinic" means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

(18) "Club" is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. (Ord. 363. Passed 6-22-81.)

(19) "Commercial establishment" means any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

(20) "Conditional Use Permit" means a permit issued by Council upon the recommendations of the Planning Commission to allow certain specific developments that would not otherwise be allowed in that particular Zoning District where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Zoning Ordinance. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and if approved he must follow those plans exactly or re-apply for a permit before deviating from that plan.

(21) "Council" means the Council of the Village of Shawnee Hills.

(22) "Density" means a unit of measurement; the number of dwelling units.

A. "Gross density" means the number of dwelling units per acre of the total land to be developed; that is, including that area in publicly dedicated land.

B. "Net density" means the number or dwelling units per acre of land exclusive of that area in publicly dedicated land.

(23) "District" is a portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provision of this Zoning Ordinance.

(24) "Drive-in or drive-through business" means an operation designed and operated to specifically attract vehicular traffic and is oriented to offer maximum convenience to facilitate the arriving and departing of customers from the place of business by vehicle. A "drive-in" business shall include gas stations, carry-outs and fast-food businesses and shall be further defined as the use of an individual tract of land or lot under which the following conditions apply to the operation.

A. The use is contained in a building having 8,000 square feet or less gross floor area.

B. The business includes a limited range of food and beverage items or services for sale, having a high volume of sales and sales transactions are typically completed within five to fifteen minutes.

C. Twenty-five percent (25%) or more of the sales are carry-out orders.

(25) "Dwelling" means any building or that portion of which is designed for or used for residential purposes.

(26) "Dwelling unit" is a building or a portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

(27) "Dwelling, one-family" is a building designed exclusively for and occupied exclusively by one household.

(28) "Dwelling, two-family" is a building designed exclusively for occupancy by two households living independently of each other.

(29) "Dwelling, multi-family" means a building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

(30) "Dwelling, rooming house (boarding house, lodging house, dormitory)" means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation for five or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

(31) "Easement" means authorization by a property owner for use by another and for a specified purpose, of any designated part of his property.

(32) "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam, or 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 or general welfare, but not to include buildings.

(33) "Entertainment facilities (commercial)" means any activity conducted for economic gain which is generally related to the entertainment field, to include theater for the showing of motion pictures and theatrical productions.

(34) "Excavation" is the breaking of ground, except common household gardening and ground care.

(35) "Farm implement sales" means an operation where the principal activity is the sale or rental of farm implements.

(36) "Fence" means any enclosing structure other than part of a building of sufficient strength and dimensions to prevent straying from within or intrusion from without.

(37) "Filling" is the depositing or dumping of any matter on to, or into the ground, except common household gardening and ground care.

(38) "Floor area ratio" means the relationship between the total amount of permitted floor space in a structure, and the area of the lot on which it is situated expressed in number form. The building may be designed in a number of ways and still preserve this ratio and also meet lot coverage and height requirements.

(39) "Floor area" means the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

(40) "Home furnishing" means the sale of goods for equipping the home.

(41) "Home occupation" means an occupation conducted in a dwelling unit, subject to the provisions of Chapter 1121.

(42) "Hospital or sanitarium" means a public or semi-public facility that provides accommodations and services for the sick and injured including obstetrical, medical and surgical care.

(43) "Garages, private" means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein;

A. No more than one space is rented for parking to persons not residing on the premises;

B. No more than one commercial vehicle per dwelling unit is parked or stored;

C. The commercial vehicle permitted does not exceed two ton capacity.

(44) "Garages, public" means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

(45) "Gasoline service stations" means a building, structure or land used for dispersing, sale or offering for sale any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories.

(46) "Junk buildings, junk shops, junk yards" means any land, property, structure, building, or combination of the same, on which junk is stored or processed, and which shall be prohibited within the Village limits.

(47) "Hotel, motel and apartment" means a building in which lodging or boarding is provided and offered to the public for compensation. As such it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

(48) "Household" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage no such household shall contain over five persons. Further each household shall have separate and independent cooking facilities.

(49) "Institution" means providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public.

(50) "Kennel" means any lot or premises used for the sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping on, or in any lot or building three or more dogs, cats or other household pets which are over the age of six months.

(51) "Landscaping" means to modify or ornament a natural landscape by altering the plant cover.

(52) "Loading space" means a space located in the rear yard, except in unusual circumstances, used for bulk pick-ups 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. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(53) "Lot measurement"

A. "Lot depth" means the mean horizontal distance of a lot measured between the front and rear lot lines.

B. "Lot width" means the width of a lot at the building setback line measured at right angles to its depth.

(54) "Lot, minimum area of" shall be the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

(55) "Lot occupancy" means that in all Zoning Districts, no more than one building may be constructed on each recorded lot or parcel unless all buildings conform to all applicable regulations and use provisions of this Zoning Ordinance.

(56) "Lot of record" means any lot width, individually or as a part of a subdivision, which has been recorded in the Office of the Recorder of Deeds of the County.

(57) "Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

(58) "Lot" is a parcel of land occupied, or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Zoning Ordinance. Every lot shall abut and have permanent access to a public street.

(59) "Lot types". Terminology used in this Zoning Ordinance with reference to interior, through, reversed frontage and corner lots is as follows:

A. "Interior Lot" means a lot with only one frontage on a street.

B. "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.

- C. "Reversed Frontage Lot" means a lot on which frontage is at right angles to a general pattern in the area. A reversed frontage lot may also be a corner lot.
- D. "Corner Lot" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or street shall be considered a corner lot if the side lot lines to the foremost depth of the lot meet an interior angle of less than 135 degrees. Irrespective of building orientation, on a corner lot the setback for the front yard for that use shall apply to all sides of a lot having frontage on publicly dedicated right of way.
- (60) "Lot coverage" means a ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- (61) "Front lot line" in the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot, it is that line separating said lot from either street.
- (62) "Side lot line" is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (63) "Major Thoroughfare Plan" means the portion of the comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.
- (64) "Maintenance and storage facilities" means land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.
- (65) "Manufacturing, light industrial" means manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures and generating little industrial traffic and no nuisances.
- (66) "Mobile home" means 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 street and highways and exceeding a gross weight of 4,500 pounds and an overall length of thirty feet.
- (67) "Main, principal or primary building" is a building in which is conducted the principal use of the lot upon which it is situated.
- (68) "Main, principal or primary use" is the principal use to which the premises is devoted and the principal purpose for which the premises exists.
- (69) "Master plan" is the comprehensive plan approved by the Village Council including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Municipality and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
- (70) "Non-conforming building" is a building or portion thereof, lawfully existing at the effective date of this Zoning Ordinance, or amendment thereto, and that does not conform to the provisions of the Zoning Ordinance in the District in which it is located. (Ord. 363. Passed 6-22-81.)
- (71) "Nonconforming lot" means a lot which was lawfully created, but which does not conform to the minimum area or dimensional requirements specified for the zoning district in which it is located. (Ord. 04-2001. Passed 4-9-01.)

- (72) "Non-conforming uses" is a use which lawfully occupies a building or land at the effective date of this Zoning Ordinance, or amendments thereto and that does not conform to the use regulations of the District in which it is located. (Ord. 363. Passed 6-22-81.)
- (73) "Nude or state of nudity" means a state of undress that exposes to view:
- A. Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or
 - B. Human male genitals in a discernibly turgid state, even if completely covered, or any device or covering that, when worn, simulates male genitals in a discernibly turgid state. (Ord. 07-2003. Passed 5-12-03.)
- (74) "Nursery".
- A. "Plant material" is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.
 - B. "Retail" is a space including accessory building or structure or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.
- (75) "Nursery (day care center)" means a facility which temporarily assumes responsibility for children in their parents absence.
- (76) "Nursing home" includes convalescent and extended care facilities and means an establishment which specializes in providing necessary services to those unable to be responsible for themselves.
- (77) "Off-street parking" is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.
- (78) "Open space" means that part of a zoning lot, including courts or yards which is open and unobstructed from its lowest level to the sky accessible to all tenants upon the zoning lot.
- (79) "Organization and association" means organized on a profit or non-profit basis for the promotion of membership interests.
- (80) "Parking spaces" is hereby determined to be a minimum of 150 square feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
- (81) "Performance bond or surety bond" means 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. (Ord. 363. Passed 6-22-81.)
- (82) "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. (Ord. 07-2003. Passed 5-12-03.)
- (83) "Personal services" means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.
- (84) "Planning Commission" refers to the Planning Commission of the Village of Shawnee Hills, Ohio.
- (85) "Planned Neighborhood Center" means designed and intended to meet the day-to-day needs of the residents, provides the necessary conveniences, sales, and services; encouraged to be integrated with the residential developments through innovative design.

(86) "Planned Industrial District" means designed and intended to both provide employment opportunities for those living in the Village of Shawnee Hills and to insure a strong economic base for the Village.

(87) "Planned Unit Development" means an area of land which a variety of housing types are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such developments contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

(88) "Professional activities" means the use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

(89) "Public service facility" means the erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, 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 municipal or other government agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

(90) "Public use" means public parks, schools, administrative and cultural buildings and structures, not including lands or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

(91) "Public use (governmental owned)" means public parks, schools and administrative, recreational, cultural and service buildings not to include public land or buildings devoted solely to the storage of equipment and material or the disposal of refuse.

(92) "Public utility" is any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing (under state or municipal regulations) to the public gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

(93) "Quasipublic use" means churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

(94) "Research activities" means research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration or odor shall be detected outside of the same building.

(95) "Recreational facilities"

A. "Private" means private and semi-private recreational facilities which are not operated for commercial gain.

B. "Public" means recreation facilities open to the public, established and operated for profit.

C. "Municipal" means recreation facilities operated by the Village with or without charge.

(96) "Recreational vehicle sales" means the sale or rental of vehicles used principally for recreation.

(97) "Repair service" means any business activity which services and repairs, appliances and machines used in the home.

(98) "Restaurant" means an eating and drinking establishment excluding fast food and carry-out operations, and operations selling alcoholic beverages or liquor by the glass.

(99) "Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

(100) "Roadside stand" means a temporary structure designed or used for the display or sale of agricultural and related products.

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

(Ord. 363. Passed 6-22-81.)

(102) "Semi-nude" means a state of undress in which clothing covers no more than the human genitals, anus, areolae of the female breast, as well as portions of the body covered by straps or devices or by other minor accessory apparel such as hats, gloves and socks.

(Ord. 07-2003. Passed 5-12-03.)

(103) "Setback Line" means 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 said Zoning Ordinance. For the purposes of the Zoning Ordinance, setback shall be considered exclusive of street right of way or easement.

(Ord. 363. Passed 6-22-81; Ord. 04-2001. Passed 4-9-01.)

(104) "Sewer system, on site" means 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 or an approved connection to municipal sewer service.

(105) "Sewers, central or group" means an approved sewage system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region. (Ord. 363. Passed 6-22-81.)

(106) "Sexually Oriented Business Establishment" means a commercial establishment including adult cabaret, adult store, or adult theater primarily engaged in presenting persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths or sale or display of adult material.

- A. Adult cabaret. Any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:
1. Persons who appear nude or semi-nude.
 2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
 3. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
- B. Adult store. Any commercial establishment that:
1. Contains one or more booths;
 2. As a substantial or significant portion or its business offers for sale, rental, or viewing of any adult materials; or
 3. Has a segment or section devoted to the sale or display of adult materials.

- C. Adult theater. Any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
- D. Specified anatomical areas. Any of the following:
 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- E. Specified sexual activities. Any of the following:
 1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
 3. Masturbation, actual or simulated.
 4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
 5. Excretory functions as part of or in connection with any of the activities set forth in divisions 1. through 4. of this definition.
(Ord. 07-2003. Passed 5-12-03.)

(107) "Swimming pool" means a pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

- A. "Private" means exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

- B. "Community" means operated with a charge for admission; a primary use.

(108) "Story" is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is not floor space above, then the ceiling next above. If the floor level directly above a basement is more than six feet above ground, such basement shall be considered a story.

(109) "Street or thoroughfare" means a way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however designated.

- A. "Expressway (freeway)" means a street devoted entirely to the movement of large volumes of traffic at relatively high speeds. The expressway (freeway) is not intended to service abutting property. Access is completely controlled.

- B. "Major Arterial" means a street that accommodates traffic to and from the expressway (freeway) and provides for traffic movements through the community to adjacent cities. A major arterial street may also carry local traffic to the minor arterial or collector system. The major arterial street may provide direct access to abutting property, but is subject to necessary control of entrances, exits and curb uses.

- C. "Minor Arterial" means a street that accommodates traffic, usually having origin and destination within the community, carry vehicles to and from the expressway (freeway) or major arterial systems to the collector network. Minor arterials offer direct access to abutting property.
 - D. "Collector" means a street that serves the internal traffic within a given segment of the community. A collector street provides connection between the arterial and local street systems. A collector street provides direct access to abutting property.
 - E. "Local" means a street that provides direct access to abutting land and for local traffic movement. This street carries traffic from a residence to the remainder of the system.
 - F. "Alleys" mean minor streets which are used primarily for vehicular service access to the back or the side of the properties otherwise abutting on a street.
 - G. "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.
 - H. "Dead-End Street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
 - I. "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 said arterial or collector street, nor normally more than 600 feet from each other.
 - J. "Marginal Access Street" means a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.
- (110) "Structure" is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- (111) "Temporary use of building" is a use or building permitted by the Planning Commission to exist during periods of construction of the main building or use, or for special events.
- (112) "Temporary use permit" is the use of a building permitted by the Planning Commission to exist during periods of construction of the principal building or use, or as issued by the Village Mayor or his designee for special events.
- (113) "Trailer".
- A. "Mobile Home" is any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public street or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling for one or more persons.
 - B. "Recreational Vehicle" includes travel trailers, campers, camp car, truck campers, boats and boat trailers.
- (114) "Use" is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- (115) "Yards" means the open spaces extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- A. "Front yard" is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

- B. "Rear yard" is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
- C. "Side yard" is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the hearest point of the side lot line to the nearest point of the main building.

(116) "Veterinary animal hospital or clinic" means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

(117) "Vicinity Map" means a drawing located on the Development Plan which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to nearby developments, landmarks, community facilities or services within the general area in order to better locate and orient the area in question.

(118) "Walkway" means a public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

(119) "Variances and conditional uses"

- A. "Conditional Use" means a use permitted only after review of an application by the Planning Commission, such review being necessary because the provisions of this Zoning Ordinance covering conditions, precedent or subsequent are not precise enough to all applicants without interpretation, and such review is required by the Zoning Ordinance.
- B. "Variance" means a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are undue hardship and unique circumstances. A variance is not justified unless both elements are present in the case. The "Conditional Use" differs from the "variance" in several respects. A conditional use does not require "undue hardship" in order to be allowable. The conditional uses that are found in this Zoning Ordinance appeal as "special approval" or review by the Planning Commission. These land uses could not be logically allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time.

(120) "Zero lot line" means a condition where regulations for side yards can be modified or waived under the Planned Unit Development District to allow two structures or dwellings to share a common wall that is placed on the side lot line that separates two individual lots in a subdivided plat.

(121) "Zoning Certificate" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Ordinance.

(122) "Zoning District" is a portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

(123) "Zoning District Map" means the Zoning District Map or maps of the Village, together with all amendments subsequently adopted by Ordinance.

(124) "Zoning Permit" means a document issued by the Building Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

(125) "Zoning Ordinance" refers to the Zoning Ordinance of the Village of Shawnee Hills, Ohio. (Ord. 363. Passed 6-22-81.)

TITLE THREE - Subdivision Regulations
Chap. 1151. Standards for Development.

CHAPTER 1151
Standards for Development

1151.01 Standards adopted.
1151.02 Compliance required;
exceptions.

1151.03 File copies.

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.

Plat acknowledgment and recording - see Ohio R.C. 711.06

1151.01 STANDARDS ADOPTED.

The Delaware County Engineering and Surveying Standards For Subdivision Development is adopted by the Village. (Ord. 9-89. Passed 8-28-89.)

1151.02 COMPLIANCE REQUIRED; EXCEPTIONS.

All development within the Village, be it new construction or remodeling, will adhere to this Standard. Furthermore, there will be no deviations granted under this policy without:

- (a) The expressed written consent of the Village's consulting engineer or Council; and
- (b) The Village will consult the Delaware County Engineering Department for guidance prior to granting any deviations to the Standard.
(Ord. 9-89. Passed 8-28-89.)

1151.03 FILE COPIES.

A copy of this Engineering Standard be on file in the Village Administration building. The Chairman of the Planning and Zoning Commission shall become familiar with this guideline in order to perform their duty as head of that Commission.
(Ord. 9-89. Passed 8-28-89.)