



Village of Danville, Ohio

Zoning Code

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CHAPTER 1113: TITLE AND PURPOSE

1113.1 Title

This code shall be known and may be cited and referred to as the, "Village of Danville Zoning Code." The map that accompanies this code and is hereby incorporated herein and made part hereof, shall be referred to as the "The Official Zoning Map." This code may be referred to as the "zoning ordinance," "zoning code," or this "code."

1113.2 Purpose

For the purpose of promoting public health, safety, comfort, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economic provisions of public improvements, all in accordance with a comprehensive plan. Village Council finds it necessary and advisable to regulate the location, bulk, and size of buildings and other structures including tents, cabins, camper vehicles, and mobile homes; and the uses of land for trade, industry, residence, recreation, or other purposes, and for such purposes divides the incorporated area of the Village into districts or zones.

1113.3 Interpretation and Conflict

(a) Interpretation of Provisions

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, morals, convenience, and general welfare.

(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This code is intended to complement other City, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

(c) Repeal of Conflicting Ordinance

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

1113.4 Use of Graphics, Illustrations, Figure, and Cross-References

- (a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.

1113.5 Buildings Under Construction Prior To Enactment Of This Code Or Amendments

Nothing in this code shall be deemed to require any change in plans, construction, or designated uses of any building upon which actual construction has lawfully begun prior to the adoption of this code and provided construction is prosecuted diligently and provided further that such building shall be completed within one year from the date of passage of this code.

CHAPTER 1115: ZONING DISTRICTS AND REGULATIONS

1115.1 Establishment of Zoning Districts and Zoning Map

(a) Purpose

The purpose of this section is to create a series of zoning districts of such number and character necessary to achieve compatibility of uses within the Village and to provide opportunities for community growth.

(b) Establishment of Zoning Districts

For the purpose of regulating and restricting the location of buildings, structures, and land uses, the Village is divided into zoning districts as shown on the official zoning map. These districts are established in [Table 1115-1](#) and may be illustrated on the official zoning map.

Table 1115-1: Village of Danville Zoning Districts	
Abbreviation	Zoning District Name
R-1	Low-Density Residential District
R-2	Medium-Density Residential District
R-3	High-Density Residential District
R-4	Conservation Development District
MHPD-1	Manufactured Home Park District
NB-1	Neighborhood Business District
GB-1	General Business District
CB-1	Commerce Business District
LI-I	Light Industrial District
PUD	Planned Unit Development District

(c) Official Zoning Map

The location and boundaries of zoning districts are shown on the map titled, “The Official Zoning Map.” A certified copy of this map is on file in the Village office and said map together with all notations, dimensions, and designations shown thereon are hereby declared to be a part of this code. Such zoning map, properly attested, shall remain on file in the office of the Zoning Officer and shall be available for public inspection.

(d) Identification of the Official Zoning Map

The official zoning map shall be drawn on a permanent reproducible material and identified by the signature of the Mayor, and attested by the Clerk-Treasurer, and bearing the seal of the Village with the date of adoption of this code. The map shall be maintained by the Zoning Officer and shall remain on file in the Office of the Clerk.

(e) Interpretation Of District Boundaries

The BZA has the authority to interpret the official zoning map and shall follow the following rules:

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

- (3) Where district boundaries appear to be approximately parallel to the center lines or street lines of streets, or of the center lines or right-of-way lines of highways, such district boundaries shall be construed as parallel thereto and at such distance therefore as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- (5) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village of Danville, unless otherwise indicated.
- (6) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this zoning code shall be determined by dimension notes on the map or by the use of the scale appearing on the map.

(f) Interpretation by The BZA

Any questions of interpretation of the official zoning map which cannot otherwise be resolved, shall be referred to the BZA for determination in accordance with Section [1137.4](#).

(g) Zoning Upon Annexation

The following regulations shall apply to any areas annexed to the Village:

- (1) If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by this code most closely resembles the existing uses at the time of the annexation. Such classification shall be approved by Village Council resolution.
- (2) Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this code most closely resembles the zoning district that existed in the annexation.
- (3) With respect to any annexation, the Planning Commission shall, within 90 days, conduct a public hearing on the matter of a Village zoning classification.

1115.2 Zoning District Purpose Statements

The following are the purpose statements for each of the established zoning districts with the exception of the PUD District. The purpose of the PUD District is established in [Chapter 1117: PUD Planned Unit Development District](#).

(a) R-1 Low-Density Residential District

The Village of Danville has established the Low-Density Residential District (R-1) to maintain the rural character of the land, promote lower density development in areas and encourage compatibility to adjacent uses (agricultural, low density residential) within the Village and Union Township.

(b) R-2 Medium-Density Residential District

The Medium-Density Residential District (R-2) is established to provide for single-family residential uses at a higher density than the R-1 district, and is found mainly in the central area of the Village. Lots constructed in the R-2 district shall be served by public water/sewer service. The minimum lot size required herein is based upon those conditions ordinarily existing in the Village at the time of adoption. All provisions contained herein are deemed just and necessary to the public health, safety, and general welfare of the residents of the Village.

(c) R-3 High-Density Residence District

The High-Density Residence District (R-3) is established to provide for a variety of housing types to include garden apartments, townhouses, condominiums, or other housing facilities of a similar character and density and in those areas suitable for such developments within the Village. This district may be used only when public sewer and water services are available or when water and adequate sewage treatment plants are provided.

(d) R-4 Conservation Development District

The Conservation Development District (R-4) is established to allow for the development of residential densities similar to the R-1 District but provide for design standards to allow for residential lots to be clustered near existing development in an effort to reduce the amount of infrastructure needed to serve the development and to conserve the remainder of the land for open space and agriculture uses.

(e) MHPD-1 Manufacture Home Park District

- (1) The original purpose of the MHPD-1 Manufactured Home Park District was to establish areas that are suitable for residential development to be used for manufactured homes or mobile homes.
- (2) Because amendments have been made to this code to provide for manufactured homes within the Village of Danville outside of parks, this district is considered discontinued and no new area within the Village may be rezoned to MHPD-1 after the effective date of this code.
- (3) The MHPD-1 District is being maintained to allow for the continuous of existing manufactured home and mobile home parks without making them nonconforming uses.

(f) NB-1 Neighborhood Business District

The purpose of the Neighborhood Business District (NB-1) is to provide for the retailing of convenience goods and essential personal services to satisfy the daily and weekly household and personal needs of the surrounding residential neighborhoods. The commercial uses are intended to be less intensive in nature and should adequately blend with adjacent residential uses.

(g) GB-1 General Business District

The General Business District (GB-1) is established to provide retailing and personal services which require larger tracts of land and encompass a larger service area than that of the NB-1 District. This district is designed to permit commercial development of permitted uses which will be limited only by standards set forth to protect the abutting districts and is directed against the extension of strip zoning.

(h) CB-1 Commerce Business District

The purpose of the Commerce Business District (CB-1) is to provide for general retail, service, and offices uses along with areas for lodging and limited residential uses. The nonresidential uses are intended to be more intensive in nature the NB-1 and GB-1 Districts but not provide for industrial operations that would be better suited in the LI-1 District.

(i) LI-1 Light Industrial District

The purpose of the Light Industrial District (LI-1) is to encourage the development of manufacturing, processing, storage, fields of repair, wholesaling and distribution business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare, operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. The LI-1 District is intended to accommodate a broad spectrum of clean industries operating under high performance standards and should be compatible to uses in the general business district, and in some circumstances comply with specific landscaping requirements.

1115.3 Permitted Principal Uses

[Table 1115-2](#) lists the principal uses allowed within the various zoning districts, except PUD Districts. [Chapter 1117: PUD Planned Unit Development District](#) identifies the uses that are allowed in PUDs.

(a) Explanation of the Permitted Principal Use Table

(1) Permitted Uses

- A. A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable standards of this code.
- B. Permitted uses are approved administratively through the zoning permit or site plan review process, unless subject to additional reviews (e.g., variance).

(2) Permitted Uses with Standards

- A. A “PS” in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1115-2](#). Permitted uses with standards are subject to all other applicable standards of this code.
- B. Uses permitted with standards are approved administratively through the zoning permit or site plan review process, unless subject to additional reviews (e.g., variance).

(3) Conditional Uses

- A. A “C” in a cell indicates that a use may be permitted if approved through the conditional use review procedure (See Section [1137.3](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1115-2](#). Conditional uses are subject to all other applicable standards of this code.
- B. The existence of lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section [1137.3\(c\)](#).

(4) Prohibited Uses

A blank indicates that a use is prohibited in the respective zoning district.

(5) Use-Specific Standards

- A. The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.
- B. Use-specific standards shall only apply if the use is permitted with standards (PS) or a conditional use (C). If the use is permitted with standards in some districts and conditionally permitted in other districts, the use-specific standards shall apply to both the districts where it is permitted with standards and where it is conditionally permitted.

(6) Multiple Uses

If multiple uses are proposed on a single lot or in a single building then each of the individual uses has to be allowed in the applicable zoning district and reviewed in accordance with how the individual use is allowed in the district (i.e., permitted, permitted with standards, or conditional use).

(b) Similar Use Determination

Any use not specifically listed shall be considered prohibited unless the Planning Commission makes a determination that the use is similar in activity, use, design, and nature as another use. In such case, the use may be permitted in the same manner as the use the Planning Commission determines to be similar.

(c) State and Federal Laws

In all cases, where State or federal law requires the allowance of certain uses, such uses shall be considered to be permitted in accordance with such State and federal laws.

(d) Table of Permitted Uses

Table 1115-2: Permitted Principal Use Table										
Types of Uses P = Permitted Use PS = Permitted with Standards C Conditional Use	Zoning Districts									Use- Specific Standards See Section:
	R-1	R-2	R-3	R-4	MHPD-1	NB-1	GB-1	CB-1	LI-1	
Residential Uses										
Manufactured Homes	PS	PS	PS		PS			PS		1115.4(a)
Manufactured Home Park					PS					1115.4(b)
Multi-Family Dwelling			P							
Residential Facilities	PS	PS or C	PS							1115.4(c)
Single-Family Dwelling	P	P	P	P	P					
Skilled Nursing or Personal Care Facilities			C				P	P		
Two-Family Dwelling		C	P							
Zero-Lot Line Single-Family Dwellings			PS							1115.4(d)
Public and Institutional Uses										
Cemeteries	C	C								1115.4(e)
Churches	C	C	PS	C	PS	P	P	P		1115.4(f)
College/University						P	P	P		
Community Center					P		P	P		
Golf Courses and Country Clubs	C	C	C	C	P					1115.4(g)
Library					P	P	P	P		
Nursery School or Child Day Care Centers						P	P	P		
Parks and Playgrounds	C	C	C	C	P					1115.4(h)
Private Schools						PS	PS	PS		1115.4(i)
Public Buildings							P	P		
Public Schools		P			P	PS	PS	PS		1115.4(i)
Wireless Telecommunication Towers							C	C	C	1115.4(j)
General Commercial and Office Uses										
Adult Businesses							C		C	1115.4(k)
Adult Day Care		C	C			PS	PS	PS		
Amusement Arcades						P	P	P		1115.4(l)
Animal Hospital and Veterinary Office							P	P		
Antique Store							P	P		
Automobile Repair Garages							C	P		
Automobile, Boat, Manufacture/Mobile Home, Recreational Vehicle Sales							P	P		

Table 1115-2: Permitted Principal Use Table										
Types of Uses P = Permitted Use PS = Permitted with Standards C Conditional Use	Zoning Districts									Use- Specific Standards See Section:
	R-1	R-2	R-3	R-4	MHPD-1	NB-1	GB-1	CB-1	LI-1	
Bakery						P		P		
Bank (without Drive-Thru)						P	P	P		
Bank (with Drive-Thru)							P	P		
Bar, Grill, Cocktail Lounge, State Liquor Store							P	P		
Barber and Beauty Shop						P	P	P		
Bicycle Repair, Rental, Sales Shop						P	P	P		
Boat and Sporting Goods Store							P	P		
Bookstore						P	P	P		
Bowling Alley							PS	P		1115.4(m)
Café							P			
Car Wash (Hand Wash or Automatic)						C	P	P		
Convenience Store							P	P		
Convenience Food Store						P		P		
Delicatessen						P		P		
Dairy Products (No Bottling or Drive-Thru)						P		P		
Discount Store							P	P		
Doughnut Shop							P	P		
Drive-in or Drive-thru ice cream Store							P	P		
Drug Store						P	P	P		
Dry Cleaners							P	P		
Exterminator Service							P	P		
Farm Implement Sales							P	P		
Farm, Fruit, and Product Stand							P	P		
Financial Institutions (without Drive-Thru)						P	P	P		
Financial Institutions (Including Drive-Thru)							P	P		
Florist							P	P		
Food and Grocery Store						P	P	P		
Food Locker							P	P		
Funeral Homes						C	C	P		
General Service and Repair Establishment							P	P		
Gift, Novelty, and Souvenir Store							P	P		
Hardware Store						P		P		
Hotel and Motel						P	P	P		
Indoor Commercial and Noncommercial Recreational Facility						P	P	P		
Laundry Facility						P	P	P		
Lawnmower Service						P		P		
Locksmith						P		P		
Medical and Surgical Hospitals / Medical Center							P	P		

Table 1115-2: Permitted Principal Use Table										
Types of Uses P = Permitted Use PS = Permitted with Standards C Conditional Use	Zoning Districts									Use- Specific Standards See Section:
	R-1	R-2	R-3	R-4	MHPD-1	NB-1	GB-1	CB-1	LI-1	
Miniature Golf							P	P		
Mixed-Use Building						P				1115.4(n)
Monument Works							P	P		
Off-Street Parking						P	P	P	P	
Pet and Supply Store							P	P		
Plant Nursery/ Garden Center	C	C				PS	PS	PS		1115.4(o)
Printing Shop having a Sales Office or Retail Outlet on the Premise							P	P		
Professional Office Building or Clinic (Medical/Dental)		C	C			P	P	P		
Restaurant							P	P	P	
Service Stations						C	C	P		
Studios of Art, Dance, Photography, and Music							P	P		
Supermarket, Shopping Center							P	P		
Tailor Shop						P		P		
Theater and Concert Hall							P	P		
Uses engaged in administrative and professional offices								P	P	
Veterinary hospital or kennels							C			
Industrial Uses										
Industrial Service Uses									P	
Industrial Uses, Heavy									C	
Industrial Uses, Light									P	
Research and Development Facilities									P	
Industrial Uses with Outdoor Production, Storage, or Activities.									C	1115.4(p)
Self-Storage Facilities									P	
Warehouses and Distribution Facilities									P	
Wholesale Establishments									P	

1115.4 Use-Specific Standards

(a) Manufactured Homes

- (1) Permanently sited manufactured homes that comply with Section 3781.06 of the Ohio Revised Code shall be permitted in any district where a single-family dwelling is permitted provided that it complies with the requirements of ORC 3781.06 and all other standards of this code applicable to single-family dwellings.
- (2) Manufactured homes may be developed as a manufactured home community only in the CB-1 District subject to the following standards:
 - A. Manufactured home communities shall have a maximum of 50 individual lots.
 - B. Each lot shall have a minimum lot area of 5,000 square feet with a minimum width of 40 feet.

- C. No more than one manufactured home may be placed on a lot.
- D. The manufactured homes shall be set back a minimum of 15 feet from the front lot line and a minimum of 10 feet for side or rear of lot line.
- E. No manufactured home shall be located 40 feet from the boundary line of the manufactured home community.
- F. Each lot will have a minimum of one off-street paved parking space
- G. A minimum buffer area of 40 feet shall be maintained between a manufactured home community and adjacent lots. Buffer land shall be landscaped with trees or shrubbery and maintained by owner of manufactured home community.
- H. All manufactured homes shall be permanently sited on a foundation with the following regulations:
 - i. All wheels, tongue, and axles shall be removed from mobile home;
 - ii. Foundation shall have a minimum 8-inch-thick concrete footing;
 - iii. Mortar joints in the piers;
 - iv. Brick or block underpinning with an 8-inch footing with one foundation per 150 square feet of crawl space; and
 - v. Six mil vapor barrier on the ground within the crawl space.
- I. All manufactured homes shall be converted to real property and de-titled as a vehicle with the Ohio Bureau of Motor Vehicles.
- J. Access to a manufactured home community shall be from an arterial or collector street, however, no access to the site should be closer than 200 feet from an intersection of an arterial street.
- K. The manufactured home community shall include internal pedestrian circulation in the form of sidewalks or paved paths.
- L. A minimum of 20 percent of the total site area shall be common recreation space.
- M. There shall be a minimum of one shade tree planted for every two lots.
- N. Front, rear, and side yards of every lot shall be landscaped and properly maintained
- O. All lots shall be connected to publicly available utilities. Utilities shall be located underground or in manners compliant with other residential districts.
- P. Manufactured home communities shall be graded appropriately to minimize flooding and provide sufficient storm sewer facilities on site.
- Q. Where a manufactured home is permitted in accordance with the above standards, a dwelling unit that is constructed on-site (e.g., stick-built homes) is also permitted in compliance with the above standards.

(b) Manufactured Home Park

All manufactured home parks shall comply with the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code and any other applicable local or State codes and regulations. Any property rezoned to MHPD-1 should exhibit the following characteristics:

- (1) Areas zoned MHPD-1 should be served adequately by essential public facilities and services such as adequate public thoroughfares, drainage, refuse disposal, school facilities, and police and fire protection;
- (2) Areas zoned MHPD-1 should exhibit characteristics that provide for safe vehicular access into and out of the site to avoid traffic circulation problems or congestion; and
- (3) Areas zoned MHPD-1 should be located in and near areas of similar population density in conformance with any community plans.

- (4) Whenever any manufactured home, mobile home, trailer, or other dwelling unit in a manufactured home park is removed and replaced, the replacement manufactured homes, mobile home, trailer, or dwelling unit shall only be permitted if it is no older than 10 years old, from date of manufacture, when placed on the lot. Such units shall comply with all other applicable requirements of the district.
- (5) Recreational vehicles are prohibited from being used as a dwelling in the MHPD-1 District.

(c) Residential Facilities

- (1) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the R-1, R-2, R-3, and R-4 Districts. Such facilities must comply with the site development standards (See Section 1115.5.) and any other standards in this code that apply to all single-family dwellings within the applicable district.
- (2) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be a conditional use in any the R-2 and R-3 Districts. Such facilities must comply with the site development standards. See Section and any other standards in this code that apply to all multi-family dwellings within the applicable district.

(d) Zero-Lot Line Single-Family Dwellings

Units must be constructed in pairs which share no more than one common wall along a single side lot line.

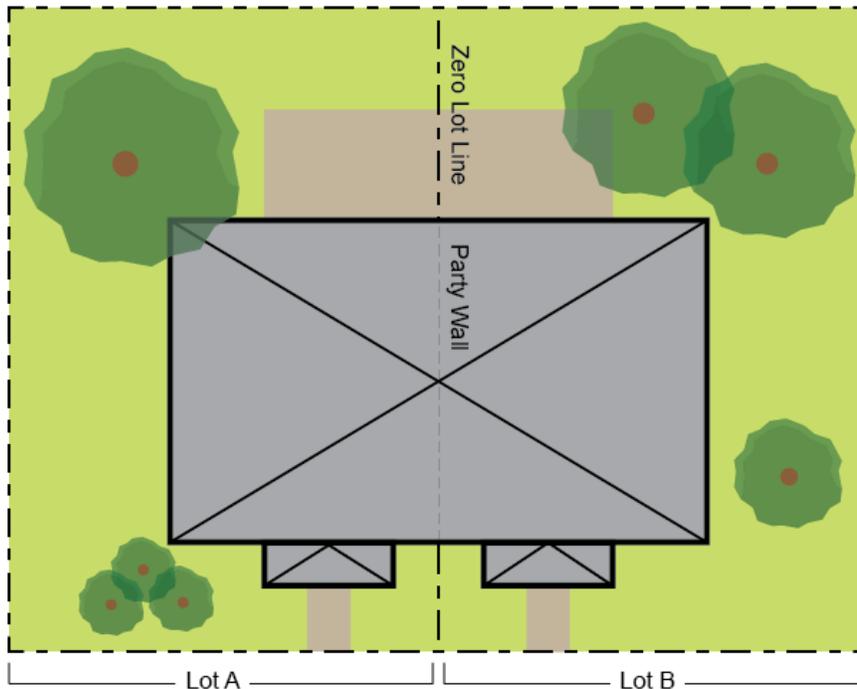


Figure 1115-A: Illustrative example of a zero-lot line single-family dwelling.

(e) Cemeteries

- (1) Cemeteries shall not interfere with the development of a locally adopted street system and shall maintain direct access onto a public thoroughfare with a minimum of two points of entry set at 200 feet between center lines.
- (2) The minimum site size shall be no less than 10 acres.

- (3) All burial buildings or accessory buildings shall be set back at least 75 feet from any street right-of-way bounding the cemetery. There shall be two side yards and a rear yard of at least 50 feet each. A burial building is defined as any building used for the interment of bodies or other remains of persons who have died, including mausoleums and vaults.
- (4) All graves or burial lots shall be set back at least 40 feet from any street right-of-way bounding the cemetery. The site shall provide two side yards and a rear yard at least 40 feet each.
- (5) Existing cemeteries may continue to operate as a nonconforming use. Any future expansion of an existing cemetery not covered by a conditional use permit shall comply with the requirements as set forth above.

(f) Churches

- (1) All buildings, structures, and accessory buildings including parking areas or garages, shall be set back 50 feet from the side and rear lot lines.
- (2) Lights shall be shielded and directed away from adjacent property.
- (3) Screening of the parking area shall be provided utilizing a dense hedge, tree row, or other suitable landscape device, adequate to visually screen off this area from the residential district.
- (4) Ingress and egress to the off-street parking area shall be provided from a secondary street where possible with a minimum of two access points 70 feet center-to-center. All points of entrance or exit shall be located no closer than 200 feet from two intersecting major streets or 100 feet from the intersection of a major and a minor street or two minor streets.
- (5) A lot area of one acre per 100 seats with a minimum lot development area of three acres shall be provided.

(g) Golf Courses and Country Club

- (1) The site shall contain a minimum of 80 acres for a nine-hole golf course and 160 acres for an 18-hole course.
- (2) All principal and accessory buildings shall be located not less than 100 feet from the road right-of-way side line.
- (3) Minimum lot frontage shall be a minimum of 60 feet in addition to the width needed for any desired sign.
- (4) Access to and from the site shall be located so as to minimize traffic hazards and congestion.
- (5) All access drives shall be a minimum of 20 feet in width and constructed of a hard-surfaced material.
- (6) No structure shall be erected in excess of 35 feet in height.
- (7) Course layout shall be designed such that all trees, greens, and fairways shall be directed away from all surrounding residential areas and roads.
- (8) All principal or accessory buildings and parking areas shall be not less than 200 feet from any property line of abutting residentially zoned land.
- (9) All signs shall be located at least 20 feet from all road right-of-way side lines and 75 feet from any abutting property lines.
- (10) No signs shall be greater than three feet in height.
- (11) Lighting of any type shall be directed away from or shielded from any abutting properties so that such lighting will not cast light on adjoining properties.
- (12) All parking areas shall be located not less than 75 feet from any residential district and 50 feet from the road right-of-way side line.

- (13) All detailed plans for the layout of golf courses, structures, and accessory buildings shall be submitted to the BZA for review. The Village may request the review of the Knox County Regional Planning Commission, if desired, prior to the issuance of a conditional zoning permit. Such review by the Planning Commission shall be advisory to the BZA.
- (14) Fencing with a minimum of six feet in height shall be provided around all recreation areas (tennis courts, swimming pools, and shuffleboard courts), thereby permitting access only to members or users of the golf course.
- (15) Pro shops and sale of goods incidental to the principal use shall be permitted.
- (16) The sale of food and beverages shall be permitted if contained within the principal building or structure.

(h) Parks and Playgrounds

- (1) Uses permitted shall be softball/baseball fields, multiple-use paved areas, landscaped areas, picnic areas, playground apparatus areas, field houses, and similar uses as may be determined by the Planning Commission.
- (2) Playground apparatus shall be set back 50 feet from any bounding street right-of-way or side lot line.
- (3) Setback requirements for all buildings and accessory structures shall be 75 feet from side and rear lot lines and 100 feet from all adjacent road rights-of-way.
- (4) Setback areas on the site shall be appropriately landscaped to maintain a park-like atmosphere.
- (5) When lighting is provided, it shall be shielded from adjacent properties.
- (6) No sound amplification equipment shall be permitted between the hours of 10 pm and 8 am.
- (7) The sale of food and carbonated beverages shall be permitted provided that it is contained wholly within a field house or enclosed building.

(i) Public and Private Schools

Public and private schools are required to have a minimum lot area of three acres in the NB-1 District.

(j) Wireless Telecommunication Tower

- (1) The purpose of this section is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications in the marketplace.
- (2) The following shall be satisfied in order to be approved by the Planning Commission:
 - A. The tower or telecommunication facility, as proposed, will be compatible with, and not adversely impact the character and integrity of surrounding properties.
 - B. Offsite or onsite conditions exist which mitigate an adverse impact, if any, created by the conditional use proposal.
 - C. That the proposed tower, antenna support structure, and telecommunication facility will utilize material, colors, and textures that effectively blend in with the surrounding environment. Metal towers shall be constructed of, or treated with, corrosive resistant materials.
 - D. In addition, conditions may be imposed on the site where the tower or telecommunications facility is to be located if such conditions are reasonably necessary to preserve the character and integrity of the neighborhood affected by the proposed tower and mitigate any adverse impacts which arise in connection with the approval of the conditional use.

- E. The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e., Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- F. All accessory buildings shall be screened with fencing, masonry, shrubbery, or other screening as approved by the Planning Commission.
- G. The applicant shall notify the Zoning Officer within 30 days of ceasing operations at the site. The removal of the structures and buildings is required within 90 days of ceasing operations.

(3) No advertising or illumination other than that required by law may be located on the structure.

(k) Adult Businesses

In addition to complying with all regulations within the district where they are located, all adult entertainment business shall comply with the requirements set forth in the Village's Ordinance 2000-8, and the following criteria to mitigate and limit any secondary effects:

- (1) No adult entertainment business shall be permitted in a location which is within 500 feet of another adult entertainment business.
- (2) No adult entertainment business shall be permitted in a location which is within 300 feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.

(l) Amusement Arcades

Amusement arcades shall comply with the following in addition to all other regulations that apply in this code.

- (1) An adult who is 18 years of age or over shall supervise the amusement arcade at all times during its hours of operation.
- (2) It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance.
- (3) If the place of business or premises for which an amusement arcade is proposed is a freestanding building, an exterior lighting plan must be approved by the Planning Commission.

(m) Bowling Alley

Buildings that contain bowling alleys shall be set back a minimum of 100 feet from any adjacent lot in a residential district.

(n) Mixed-Use Building

- (1) Residential dwelling units that are part of a mixed-use building shall only be permitted on the second floor of the building.
- (2) Any use permitted in the applicable zoning district are permitted on any floor of the mixed-use building.

(o) Plant Nursery/Garden Center

Conditions for a plant nursery:

- (1) Any building or accessory structure shall be set back 100 feet from any road right-of-way side line and 75 feet from all other lot lines.
- (2) No burning or storage of dead plant material is allowed.
- (3) All outside lighting shall be directed away and shielded from adjacent properties.

- (4) When irrigation is utilized, adequate drainage shall be provided to direct surface water away from adjacent properties.
- (5) When spraying of plant material is required, only those sprays accepted by the Department of Agriculture shall be utilized and, further, such spraying operation shall be directed so as to not affect in any way adjacent properties.

(p) Industrial Uses with Outdoor Production, Storage, or Activities

All business activities including production, servicing, processing, and storage shall take place within a completely enclosed building, except as may be shown on a site plan and approved by the Planning Commission. Outdoor activities and storage in the LI-1 district shall be permitted only when approved by the Planning Commission and subject to the following requirements:

- (1) Outdoor activities are subject to the same minimum yard widths as required for the principal building according to Section.
- (2) Outdoor activities shall require the proper screening from streets and adjacent uses (commercial, industrial, and residential). Screening may be in the form of a solid wall, solid fences which are uniformly painted, mounds or natural vegetation which is a minimum of eight feet in height.

1115.5 Site Development Standards

(a) Minimum Lot Area and Lot Width

(1) Measurements

- A. The area of a lot includes the total horizontal surface area within the lot's boundaries. Where there lot is deeded in the right-of-way, the boundaries shall be considered the area within the lot lines, excluding any area in a right-of-way.
- B. Unless otherwise stated, the lot width is the distance between the side lot lines measured along the building line.
- C. No lot shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this code; and, if already less than the minimum required by this code, said area or dimensions shall not be further reduced. Exceptions to this standard shall only be granted if a reduction is approved as part of a PUD or variance approval.

(2) Lot Area Requirements

- A. [Table 1115-3](#) establishes the minimum lot area and lot width requirements for residential districts.
- B. There are no minimum lot area or lot width requirements for nonresidential districts, however, all lots in nonresidential zoning districts shall be of a size large enough to allow for all proposed buildings and required setbacks, off-street parking and loading spaces, and all landscaping and screening requirements established in this code while also complying with the maximum lot coverage.
- C. The minimum lot area without central water and sewer services shall be one acre for single-family dwellings unless a larger lot size is required by the Knox County Health Board due to soil conditions or other health reasons.
- D. Additional lot area may be required for certain conditional uses as specified in Section [1115.4](#).

Table 1115-3: Lot Area and Lot Width Requirements		
Use	Minimum Lot Area	Minimum Lot Width
R-1 District		
All Uses	20,000 square feet	85 feet
R-2 District		
All Uses	10,000 square feet	70 feet
R-3 District		
Two-Family Dwelling	10,000 square feet	70 feet
Multi-Family Dwelling	4,500 square feet per dwelling unit	100 feet for the first three units + 2.5 feet for each additional unit over three units
All Other Uses	10,000 square feet	70 feet
R-4 District. See Also Section 1115.6(b).		
Single-Family Dwelling	7,500 square feet	60 feet
All Other Uses	20,000 square feet	85 feet

(b) Minimum Setbacks and Yards

(1) Measurements

- A. Setbacks refer to the unobstructed, unoccupied open area between the foundation or base of a structure and the property line (lot line) of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this code.
- B. A setback shall not be reduced in any manner to less than the required dimensions for the district in which it is located, and a setback of less than the required dimensions shall not be further reduced in any manner unless otherwise noted in this code (e.g., nonconforming structures or by variances).

(2) Yards Required for Buildings

- A. A yard is the open area created by the required setbacks. Where required, a yard for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.
- B. While a yard is defined as an open area, certain structures and uses may be permitted in required yards as specified in this code.

(3) Setback Exceptions

In any nonresidential zoning district, a minimum front yard setback shall not be required to exceed the average front yard setbacks of lots with similar uses and sharing the same street frontage, within 100 feet of the applicable lot. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this code. See [Figure 1115-B](#).

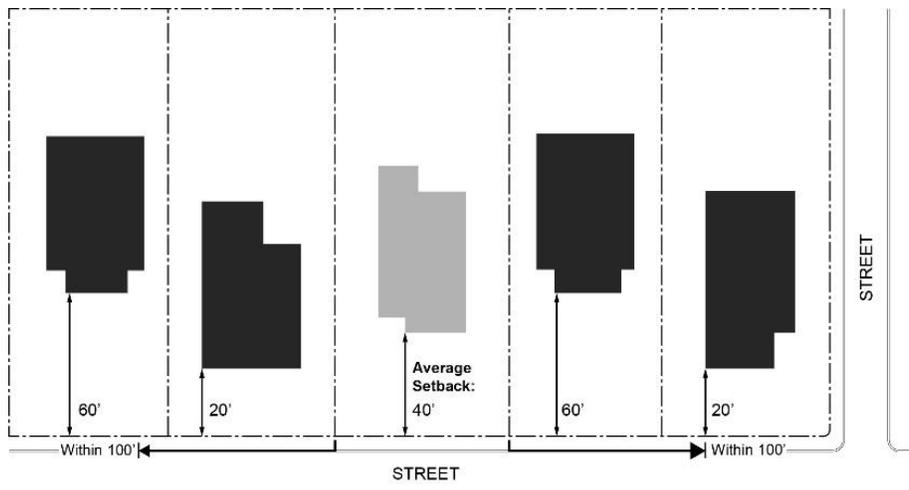


Figure 1115-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

(4) Projections into Required Yards

Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory and temporary uses as allowed in [Chapter 1119: Accessory Use Regulations](#);
- C. For landscaping as allowed in [Chapter 1127: Landscaping](#);
- D. For parking and circulation as allowed in [Chapter 1125: Vehicular Use Areas, Access, and Mobility](#);
- E. For signage as allowed in [Chapter 1123: Signs](#);
- F. For the ordinary projections of architectural features including, but not limited to, eaves, gutters, downspouts, chimneys, flues, skylights, sills, belt courses, cornices and ornamental features, not extending more than 12 inches into the required yard;
- G. Window air conditioner units; and
- H. Walls and fences as permitted in accordance with Section [1121.5](#).

(5) Interior Lots

- A. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 1115-C](#).
- B. The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied. See [Figure 1115-C](#).
- C. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 1115-C](#).

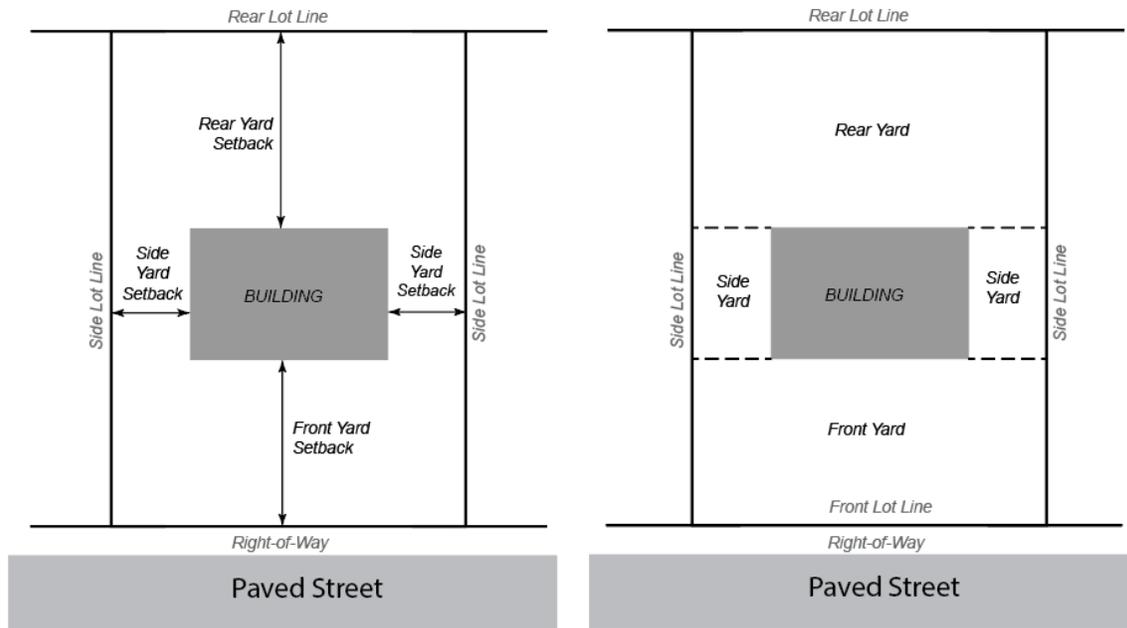


Figure 1115-C: Typical setback and yard locations for an interior lot.

(6) Corner Lots

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- A. The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 1115-D](#). An alley shall not be considered a street for the purposes of determining a corner lot.
- B. The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 1115-D](#).
- C. All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 1115-D](#).

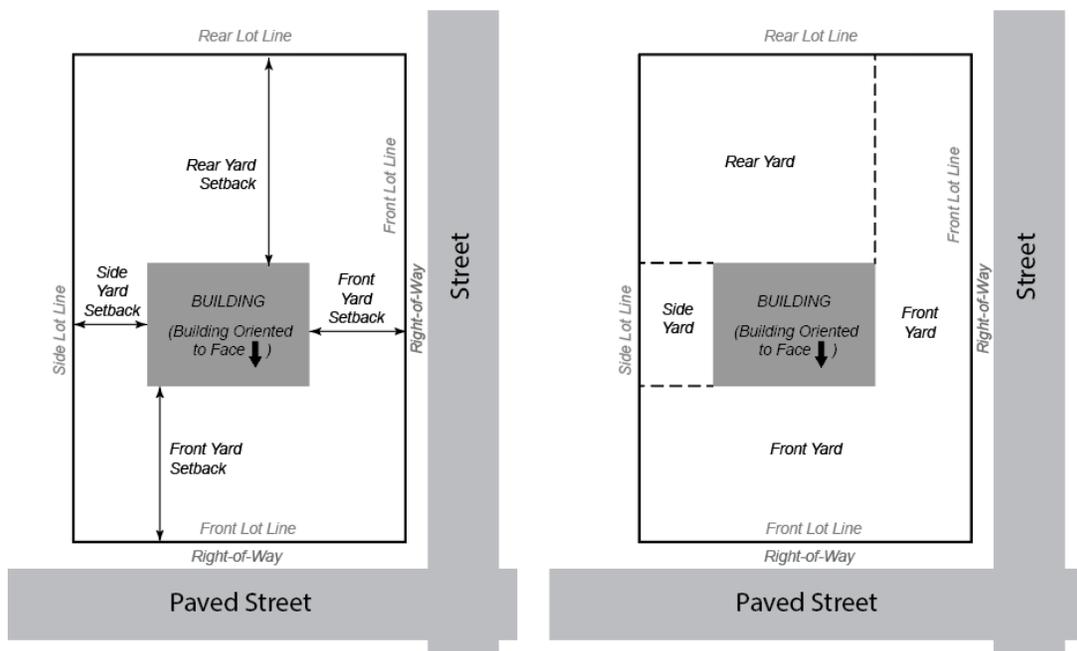


Figure 1115-D: Typical setback and yard locations for a corner lot.

(7) Through Lots

Through lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Through lots shall be subject to the following regulations:

- A. Where a lot is considered a through lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 1115-E](#).

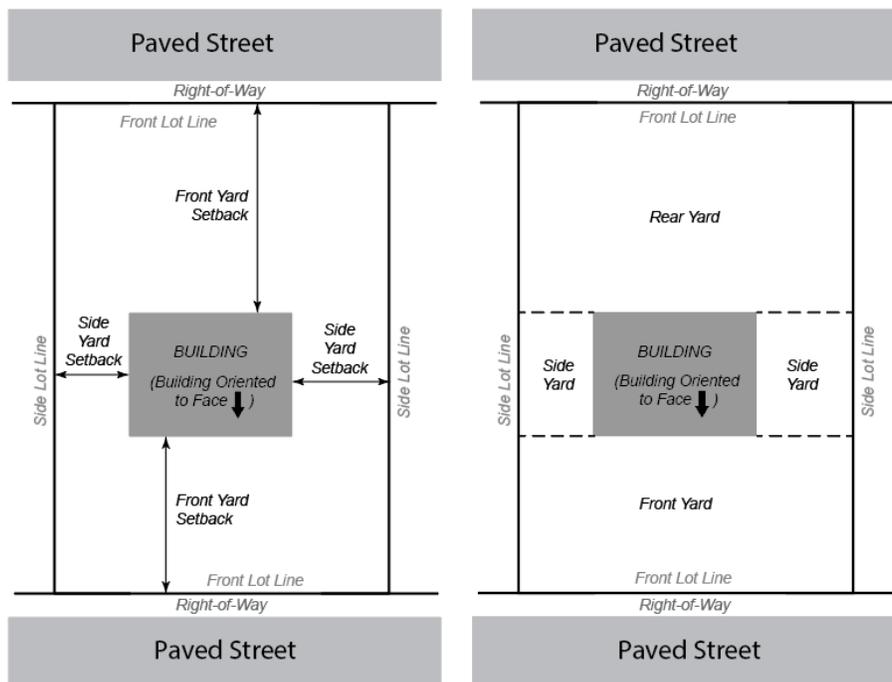


Figure 1115-E: Typical setback and yard locations for a double frontage (through) lot.

- B. The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 1115-E](#).
- C. For the purposes of allowing accessory uses, including fences, which are allowed in a rear yard, the yard that is located to the rear of the principal building shall be considered the rear yard and the setbacks of [Chapter 1119: Accessory Use Regulations](#), shall apply to all accessory uses or structures.

(8) Flag (Panhandle) Lots

Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Planning Commission. Panhandle (flag) lots shall be subject to the following regulations:

- A. Panhandle (flag) lots shall not be used to avoid the construction of a street.
- B. The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
- C. The stacking of panhandle (flag) lots shall be prohibited. See [Figure 1115-F](#).

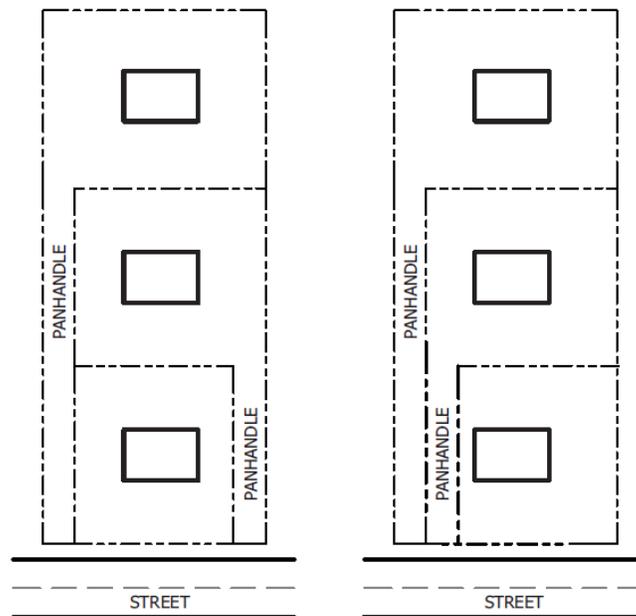


Figure 1115-F: The above illustration shows the stacking of panhandle lots, which is prohibited.

- D. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be considered an interior, corner, or double frontage lot as may be applicable.
- E. No structures, except for fences and walls allowed by this code, shall be permitted in the panhandle portion of the lot.
- F. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 1115-G](#).



Figure 1115-G: Typical setback and yard locations for a panhandle lot.

(9) Cul-de-Sac or Curved-Street Lot

- A. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 1115-H](#).
- B. On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

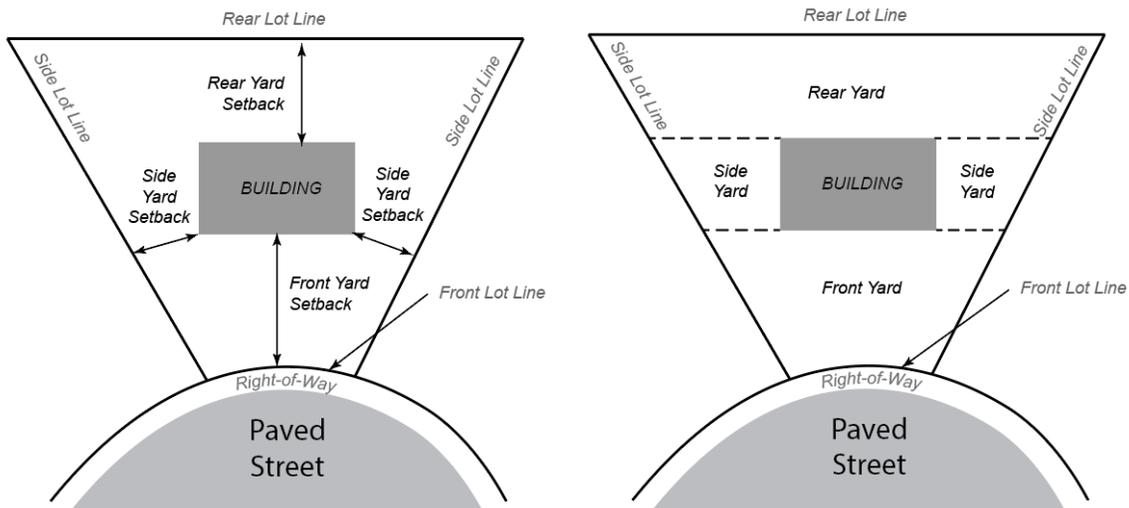


Figure 1115-H: Typical setback and yard locations for a curved street or cul-de-sac.

(10) Other Lot Configurations

Where there is an instance of a lot configuration not addressed in the previous sections (e.g., interior, corner, panhandle, etc.), or where there is an atypical building orientation on any lot, the Planning Commission shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.

(11) Minimum Setback Requirements

- A. Setbacks required for accessory uses are established in [Chapter 1119: Accessory Use Regulations](#).
- B. [Table 1115-4](#) establishes the minimum setback requirements for principal buildings in all zoning districts.

Table 1115-4: Minimum Setback Requirements				
Zoning District (Uses)	Minimum Setback in Feet			
	Front Yard	Side Yard (Each Side)	Side Yard (Total of Both Side Yards)	Rear Yard
R-1	40 [1]	10	20	50
R-2	35	5	12	40
R-3 (Two-Family Dwellings)	35	5	12	40
R-3 (Multi-Family Dwellings)	40	Each side yard shall be equal to one-half the height of the building but no less than 10 feet	Both side yards shall be equal to the height of the building but no less than 20 feet	40
R-4	35	5	10	40
NB-1	0 [2]	12 [3]	24	40 [3]
GB-1	40	12 [3]	24	40 [3]
CB-1	30	12 [3]	24	40 [3]
LI-1	100	25 [4]	50	75 [4]
<p>NOTES:</p> <p>[1] The minimum front yard setback shall be increased to 70 feet if the lot has frontage on a federal or State highway.</p> <p>[2] There shall be no minimum setback requirement in the NB-1 District but the maximum setback shall be 15 feet to allow for landscaping, sidewalks, dining, or other amenities.</p> <p>[3] The minimum side or rear setback shall be increased to 75 feet on side or rear yards adjacent to lots in residential zoning districts.</p> <p>[4] The minimum side or rear setback shall be increased to 100 feet on side or rear yards adjacent to lots in residential zoning districts.</p>				

(c) Maximum Height

(1) Calculation

- A. Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- B. Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the front façade of the building to the mid-point between the eaves and the peak line for any sloped roof or to the highest point of a flat roof. See [Figure 1115-I](#).

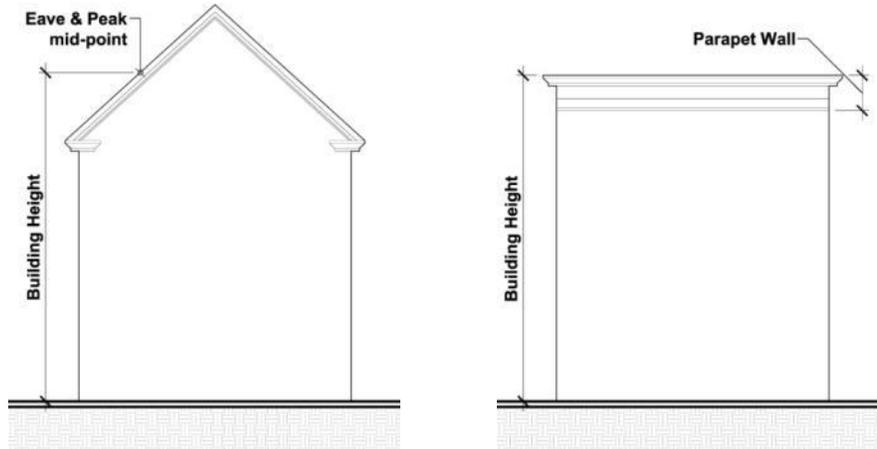


Figure 1115-I: Example of building height measurement for a sloped roof (left) and a flat roof (right).

- C. The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.

(2) Exceptions to Height Limits

- A. The height limitations of this code do not apply to spires, belfries, cupolas, domes, antennas, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- B. Monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flagpoles, radio/communication towers, masts, and aerials may exceed the maximum height standards of this code provided the additional height is approved by the BZA.

(3) Maximum Height Standards

- A. [Table 1115-5](#) establishes the maximum building height for principal buildings.
- B. The maximum height of accessory buildings is established in [Chapter 1119: Accessory Use Regulations](#).

Table 1115-5: Maximum Height of Principal Buildings		
Zoning District	Maximum Height in Feet	Maximum Height in Stories
R-1, R-2, and R-4	35 Feet	2.5
R-3	40 Feet	Not Applicable
NB-1, GB-1, CB-1	45 Feet	Not Applicable
LI-1	50 Feet	Not Applicable

(d) Floor Area Requirements

(1) Calculation

- A. The minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.
- B. Garages, outdoor vestibules, and open or closed verandas or porches shall not be included in the minimum floor area of a dwelling.

- C. Such requirements shall only apply to single-family dwellings and multi-family dwellings. shall not apply to hospitals, nursing homes, or similar types of residential uses that are institutional in nature.

(2) Minimum Floor Area Requirements

A. Minimum Floor Area for Any Single-Family Dwelling Unit

The following shall be the minimum floor area requirement for any single-family dwelling unit in any zoning district:

- i. One story buildings: The minimum for a single-family dwelling without a basement shall be 900 square feet of living area. The minimum with a basement shall be 900 square feet of first floor living area.
- ii. One and one-half story buildings: The minimum for a single-family dwelling shall be 768 square feet of first floor living area and a total of not less than 1,152 square feet of living area on both floors. The floor area over which the finished ceiling is less than 6.5 feet from the finished floor shall not be counted in the total living area.
- iii. Two-story buildings: The minimum for a single-family dwelling shall be 720 square feet of first floor living area, and a total of not less than 1,080 square feet of living area on both floors.
- iv. Multi-level buildings: The minimum for a single-family dwelling shall be 1,296 square feet of living area, with a minimum lot coverage of 864 square feet.

B. Minimum Floor Area for Dwelling Units in the R-3 District

- i. Within the R-3 District, no building shall be erected, reconstructed, or converted for use as a dwelling unless the following minimum gross floor area per dwelling unit is provided in [Table 1115-6](#).

Table 1115-6: Minimum Floor Area for Dwellings in the R-3 District	
Type of Dwelling Unit	Minimum Floor Area (Square Feet)
Efficiency/Studio	500
One Bedroom Dwelling Unit	575
Two Bedroom Dwelling Unit	750
Three Bedroom Dwelling Unit	950
Four or More Bedroom Dwelling Unit	1,500

- ii. The exception to this requirement shall be in the case of a development which is confined strictly to senior citizens, (sixty-two [62] years of age or older), where the Planning Commission may allow a less stringent requirement if it is determined appropriate.

(e) Maximum Lot Coverage

(1) Calculation

Where used, lot coverage is that portion of a lot, or a specified yard, which when viewed directly above, which would be covered by a building, whether principal or accessory. Decks, pervious paver blocks, and other materials that are designed with adequate openings to allow stormwater to pass through the material into the ground shall not count toward the maximum lot coverage.

(2) Maximum Lot Coverage Standards

The maximum lot coverage shall be 30 percent in all zoning districts except the R-4 District and the LI-I District, in which case, the maximum lot cover shall be 40 percent.

1115.6 Special District Specific Standards

In addition to the above standards, the following standards shall apply to any development in the applicable district.

(a) R-3 High Density Residential District

(1) Minimum Recreation Space

- A. A minimum of 10 percent of the gross land area shall be usable recreation space. The recreation space shall be counted as a part of the required livable open space. Recreation areas shall be located a minimum distance of 20 feet from all principal buildings.
- B. The recreation space can include open space for both passive and active recreation. Passive recreation facilities might include common sitting areas in the form of sundecks or garden areas. Active recreation areas may include swimming pools, tennis courts, shuffleboard courts, playgrounds and play fields, or tot lots.

(2) Distance Between Buildings on the Same Lot

No principal building shall be closer to any other principal building than the average of the heights of such buildings.

(b) R-4 Conservation Development District

The purpose of the R-4 District is to allow for new residential development on the edge of the Village boundaries that maintains the residential density of the R-1 District but encourages the clustering of residential lots close to existing development and preserve the remaining land for agricultural, recreational, or open space uses. Development in this district shall be subject to the following standards:

- (1) The maximum number of single-family dwellings permitted shall be equal to two units per acre.
- (2) A minimum of 35 percent of the proposed development shall be preserved as open space or may be used for recreational or agricultural uses provided such land is prohibited from any additional development through deed restrictions.
- (3) Lots shall be clustered together to create the open space, or recreation or agricultural areas, however, the minimum lot size and lot width required in Section [1115.5\(a\)](#) shall be maintained.

(c) NB-1 Neighborhood Business District

The maximum floor area of any building in the NB-1 district shall be 5,000 square feet.

- (1) All materials of waste which may cause fumes, dust, constitute a fire hazard, or attract rodents or insects shall be stored outdoors only in closed containers designed for that purpose.

CHAPTER 1117: PUD PLANNED UNIT DEVELOPMENT DISTRICT

1117.1 Purpose

The purpose of the Planned Unit Development District (PUD) is to achieve, to the greatest possible degree of land development that is responsive to the natural and environmental assets and liabilities of a given site. The PUD provides an alternative zoning category that is intended to encourage imaginative design of development. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, and open space. The PUD should allow for greater design flexibility so that natural features may be protected and development concentrated in an innovative and efficient manner.

1117.2 General Requirements and PUD District Designation

Subsequent to the approval of Village Council, the designation of PUD may be applied to any existing zoning district, with the limitations described herein. There are two types of PUDs:

- (a) A PUD may be a predominantly residential development referred to as a PUD-RS. A PUD-RS may only be applied to an existing residential district. The tract of land proposed to be developed as a PUD-RS must be owned, leased, or controlled by one person or single entity and must be at least five contiguous acres in size.
- (b) A PUD may also be a mixed-use development, referred to as a PUD-MX. A PUD-MX may be applied to any existing nonresidential zoning district. The tract of land proposed to be developed as a PUD-MX must be owned, leased, or controlled by one person or single entity and must be at least five contiguous acres in size.

A PUD must conform to the existing comprehensive and thoroughfare plans.

Upon the approval of the final development plan according to this chapter, the Official Zoning Map shall be amended to designate the property "PUD-RS" or "PUD-MX" as applicable.

1117.3 Permitted Uses

The permitted uses in both the PUD-RS and PUD-MX district are as set forth below:

(a) Permitted Uses in a PUD-RS

An applicant may propose to include any mixture of any uses that are permitted or permitted as conditional uses in any existing residential district. Additionally, an applicant may propose land uses which are allowed as a permitted use in the GB district, provided that not more than 25 percent of the net acres in the development is devoted to nonresidential uses.

(b) Permitted Uses in a PUD-MX

An applicant may propose to include any mixture of nonresidential land uses in a proposed PUD-MX development, provided that at least sixty percent (60%) of the net acres in the development are devoted to uses permitted in the district(s) applying to the property at the time of application. If the subject property is being annexed into the Village and no existing zoning district is applicable, any combination of nonresidential land uses may be proposed.

1117.4 General Development Standards

The following standards represent broad parameters under which all PUD developments must be designed:

(a) Central Water and Sewer Facilities

All structures in developments approved as a PUD must be served by central public water and sewer facilities. No package wastewater treatment plants or separate water supply systems, private or public, shall be permitted.

(b) Development Layout and Design

The design and layout of all PUDs shall display excellence in design by properly considering significant site features, such as topography, natural drainage patterns, roadway access and circulation, surrounding land uses, and general public welfare to result in desirable land development. Attractive landscaped buffers shall be provided between incompatible land uses and activities.

(c) Front, Side, and Rear Setback Standards for Perimeter Lots

All lots that are located along the perimeter of the PUD shall have minimum front, side, and rear setbacks equal to those that would normally be specified in the zoning district prevailing at the time of application for PUD approval or 25 feet, whichever is greater.

(d) Off-Street Parking and Loading Facilities

For all land uses located within the PUD, the parking and loading standards contained in [Chapter 1125: Vehicular Use Areas, Access, and Mobility](#) shall be applied.

1117.5 Residential (PUD-RS) Development Standards

In addition to the general development standards described in Section [1117.4](#), above, residential PUDs shall meet the following development standards:

(a) Clustering Residential Development and Required Open Space

- (1) Clustering residential density is encouraged to provide required common open space. The open space shall be used for either passive or active recreational purposes, such as walking trails, playground areas, picnicking, etc. A minimum of 20 percent of the land developed for residential purposes in a PUD-RS project shall be reserved for common open space. This required amount of common space shall be established as common open space, under one ownership, and provision shall be established for maintenance and care.
- (2) The legal articles relating to any organization of property owners in the development charged with such open space maintenance shall be submitted to the Village and publicly recorded with the Knox County Recording Office. The Village Council may require, as a condition of final approval, any evidence deemed necessary to document that the required common space will remain in its stated condition as long as the development exists (e.g., legal documents, deed restrictions, conservation easements, etc.).

(b) Clustering Residential Density

To achieve a clustering of residential density and to provide for the required common open space, the lot area requirements for residential land uses may be reduced from the densities required under the district(s) applying to the property at the time of application by up to 20 percent. The lot width and yard requirements for residential lots may also be reduced as needed to accommodate a variety of structural patterns, clustering designs, and housing types.

(c) Residential Dwelling Types

Along with clustering residential density, a PUD-RS may include a mixture of dwelling types, including single-family detached dwellings, two-family units, zero lot-line units, and multiple-family units provided the maximum density requirements of Section [1117.5\(b\)](#) are not exceeded.

1117.6 General PUD Approval Procedure

- (a) The applicant for a PUD is encouraged to informally present conceptual plans to both the Planning Commission and Village Council for review prior to extensive engineering. Such conceptual plan discussions are not binding on the Village.
- (b) Plans may include the proposal to phase construction of the PUD development.
- (c) Property proposed to be developed as a PUD must be rezoned to PUD; and the decision to approve a final development plan and to rezone a property to PUD are done concurrently.
- (d) The PUD review process must satisfy all of the applicable requirements of Section [1137.2\(b\)](#).

1117.7 Preliminary Plan

- (a) All applications shall be in a form and in such numbers as established by the Zoning Officer, and made available to the public as part of application forms.
- (b) **Preliminary Plan Review**

The following is a list of review procedures that shall occur once the applicant submits the proposed PUD:

 - (1) The Zoning Officer shall circulate the Preliminary Plan to the Planning Commission.
 - (2) The Planning Commission shall hold a public hearing within 45 days from when the plan was received. Adjacent owners shall be notified by first class mail 20 days before the hearing, and the local newspaper shall be notified a minimum of 15 days prior to the hearing.
 - (3) The Planning Commission shall make a recommendation within 15 days after the close of the public hearing to either approve the plan, approve with conditions, or disapprove the plan.
 - (4) Village Council shall schedule a public hearing within 45 days of receiving the Planning Commission's recommendation. Adjacent owners shall be notified a minimum of 30 days prior to the hearing, and the local newspaper shall be notified a minimum of 20 days prior to the public hearing.
 - (5) Village Council shall make a recommendation within 30 days to either approve, approve with conditions, or disapprove the PUD preliminary plan. If Village Council recommends approval of the plan than the applicant may proceed to the PUD Final Plan.

1117.8 Final Plan

- (a) All applications shall be in a form and in such numbers as established by the Zoning Officer, and made available to the public as part of application forms.
 - (1) In addition to the above, Village Council may require additional information, including environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development and to address potential mitigation measures. The applicant shall be responsible for reasonable expenses incurred by the Village in reviewing final development plans. Such expenses are beyond application fees established by the Village and may include professional service fees, such as legal expenses; or fees from other professionals such as engineers, landscape architects, planners, or environmental scientists incurred in connection with reviewing the plans submitted.

(b) Final Plan and Rezoning Approval Procedure

- (1) The decision to rezone land to PUD and to approve the final plan are accomplished concurrently. All PUD final plan submissions are deemed to be an application for amendment to this code according to [Chapter 1137: Review Procedures](#). The following is a list of review procedures that shall occur before the approval of the final plan:
 - A. The Zoning Officer shall circulate the Preliminary Plan to the Planning Commission and all interested parties.
 - B. The Planning Commission shall hold a public hearing within 20 days from when the plan was received. Adjacent owners shall be notified by first class mail 20 days before the hearing, and the local newspaper shall be notified 15 days prior to the hearing.
 - C. The Planning Commission shall make a recommendation 15 days after the public hearing to either approve the plan, approve with conditions, or disapprove the plan.
 - D. Village Council shall schedule a public hearing within 40 days of receiving the Planning Commission's recommendation. Adjacent owners shall be notified 30 days prior to the hearing, and the local newspaper shall be notified 20 prior to the public hearing.
 - E. Village Council shall make a recommendation within 30 days to either approve, approve with conditions, or disapprove the PUD final plan.
- (2) Upon approval of such plan and rezoning, The Official Zoning map shall be amended to designate the project area as "PUD-RS" or "PUD-MX." Thereafter, with the concurrent approval of the rezoning and final plan pursuant to the criteria stated in this chapter, all development restrictions and conditions described in the final plan shall become official requirements of the PUD.

(c) Criteria of Approval - Final Plan

The Planning Commission and Village Council shall review the proposed Final Plan according to the following criteria:

- (1) That the proposed document is in conformity with the goals and objectives of the master plan;
- (2) That the proposed development advances the general health, safety, and morals of the Village;
- (3) That the interior road system, proposed parking, and any off-site improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development;
- (4) That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan according to these PUD requirements;
- (5) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (6) That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and nonresidential uses proposed in the PUD; and
- (7) The open space area shall be shown in a creative manner and used by residents in the community for passive or active recreational uses.

1117.9 Amendment (Changes)

After the final development plan has been approved by Village Council, adjustments or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested by the proponents.

- (a)** Minor changes, as defined herein, are allowed, provided such requests conform to the standards established by the final development plan and this code. A minor change shall require approval by the Planning Commission and shall include the following:
 - (1)** Adjustments to the size and location of buildings, swimming pools, and other on-site structures provided:
 - A.** They do not result in an increase in the number of housing units approved in the final plan;
 - B.** They do not encroach into the established setback areas; and
 - C.** They do not create a larger building mass either through an increase in their height or length that would magnify their effect on the adjoining areas.
 - (2)** Alterations to the proposed drives and/or parking areas if they do not encroach into building areas or specified recreation areas.
 - (3)** Adjustments in the size and location of development identification signs.
- (b)** A major change is any change that does not meet the criteria above and, in addition, is one which would constitute a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require submittal of a final plan as defined in Section [1117.8](#) of that portion of the development proposed to undergo a major change.

CHAPTER 1119: ACCESSORY USE REGULATIONS

1119.1 Purpose

It is the purpose of chapter to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties

1119.2 General Provisions

- (a) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- (b) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves. The Village may allow for the placement of accessory structures or uses in open space areas or protected common space as part of a PUD when there is sufficient language on the approved plans and in covenants that define the allowable structure or use and establishes responsibility for maintenance.
- (c) An owner shall be required to apply for and receive a zoning permit or zoning certificate of occupancy, as applicable, unless specifically exempted by this code.
- (d) An accessory use or structure shall not be established unless a principal use has first been established on a lot in conformance with the applicable provisions of this code.
- (e) Small accessory structures such as benches and garden decorations, etc. shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet. Small accessory structures such as doghouses and barbeque equipment shall also be allowed without a permit but must be placed in the side or rear yard.
- (f) Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in any yard, without a permit. See Section [1119.4\(g\)](#) related to the raising of livestock animals.
- (g) The accessory use regulations of this chapter shall not apply to any public park lands owned by the Village, Knox County, or the State of Ohio.
- (h) **Size, Height, and Location Requirements**
 - (1) Accessory buildings, such as garages and carports, that are attached or an integral part of the principal building, shall be regulated as part of the principal building and comply with all applicable setbacks. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
 - (2) Unless otherwise specified in this chapter, detached accessory structures and buildings shall meet the minimum setback requirements established in Section [1115.5\(b\)](#) for principal buildings.
 - (3) Unless otherwise specified, detached accessory structures shall be set back a minimum of five feet from the side and rear lot lines in the R-1 and R-3 Districts and three feet from the side and rear lot lines in the R-2 District.
 - (4) The total footprint of an accessory use or structure shall be 45 percent or less of the gross floor area of the principal building.
 - (5) The maximum height of an accessory structure shall not exceed the height of the principal building or any established maximum heights of this chapter.

1119.3 Permitted Accessory Uses

[Table 1119-1](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 1119-1](#).

(a) Explanation of the Permitted Accessory Use Table

(1) Permitted Uses with Standards

- A. A “PS” in a cell indicates that a use type is allowed by-right in the respective zoning district if it meets the additional standards as identified in the last column of [Table 1119-1](#). Permitted uses with standards are subject to all other applicable standards of this code.
- B. Uses permitted with standards are approved administratively through the zoning certificate or site plan review process, unless subject to additional reviews (e.g., variance).

(2) Conditional Uses

- A. A “C” in a cell indicates that a use may be permitted if approved through the conditional use review procedure (See Section [1137.3](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 1119-1](#). Conditional uses are subject to all other applicable standards of this code.
- B. The existence of lack of additional use-specific standards in this code shall not be implied to be the only standards the use is required to meet. Any conditional use listed in the table shall be subject to the general review standards for all conditional uses established in Section [1137.3](#).

(3) Prohibited Uses

A blank cell indicates that an accessory use or structure is prohibited in the respective zoning district.

(4) Zoning Permit Required

The “Zoning Permit Required” column identifies if a zoning permit is required for the applicable accessory use or structure.

(5) Yards Permitted

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also Section [1115.5\(b\)](#), for more information about specific yard locations for interior, corner, through, flag or panhandle, cul-de-sac, or curved street lots, etc.

(6) Numerical References (Last Column)

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated and may apply to a permitted use with use-specific standards.

(b) Similar Use Determination

Any use not specifically listed shall be considered prohibited unless the Planning Commission makes a determination that the use is similar in activity, use, design, and nature as another use. In such case, the use may be permitted in the same manner as the use the Planning Commission determines to be similar.

(c) Accessory Uses in PUD Districts

Accessory uses for development within a PUD shall be regulated based on the principal use. Accessory uses for residential principal uses shall be as regulated for residential zoning districts in [Table 1119-1](#). Accessory uses for nonresidential principal uses shall be as regulated for nonresidential zoning districts in [Table 1119-1](#).

(d) Permitted Accessory Use Table

Table 1119-1: Permitted Accessory Use Table					
PS = Permitted with Standards		C= Conditional Use		Blank Cell = Prohibited Use	
Permitted Uses	R-1, R-2, R-3, R-4, & MHPD-1	NB-1, GB-1, CB-1, and LI-1	Zoning Permit Required	Yards Permitted F = Front S = Side R = Rear	Use-Specific Standards See Section:
Accessory Dwelling Units	PS		Yes	R or Attached to Principal Building	1119.4(a)
Accessibility Ramps	PS	PS	Yes	F, S, or R	1119.4(b)
Amateur Radio Antennas	PS	PS	Yes	F, S, or R	1119.4(c)
Detached Accessory Buildings	PS	PS	Yes	S or R	1119.4(d)
Home Occupations	PS		Yes	See Section 1119.4(e) .	
Outdoor Dining	PS	PS	Yes	F, S, or R	1119.4(f)
Raising of Livestock Animals	PS		Yes	R	1119.4(g)
Retail Sales and Service	PS	PS	Yes	Inside Principal Building	1119.4(h)
Satellite Dishes	PS	PS	See Section 1119.4(i)		
Swimming Pools	PS	PS	Yes	R	1119.4(j)
Type-A Day Care Homes	C		Yes	Inside Principal Building	
Type-B Day Care Homes	PS		Yes	Inside Principal Building	

1119.4 Use-Specific Standards

(a) Accessory Dwelling Units

- (1) Only one accessory dwelling unit shall be permitted on a lot.
- (2) Accessory dwelling units shall be exempt from the minimum lot area requirements in the applicable zoning district.
- (3) Detached accessory dwelling units shall be required to comply with the building coverage requirements in Section [1119.4\(d\)](#).
- (4) An accessory dwelling unit shall contain separate kitchen and bathroom facilities.
- (5) Accessory dwelling units may be allowed when attached to the principal dwelling unit, in a detached accessory building, or located above a detached garage on the same lot.
- (6) Each accessory dwelling unit shall have an entrance separate from the primary dwelling.
- (7) An accessory dwelling unit shall not exceed 700 square feet or 45 percent of the floor area of the primary dwelling, whichever is less.
- (8) One accessible off-street parking space shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the primary dwelling in Section [1125.4](#).

- (9) Each accessory dwelling unit shall be constructed so as to be compatible with the existing primary dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.
- (10) Accessory dwelling units shall comply with the setback requirements for principal buildings in the applicable zoning district, regardless if it is attached or detached.
- (11) Accessory dwelling units shall only be permitted where the property owner resides in one of the dwelling units.
- (12) The accessory dwelling unit shall be connected to public water and sewer.

(b) Accessibility Ramps

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

(c) Amateur Radio Antennas

- (1) Towers used to support amateur radio antenna shall not exceed 70 feet in height.
- (2) Such a tower shall be set back a minimum of one foot from each lot line for every one foot in height. All guy wires, if applicable, shall be set back a minimum of ten feet from all lot lines.
- (3) Any tower and related structures shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. An antenna mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

(d) Detached Accessory Buildings

- (1) There shall be a maximum of one detached accessory building permitted on any lot that exceeds 200 square feet. This shall include any accessory dwelling units as regulated above. One additional detached accessory building shall be permitted on a lot provided the footprint is less than 200 square feet in gross floor area.
- (2) No accessory building on any residential lot may be larger than 45 percent of the gross floor area of the principal use or structure and shall not to exceed 1,200 square feet in total. Additionally, accessory buildings, together with the principal building, shall not exceed lot coverage requirements for a given zoning district.
- (3) Detached accessory buildings may not exceed a single story or 15 feet in height at any highest point. In no case, shall a detached accessory building exceed the height of the principal building.
- (4) Detached accessory buildings shall be set back a minimum of 10 feet from the principal building.
- (5) Accessory buildings shall not include the use of temporary structures including tents, trailers, mobile homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers, or railroad cars whether affixed to a permanent foundation or not.
- (6) Detached accessory buildings, including accessory dwelling units, shall comply with the minimum setbacks of Section [1119.2\(h\)](#).
- (7) Detached accessory buildings shall not be located closer to the front lot line than the principal building, unless the garage or accessory building is attached to the principal building.

(e) Home Occupations

Home occupations shall require a zoning permit and shall comply with all of the following regulations:

- (1) Only residents of the home shall work at the home occupation.

- (2) Home occupations where customers visit the home shall be limited in a manner so that only one customer can be in the dwelling at any one time.
- (3) Sales of commodities not produced on the premises are prohibited.
- (4) The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
- (5) No outside storage related to the home occupation is permitted.
- (6) Not more than 30 percent of the gross floor area of any dwelling unit shall be devoted to a home occupation.
- (7) The external appearance of the structure in which the use is to be conducted shall not be altered.
- (8) Minor or moderate alterations (nonstructural) may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
- (9) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

(f) Outdoor Dining

- (1) Outdoor dining areas shall be located along a sidewalk (public or private) adjacent to the principal building or between the principal building and parking areas. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service areas and the principal building.
- (2) A minimum of four feet of clear walking space shall be maintained on the sidewalk for pedestrian traffic.
- (3) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (4) Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a principal building within the applicable zoning district and shall require the issuance of a new zoning permit.
- (5) Any roof designed to cover patrons, including roofs over areas for waiting, smoking, etc., shall be structurally attached to the principal building and permanent in nature.

(g) Raising of Livestock Animals

(1) Number and Type of Animals Permitted

- A. A zoning certificate shall allow for:
 - i. A maximum of five chickens shall be permitted on lots with a lot area of less than one acre and a maximum of 10 chickens shall be permitted on lots with a lot area of one acre or larger. The keeping of any rooster is prohibited.
 - ii. A maximum of one larger livestock animal, such as a sheep, swine, or similarly sized animals shall be permitted if on a lot with a minimum lot area of one acre where such animal is being raised temporarily for the purposes of a youth project (e.g., 4-H) and will not remain on the lot for more than one year.
- B. The above maximum number of animals shall be per individual lot.

(2) Animal Housing

Housing shall be provided for the enclosure of all animals; however, the lot shall also include sufficient adjacent land for an outdoor run or pasture. Such outdoor area shall be enclosed with fencing. Permitted size and location of chicken coops and chicken runs are as follows:

- A. The housing enclosure shall be of a size sufficient for the number and types of animals to be maintained on the lot.
 - B. The housing enclosure and outdoor area shall be located in the rear yard only.
 - C. The housing enclosure and outdoor run or pasture area shall be set back a minimum of 10 feet from the nearest lot line and 20 feet from any adjacent dwelling unit and street right-of-way;
 - D. The maximum floor area of any enclosure shall be 200 square feet where no individual façade dimension exceeds 20 feet in length.
 - E. The maximum area of an outdoor run or pasture shall be 200 square feet.
 - F. The enclosed run or pasture area shall be appropriately fenced to prevent the animals from leaving the lot;
 - G. Housing enclosures and outdoor areas shall not be visible from the street and may be buffered from view using fencing or landscape materials.
 - H. Free-range animals are prohibited meaning that all animals must be limited to their housing enclosure or outdoor area approved as part of these regulations.
- (3) All animal feed shall be kept in a predator-proof/rodent-proof container.
- (4) Waste material must be disposed of in a manner that will not cause odor, or attract flies or vermin.
- (5) All areas where livestock animals are kept shall be maintained to be neat and clean and free of undue accumulation of waste such as to prevent odors detectable on adjacent property.
- (6) The owner or occupant of the lot where livestock animals are maintained shall ensure that their animals are cared for properly when ill, and disposed of in a manner that does not endanger the public health and safety if the animals die.
- (7) The slaughtering of animals is prohibited on the lot except for the personal use of the owner.
- (8) Application Requirements**
- A. The applicant shall submit to the Village Clerk a livestock registration application and application fee. The livestock registration application shall include:
 - i. A drawing, illustrating the location and layout of the proposed housing enclosure and outdoor run or pasture, and indicating the number and types of animals to be maintained on the lot.
 - ii. If the applicant is leasing the property, the applicant shall be required to provide written authorization to raise and care for the livestock animals on the subject lot from the property owner.
 - B. The livestock registration application shall be review by the Zoning Officer.
 - i. If the application and proposed plans are satisfactory, the Zoning Officer shall approve the location of the housing enclosure and outdoor area prior to construction.
 - ii. If the application is not complete or the proposed plans for the housing enclosure or outdoor area are found to be unsatisfactory, the applicant will be informed of defects and given an opportunity to rectify defects.
 - C. The livestock registration holder shall be required to annually renew their permit by June 1 of each year.
 - i. An annual permit fee shall be required according to the Permit Fee Schedule.
 - ii. Failure to timely renew could result in the Village's revocation of the registration and removal of the animals.

(h) Retail Sales and Service

- (1) Retail sales and services are permitted as accessory uses when clearly incidental to the principal use.
- (2) With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display.
- (3) These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public.
- (4) In hospitals and clinics, these accessory uses may include drug stores, florists, gift and book shops, and cafeteria institutional settings; office buildings, hotels, country club houses, and airports; such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, beauty and barber shops.

(i) Satellite Dish Antennas

- (1) Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section on accessory uses and shall not require a zoning permit. To the maximum extent possible, the dish should be located in the side or rear yard.
- (2) Dishes that exceed one meter in diameter shall only be permitted in a nonresidential zoning district if approved as a conditional use. Such dish shall only be permitted in a rear yard.

(j) Swimming Pools

Outdoor swimming pools are permitted as an accessory use provided they comply with the following standards:

(1) Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed in any zoning district, except as an accessory use and unless it complies with the following conditions and requirements:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the principal building of the property on which it is located.
- B. A pool shall be set back a minimum of 10 feet from any lot line, except in an R-District where that minimum setback distance shall be six feet. That distance shall be measured from the water's edge and shall not restrict fences, ground level patios, pumps, and similar pool accessories not requiring separate permits. Pools, including above-ground pools, may not be located between the principal building and the road right-of-way.
- C. Elevated decks for above-ground pools shall be set back a minimum of 10 feet from all lot lines.
- D. The swimming pool, or the entire property behind the front building on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than four feet in height, shall be separate from the wall of the pool, maintained in good condition, and shall include an automatically closing gate with a lock.
- E. The above fencing and wall requirements shall not be required if the pool is above ground with sides that are four feet above existing and/or proposed grade.
- F. Adequate provisions for drainage shall be made subject to approval by the Zoning Officer.
- G. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.

- H. Before construction commences, the petitioner shall obtain a zoning certificate and all permit fees shall be paid.

(2) Community and Club Swimming Pools.

Community and club swimming pools are permitted in any district that allows for outdoor recreation or club facilities and shall comply with the following conditions and requirements.

- A. The pool is intended solely for the enjoyment of the members, families, and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any lot line.
- C. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than four feet in height and maintained in good condition with automatic locking gate(s).
- D. Before construction commences, the petitioner shall obtain a zoning certificate, a fence permit (where required), a swimming pool permit, and all permit fees shall be paid.

CHAPTER 1121: GENERAL DEVELOPMENT REGULATIONS

1121.1 Conversion of Dwellings to More Units

A residence shall not be converted to accommodate an increased number of dwelling units unless:

- (a) The yard dimensions continue to meet the yard dimensions required by the zoning code for new structures in that district;
- (b) The lot area per dwelling equals the lot area requirements for new structures in that district;
- (c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (d) The conversion is otherwise in compliance with this code (e.g., property is zoned for double- or multiple-family use) and all other relevant codes and ordinances.

1121.2 Building Regulations

(a) Principal Building Per Lot

No more than one principal building or structure may be constructed on any one lot for the purposes of this code unless otherwise indicated.

(b) Building Permits Or Zoning Certificates of Occupancy

No building permit or zoning certificate of occupancy shall be issued without evidence that the Knox County Health Board has approved the proposed sanitary sewage disposal and water facilities for the use for which the zoning certificate of occupancy has been requested with prior approval of the Village of Danville.

1121.3 Frontage Required for Buildings

No principal building or groups of buildings shall be erected on a lot which does not abut on a street of record.

(a) Yard Requirements for Single Buildings

No required yard or other open space around a building shall be considered as a yard to open space for any other building. No required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

(b) Yard Requirements for Multiple-Family Dwellings

Multiple-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group of buildings shall be subject to the applicable principal building setbacks based on the applicable lot type.

1121.4 Use Of Front Yard

Front yards in all districts shall be landscaped with living plant material with the exception of required driveways or required off-street parking for single- and two-family dwellings in accordance with the provisions of this zoning code. Driveways shall be permitted for multiple-family dwellings in the front yard; however, all parking lots shall be located in the side or rear yard of the lot, and the remainder of the lot shall be landscaped with living plant material.

1121.5 Fences, Walls, and Hedges

In all districts, fences, hedges, and walls may be constructed to a maximum height of six feet in any side or rear yard beginning at the building setback line and to a height of three feet in any front yard abutting a street. For the industrial district, the maximum height of a fence, hedge, or wall in the side or rear yard shall be eight feet. Hedges, fences, and walls shall not encroach on public sidewalks.

1121.6 Illumination

All permanent outdoor light such as those used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorist, pedestrians, or neighboring premises. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one footcandle.

1121.7 Visibility at Intersections

On a corner lot at the intersection of two (existing or proposed) streets or at the intersection of an alley and a street within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of 2.5 feet and 10 feet above the center line grades of the intersecting streets or of the intersecting alley and street in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines, or alley and street lines 60 feet from the point of intersection.

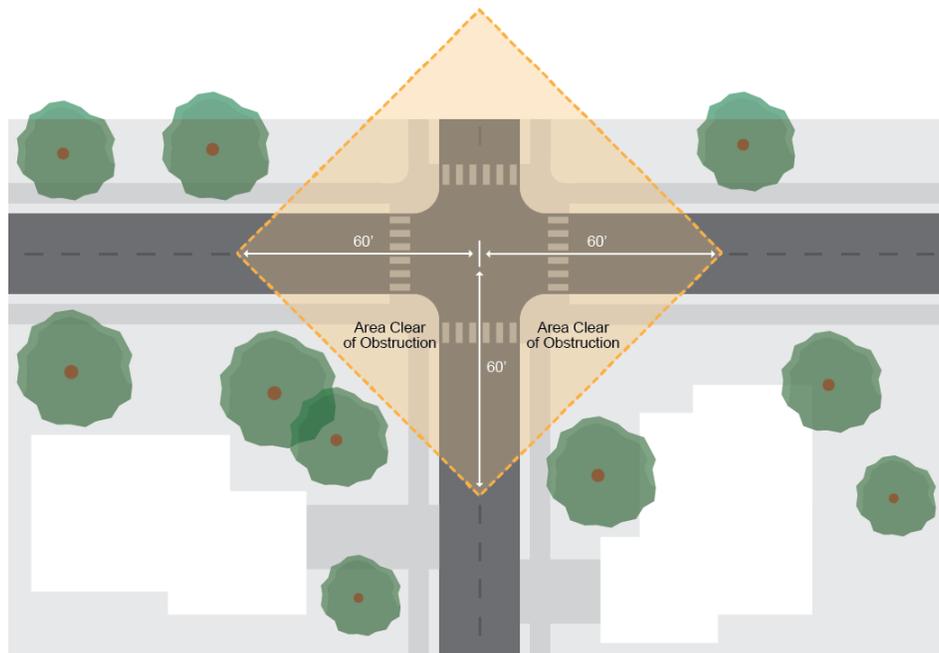


Figure 1121-A: Illustration of triangles created to protect visibility at intersections.

1121.8 Temporary Uses

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

(a) General Standards for Temporary Uses and Structures

Temporary uses or structures shall:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (3) Not include permanent alterations to the site;
- (4) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (5) Not interfere with the normal operations of any permanent use located on the property; and
- (6) Contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

(b) Real Estate Offices and Model Homes

Real estate offices which shall contain no living accommodations shall be permitted within any district for any new subdivision for a period of one year, except that two, six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein or upon the expiration of the zoning permit, whichever occurs first.

(c) Construction Structures

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- (1) The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, as well as construction dumpsters.
- (2) Such construction structures shall be located on pavement or in a landscaped setting approved by the Planning Commission (during site plan review for the proposed development) except that all construction dumpsters shall be located only a paved surface.
- (3) All temporary construction structures shall be set back a minimum of 50 feet from the nearest occupied residential dwelling except for those dwellings located on the same lot. Such setback may be reduced to 10 feet for construction dumpsters.
- (4) A temporary structure for the construction office may be placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning permit unless an alternative time limit is approved by the Planning Commission based on the scale of the project.
- (5) In residential zoning districts, the hours of operation or use of the structure shall be restricted to the hours between 7:00 a.m. to 9:00 p.m., and the concentration of vehicles attracted to the premises in connection with such use shall not be more hazardous than normal traffic in a residential district that is being developed.
- (6) The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- (7) The structure shall not block or prevent access to any fire hydrant.
- (8) All temporary structures for construction operations shall be removed within 14 days after the completion of work on the premises for which an occupancy permit has been issued or if construction is not pursued diligently. For residential subdivisions, the temporary construction structures shall be removed after the zoning permit has been issued for the final dwelling.
- (9) Such construction structures shall be permitted in all districts, however, only construction dumpsters are permitted on individual lots with residential dwellings, in residential zoning districts. For such uses, the placement of a temporary construction dumpster shall be limited to 30 consecutive days in any single calendar year.

(d) Sidewalk Sales

Sidewalk sales are permitted if they are conducted by the business owner and operator located adjacent to the sidewalk in nonresidential zoning districts. The owner or operator of a business located in a business district may conduct a sidewalk sale outside that business premises on private property or on an abutting public sidewalk adjacent to that business premises in accordance with the following provisions.

- (1) The merchandise for sale shall be limited to that merchandise normally offered for sale by the business owner who has a zoning permit for the business operation.
- (2) The sidewalk sale shall be conducted in a manner that will leave at least five-feet of unobstructed sidewalk to allow for pedestrian use. When located on a public sidewalk, the display shall be confined to the portion of the sidewalk in front of the business establishment of which the seller or displayer is the lawful occupant.
- (3) The stands and display structures shall be constructed of stable material and able to withstand local normal wind loads. Merchandise shall be securely and adequately placed so that it will not endanger pedestrians or encroach on the public right-of-way.
- (4) Sales shall be conducted so as not to cause a nuisance, or create a fire hazard or obstruct ingress and egress to the premises.
- (5) All goods sold shall be of a size that can be picked up and carried into the business for purchase. Generally, this shall be goods that weigh less than 20 pounds.
- (6) All goods and materials shall only be permitted to be on the sidewalk during business hours. When the business is closed, the goods and materials must be stored inside.
- (7) A zoning permit shall not be required for sidewalk sales but failure to comply with the standards of this section shall be considered a violation of this code.

(e) Temporary Sales and Services in Parking Areas

- (1) Temporary sales and services may be permitted within parking areas within any nonresidential district.
- (2) A zoning permit valid for a period not to exceed seven consecutive days shall only be issued three times within any 12-month period to any individual or organization.
- (3) The Zoning Officer shall not issue a permit for such temporary use if he or she determines that it encroaches upon more than 25 percent of the required parking area.

(f) Temporary Sales on Lots

- (1) Temporary retail sales and services such as the sale of plants, flowers, arts and crafts, farm produce, or similar items in areas outside of parking areas on a vacant lot or on any lot with an existing business may be permitted in any nonresidential district.
- (2) A zoning permit shall not be required but such sales shall not exceed three consecutive days up to three separate times for any particular lot within any 12-month period, and not more than one temporary sales area shall be located on any single lot. Failure to comply with the standards of this section shall be considered a violation of this code.

(g) Portable Storage Units

Portable storage units may be permitted in any zoning district as follows:

- (1) Such units may be used on construction sites, as construction structures, in accordance with Section [1121.8](#).
- (2) A portable storage unit shall be located on a paved surface, on a private property for a period not to exceed 30 consecutive days in any calendar year.
- (3) The placement of any portable storage unit shall be in such a manner as not to create a public nuisance.

- (4) A zoning permit shall be required for the placement of any portable storage unit and shall be non-renewable until the following calendar year.
- (5) Portable storage units shall not be used to store hazardous or explosive materials.
- (6) Portable storage units shall not be occupied or use for any housing use.
- (7) Electric cords or power lines shall not be extended to any portable storage unit.

1121.9 Erosion and Sedimentation Control During Construction

A plan for erosion and sedimentation control during and after construction shall be included with all other plans upon application for a zoning permit for any construction activity involving excavation. The following principles shall be followed in developing and carrying out the plan:

- (a) The smallest practical area of land should be exposed at any one-time during development.
- (b) When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- (c) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- (d) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
- (e) Provisions shall be made to effectively accommodate the increased temporary and permanent runoff caused by changed soil and surface conditions during and after development per municipal standards specifications/development standards.
- (f) The permanent final erosion control vegetation and structures shall be installed as soon as practical in the development.
- (g) The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
- (h) Wherever feasible, natural vegetation should be retained and protected.

1121.10 Junk

- (a) The accumulation or storage of junk, junk motor vehicles (as defined under ORC 4513.65), disabled or inoperative machinery or equipment, vehicles or machinery parts, or any other discarded objects or debris defined as junk in this code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.
- (b) No person shall permit litter and junk to accumulate on land owned or occupied to the extent that it blows or spills over onto the property of another.
- (c) Uncontrolled accumulation of litter is a nuisance and is subject to abatement by the Village of Danville or owners of surrounding land.
- (d) Upon repeated violations of this section, the Zoning Officer may require the violator to erect a fence or landscaping designed to contain litter, and the Village of Danville may take other actions deemed necessary.

1121.11 Demolition of Buildings

(a) Applicability

- (1) The provisions of this Section shall apply whenever buildings or other structures that have a total footprint of 750 square feet or more are demolished, in whole or in part.
- (2) All work of demolition of buildings or other structures, or parts thereof, shall be in conformity with the provisions of this section and in conformity with accepted safe practice.

(b) Zoning Certificate Required

- (1) Any demolition of buildings or structures subject to this section shall require the issuance of a zoning certificate.
- (2) The zoning certificate, when approved, shall authorize the start of demolition in accordance with the approved certificate.
- (3) The zoning certificate for demolition shall be valid for six months following the date of approval. If demolition does not begin within six months, the zoning certificate shall be deemed voided and any future demolition will require the issuance of a new zoning certificate.

(c) Demolition Requirements

- (1) After demolition, the building lot must be cleared of all debris resulting from the demolition. The removal of any existing footers or slabs is also required.
- (2) If new construction is not to begin within 30 days following demolition, the lot must be restored to an acceptable condition, as determined by the Zoning Officer. This may include, but is not limited to backfilling, seeding, mulching or grading.
- (3) A bond, sufficient to cover the cost of incomplete demolition, restoration, may be required until improvements have been made to the satisfaction of the Zoning Officer, at which time the bond may be released.
- (4) Incomplete demolition shall mean where demolition has commenced within the six-month timeframe after approval of the zoning certificate but where demolition was halted before all of the demolition was completed. The Zoning Officer may grant a three-month time expansion to complete demolition if just cause is given by the applicant and the building or structure is determined to be stable and does not pose any danger to the public.

CHAPTER 1123: SIGNS

1123.1 Purpose

It is the purpose and intent of this chapter to establish reasonable regulations which preserve the health, safety and general welfare of the public, while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:

- (a) To prohibit signs which pose an unreasonable risk to the public safety;
- (b) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;
- (c) To provide for reasonable and appropriate methods for locating goods, services, and facilities in all zoning districts by relating the size, type and design of signs to the size, type and design of the uses and districts;
- (d) To control the design of signs so that their appearance shall be aesthetically harmonious with an overall urban design for the area;
- (e) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location and preventing conflicts with public safety signs and police and fire protection;
- (f) To promote the most desirable developments and economic activity in accordance with the objectives of the Comprehensive Plan; and
- (g) To promote the public right to receive religious, political, economic, social, philosophical and other First Amendment protected messages.

The Village does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Chapter I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

1123.2 Applicability and Administration

- (a) No sign, except those specifically exempted by this code, shall be erected without a zoning permit issued by the Zoning Officer,
- (b) The zoning permit application for a sign shall be accompanied by such scale drawings, photographs, and other information as the Zoning Officer may require.
- (c) Fees for zoning permits related to signs shall be as fixed by Village Council.
- (d) Unless otherwise provided, this chapter shall apply to any sign over which the Village has authority to regulate. Additionally, this chapter shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.
- (e) Any sign already established on the effective date of this chapter or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1123.9](#).
- (f) **Zoning Permit Exemptions**

The following signs are subject to the requirements of this chapter and are allowed in all districts, but do not require a zoning permit. Additionally, any sign area for these signs do not count toward the sign area allowances specified in this chapter for all other permitted signs. Permit-exempt signs, or the structures they are attached to, may still be subject to building code or other applicable code requirements.

- (1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (2) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (3) Any sign that is located completely inside a building that is not visible from the exterior (See also the definition of “window sign”.);
- (4) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not intended to be visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- (5) Sign face changes where the sign structure is designed with interchangeable panels and one of the panels is replaced without changing the structure, including any changes to the total sign face area, height or alteration of the sign cabinet;
- (6) Certain temporary signs as established in Section [1123.8](#);
- (7) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
 - A. The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.
 - B. The maximum projection for wall-mounted flag post is six feet and a maximum sign area of 15 square feet per flag.
 - C. There shall be a maximum of one flag pole and two-wall mounted posts permitted on each lot.
 - D. Flag poles may be subject to building permit regulations.
- (8) A single wall sign mounted flush on the façade of an individual dwelling unit that is not illuminated and does not exceed four square feet in area;
- (9) Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Knox County, or the Village of Danville;
- (10) Any signs located on umbrellas, seating or similar patio furniture provided they are located outside of the right-of-way and comply with any other applicable standards of this chapter;
- (11) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors) for transportation or signage required by the State or Federal government that is not parked or stored in the space spot for more than 48 hours;
- (12) Signs installed or required by a governmental agency including the Village of Danville, Knox County, the State of Ohio, and the United States. Such signs may be installed in the right-of-way;
- (13) Any warning signs or traffic safety signs required by public utility providers;
- (14) Hand-held signs not set on or affixed to the ground;
- (15) Any address numbers required by the Village of Danville or Knox County;
- (16) Changes of copy on signs with changeable copy;
- (17) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and

- (18) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

1123.3 Prohibited Sign Types

The following types of signs are specifically prohibited within the Village:

- (a) Signs that are applied to trees, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;
- (b) Any sign or sign structure which in the opinion of the regulating authority is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (c) No sign shall be installed, erected, or attached in any shape, manner, or form to block a fire escape or to any door or window that is required ingress and egress for fire safety;
- (d) Pennants, streamers and other similar type devices;
- (e) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention except for electronic message centers permitted in accordance with this chapter;
- (f) Laser lights, beacons and searchlights, except for emergency purposes;
- (g) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, supported by, or otherwise affixed to the vehicle shall not be parked or stored for a time period exceed 48 hours;
- (h) Any signs that utilize illumination by means of bare bulbs, flames, or both;
- (i) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
- (j) Any sign that violates the traffic visibility requirements of Section [1121.7](#);
- (k) Any sign located in a public right-of-way except as specifically provided for in the chapter;
- (l) Portable or moving signs or devices except as a temporary sign as provided in Section [1123.8](#);
- (m) Roof signs or signs extending above the roof line;
- (n) Any other sign type that is not specifically allowed by this chapter.

1123.4 Measurements

(a) **Sign Setback**

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

(b) **Sign Height**

The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

(c) **Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section.

- (1) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the regulating authority. See [Figure 1123-A](#).
- (2) For sign copy mounted or painted on a background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encompasses the extreme limits of the background panel, cabinet or surface. See [Figure 1123-A](#) and [Figure 1123-B](#).

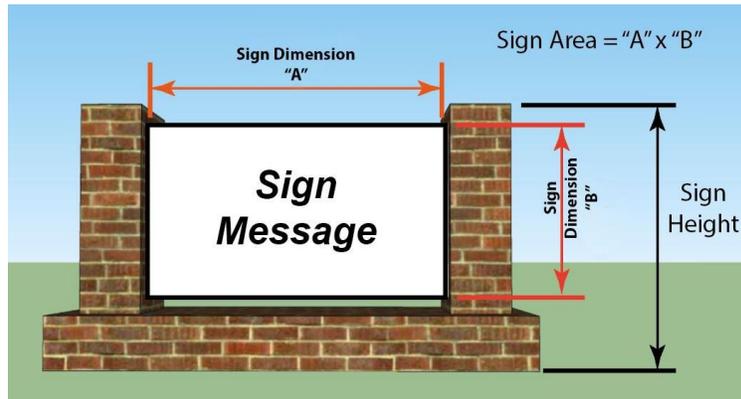


Figure 1123-A: Illustration of sign area calculation for a freestanding sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 1123-B: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (3) For sign copy where individual letters or elements are mounted on a building façade or window where there is no background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encloses all the letters or elements associated with the sign. See [Figure 1123-C](#).

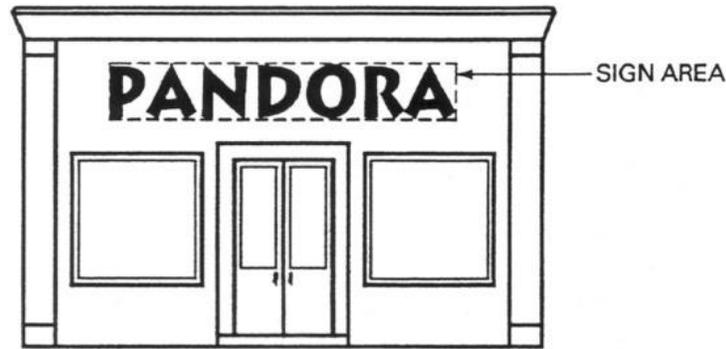


Figure 1123-C: Illustration of sign area calculation for wall signs with individual letters.

1123.5 Illumination

- (a) Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
- (b) Illuminated signs, including neon signs, shall not produce more than one footcandle of illumination as measured at a distance of four feet from the sign.
- (c) The illumination of electronic message centers shall be permitted as established elsewhere in this chapter.

1123.6 Permanent Signs in Residential Districts

The following permanent signs are permitted in residential zoning districts:

(a) Signs at Entrances

Two wall signs or one permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains 25 units/lots or more provided that the signs meet the following requirements:

(1) General Standards

- A. Each sign may have a maximum sign area of 24 square feet.
- B. No such sign or any portion of the structure shall exceed six feet in height.
- C. The sign may only be illuminated through an external light source.
- D. The sign shall not be located in the right-of-way.

(2) Monument Sign

- A. A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a public collector or arterial street, as determined by the regulating authority.
- B. In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way and 20 feet from any lot lines.
- C. The monument sign shall have a maximum of two sign faces, mounted back-to-back.
- D. If an applicant proposes to use a monument sign, no wall signs, as allowed in Section [1123.6\(a\)\(3\)](#), below, shall be permitted.
- E. For entrances to multi-family dwelling developments, a post and panel sign may be permitted instead of the monument sign.

(3) Wall Signs on Entry Fences or Walls

- A. A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a public collector or arterial street, as determined by the regulating authority.
- B. If two signs are utilized, the signs shall be separated by a minimum of 50 feet.
- C. The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- D. If an applicant proposes to use wall signs, no monument sign, as allowed in Section [1123.6\(a\)\(2\)](#), above, shall be permitted.

(b) Permanent Signs for Nonresidential Uses

The following permanent signs are allowed for nonresidential uses that are permitted in residential zoning districts (e.g., schools, churches, parks, etc.):

- (1) One freestanding monument sign that complies with the same regulation as with monument signs at entrances in Section [1123.6\(a\)](#) above.
- (2) Electronic message centers shall be permitted on monument signs for nonresidential uses subject to the following requirements:
 - A. The sign area of the electronic message center shall not exceed 75 percent of the total sign area.
 - B. All electronic message centers shall be set back a minimum of 200 feet from a residential dwelling unit.
 - C. Any message changes shall be a static, instant message change.
 - D. Messages can only change once every ten seconds or longer.
 - E. The transition time between messages shall be less than one second.
 - F. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
 - G. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
 - H. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.
 - I. Audio emissions from electronic message center signs shall be prohibited.
- (3) Building signs shall be allowed for nonresidential uses in the same manner as is permitted for lots and buildings in the NB-1 District.

1123.7 Permanent Signs in Nonresidential Districts

- (a) Permanent signs shall only be permitted as an accessory structure to another allowed principal use in all nonresidential districts.
- (b) No permanent signs shall be permitted in the right-of-way with the exception of projecting, awning, and canopy signs as provided for in this section.
- (c) The minimum clearance from the grade to the bottom of any sign shall be eight feet for any sign that hangs or projects over a pedestrian area and 15 feet over a vehicular use area.
- (d) **Freestanding and Building Signs**
 - (1) The total sign area allowed for freestanding and building signs (excluding window signs) on any single lot shall be equal to one and one-half square (1.5) feet of sign area for every lineal foot of building façade width. In no case shall the total sign area of all permanent signs on a lot exceed 200 square feet.

- (2) When calculating the permitted sign area based on the width of any façade, such calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on) from the adjacent street, regardless of façade insets, offsets or angles. See [Figure 1123-D](#).

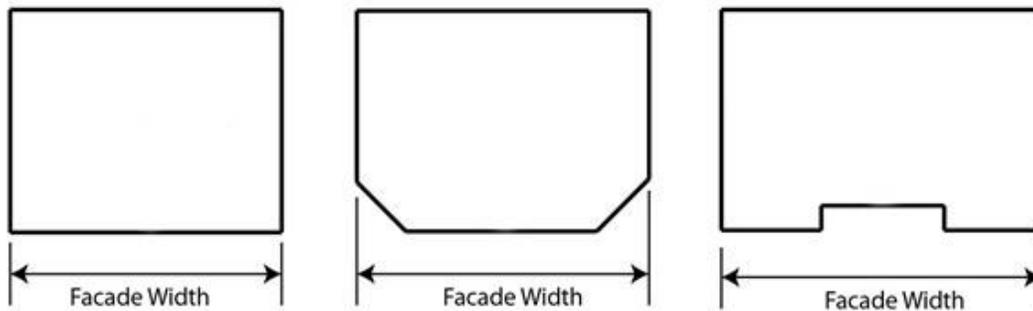


Figure 1123-D: Illustration of façade width measurement on varied façade shapes.

- (3) The maximum sign area of any freestanding sign shall be 100 square feet with a maximum height of 20 feet. Such signs shall be setback one-foot from the right-of-way and any lot lines for every foot in height. No freestanding sign shall exceed the height of the principal building.
- (4) Electronic message centers shall be permitted on freestanding signs in nonresidential zoning district provided they comply with the following requirements:
- A. The sign area of the electronic message center shall not exceed 90 percent of the total sign area.
 - B. Any message changes shall be a static, instant message change.
 - C. Messages can only change once every ten seconds or longer.
 - D. The transition time between messages shall be less than one second.
 - E. All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
 - F. The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
 - G. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.
 - H. Audio emissions from electronic message center signs shall be prohibited.
- (5) Building signs shall include any signs attached to the building, except window signs, that may include wall signs, awning signs, canopy signs, and projecting signs. Such signs shall comply with the applicable standards below.
- A. **General Standards**
 - i. There is no maximum number of permitted building signs but the signs shall not be mounted to any façade that faces a residential district unless such residential district is across a public street.
 - ii. Building signs may not be attached to mechanical equipment, roof screening, or detached accessory structures.
 - iii. All signage shall be mounted below the floor level of the third-story of any building.
 - B. **Wall Sign Standards**

Any wall sign shall comply with the following standards:

- i. Wall signs shall be mounted on or flush with a wall and shall not project more than 24 inches from the wall or face of the building to which it is attached.
- ii. A wall sign may be mounted on the façade wall or mounted on a raceway or wireway.
- iii. No wall sign shall cover or obscure any wall opening.
- iv. Wall signs shall not project above the parapet, coping, or eaves of any building.

C. Awning or Canopy Sign Standards

Any canopy sign shall comply with the following standards:

- i. Signage shall not cover more than 50 percent of any individual awning or canopy.
- ii. Signage may be mounted above any canopy that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign. Signage may also be mounted below the canopy provided the maximum height of the sign copy shall not exceed 12 inches and the clearance requirements of Section [1123.7\(c\)](#) are maintained to the bottom of the awning or canopy.
- iii. Awning and canopy signs shall not overhang the public way to within three feet of the back of the curb line nor shall it overhang more than one-third of the sidewalk width.
- iv. Only the area of the sign may be illuminated internally on an awning or canopy. The remainder of any awning canopy shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

D. Projecting Sign Standards

Any projecting sign shall comply with the following standards:

- i. Only one projecting sign shall be permitted for each tenant.
- ii. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.
- iii. Projecting signs shall not overhang the public way to within three feet of the back of the curb line nor shall it overhang more than one-third of the sidewalk width.
- iv. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of sign area allowed, however, in no case shall the supporting structure exceed six square feet in area.
- v. The maximum sign area for a projecting sign shall be 24 square feet.
- vi. Projecting signs shall not be internally illuminated.

(e) Window Signs

- (1) Window signs shall not require a zoning permit but must comply with the requirements of this section.
- (2) Window signs shall not occupy more than 50 percent of the window area in all nonresidential zoning districts.
- (3) Window signs may be temporarily or permanently attached to the window surface.
- (4) The sign area of window signs shall not be counted as part of any other sign allowance in this chapter.
- (5) Window signs are not permitted in any window of a space used for residential uses or purposes unless allowed as a temporary sign in accordance with Section [1123.8](#).

- (6) Window signs shall not be illuminated except when illuminated by an external lighting source.
- (7) The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See [Figure 1123-E](#).



Figure 1123-E: The window area is illustrated within the dashed line area for the two storefronts in the above image.

(B) Driveway Signs

- (1) A maximum of two signs shall be permitted for any one driveway.
- (2) Driveway signs shall be set back at least five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the edge of the driveway where it intersects with the public street.
- (3) Each driveway sign shall not exceed four square feet in area and three feet in height.
- (4) Driveway signs may be internally or externally illuminated.
- (5) The sign area of driveway signs shall not be counted as part of any other sign allowance in this chapter.

1123.8 Temporary Signs

The following are the types of temporary signs allowed in the Village of Danville, including any applicable regulations for each type of sign.

(a) Standards Applicable to All Temporary Signs

- (1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- (3) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- (4) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (5) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.

- (6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with Section [1123.8\(a\)\(9\)](#) or when such sign is attached to the principal building as permitted in this chapter.
- (7) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of or attachments to temporary signs.
- (8) Where a temporary sign is designed to have two sign faces (sidewalk signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame sidewalk sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.
- (9) For zoning permit applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a zoning permit.
- (10) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.
- (11) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.

(b) Temporary Sign Allowances

- (1) Table [1123-1](#) establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

Table 1123-1: Temporary Sign Allowances				
Message	Noncommercial Message	Commercial Message		
Zoning Districts	All Districts	Residential	Nonresidential	Nonresidential
Time Limit	Unrestricted	Unrestricted	Unrestricted	30 Days per Quarter [2]
Maximum Number or Area per Lot	Unlimited	12 Square Feet [1]	24 Square Feet	48 Square Feet
Maximum Sign Area per Sign	32 Square Feet	6 Square Feet [1]	12 Square Feet	48 Square Feet
Maximum Height	6 Feet	4 Feet	6 Feet	6 Feet
Permitted Sign Types	Banner, Window, and Yard	Window or Yard	Banner, Feather, Sidewalk, or Yard	Banner, Feather, or Yard
Zoning Permit Required	No	No	No	Yes
NOTES: [1] For lots or subdivisions that are larger than five acres, the maximum sign area may be increased to 32 square feet with a maximum height of six feet. No single sign shall exceed 16 square feet in sign area. [2] A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).				

(2) Sign Type Standards

A. Banner Signs

- i. Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.
- ii. Banner signs can be affixed to a building but not a fence unless such fence is enclosing an outdoor dining area adjacent to the building.

B. Feather Signs

- i. Temporary feather signs are prohibited in the right-of-way and shall be set back from a right-of-way line a minimum distance equal to the sign's height. Feather signs shall also be set back a minimum of six feet from adjoining lot lines or the height of the sign, whichever is greater.
- ii. One feather sign may be permitted on any individual lot.

C. Sidewalk Signs

- i. Only one sidewalk sign is allowed for each business establishment and shall be located within five feet of the entrance of such business.
- ii. The sidewalk sign shall be limited to an A-frame sidewalk sign or a T-frame sidewalk sign.
- iii. There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
- iv. Such signs shall not exceed six square feet in area with a maximum height of four feet.
- v. The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas. Additionally, such signs shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).
- vi. The width and placement of the sign shall be such so that there shall be a minimum width of five feet of clear and passable sidewalk or walkway for pedestrians.
- vii. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
- viii. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
- ix. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
- x. The sign shall be internally weighted so that it is stable and windproof.
- xi. The Village of Danville shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

(3) Window Signs

Temporary window signs shall not be affixed permanently to the window.

(4) Yard Signs

Temporary yard signs are prohibited in the right-of-way and shall be set back a minimum of three feet from a right-of-way line. Yard signs shall also be set back a minimum of six feet from adjoining lot lines or the height of the sign, whichever is greater.

1123.9 Nonconforming Signs

- (a) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection. No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section and the nonconforming structure regulations in [Chapter 1129: Nonconforming Uses](#) shall not apply.
- (b) Legal nonconforming signs shall be maintained in good condition pursuant to Section [1123.10](#) and may continue until such sign is required to be removed as set forth in this chapter.
- (c) A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations or be removed if:
 - (1) The sign is structurally altered or replaced, not including the changing of a sign face when the sign is specifically designed for changeable sign faces or when a message is changed on a changeable copy sign or electronic message center;
 - (2) The sign is relocated, except signs that are required to be moved because of public right-of-way improvements;
 - (3) The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this code;
 - (4) The sign is damaged to an extent of greater than 50 percent of the estimated replacement value;
 - (5) The sign is not repaired within 60 days after it is damaged or such sooner period as may be required if the damage presents an immediate hazard; or
 - (6) The sign creates a hazard to vehicular and pedestrian traffic.
- (d) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way. All nonconforming signs shall be maintained properly and shall be subject to Section <>.

1123.10 Maintenance

- (a) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign and accessory landscaping.
- (b) All signs and sign structures shall be maintained in a safe and attractive condition in accordance with the Ohio Building Code (OBC), if applicable.
- (c) It shall be the responsibility of the property owner, or other entity having legal control or interest of the property, to maintain all signs and sign structures in accordance with this code.
- (d) Failure to maintain a sign in accordance with this section shall be a violation of this code, subject to [Chapter 1131: Administration and Enforcement](#).

CHAPTER 1125: VEHICULAR USE AREAS, ACCESS, AND MOBILITY

1125.1 Purpose

The purpose of this chapter is to protect the public health, safety, and general welfare, and to:

- (a) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;
- (b) Relieve the congestion so the streets can be utilized more fully for movement of vehicular traffic;
- (c) Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;
- (d) Reduce surface water run-off by considering the use of pervious surfaces, where applicable; and
- (e) Promote the general convenience, welfare and prosperity of business, service, research, production, manufacturing and distribution developments which depend upon off-street parking facilities.

1125.2 Applicability

- (a) 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 code.
- (b) The provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves additions or enlargements, there shall be provided as many of such spaces as may be required by this code.
- (c) Whenever a building or structure constructed after the effective date of this code or amendment herein is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargements or change, provided whenever a building or structure existing prior to the effective date of this code is enlarged to the extent of 50 percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise such building or structure shall then and thereafter comply with the full parking requirements set forth herein.

1125.3 General Design Requirements

- (a) Unless otherwise stated, all parking, loading, and other vehicular use areas shall be provided on the same lot as the principal use the areas serve.
- (b) With the exception of Paragraph (a), above, and other specific requirements within this chapter, the following general design requirements shall not apply to single-family dwelling lots.
- (c) **Paving**
 - (1) The surface of any vehicular use areas shall be paved with a hard, durable and dust free surface that may include Portland cement, concrete, or other similar surface.
 - (2) Gravel vehicular use areas are permitted with the following exceptions:
 - A. Gravel or other non-paved surfaces shall be prohibited within the NB-1 District for vehicular use areas that are within 50 feet of Market or Main Streets; and
 - B. Gravel or other non-paved surfaces shall be prohibited in off-street loading areas and where dumpsters are located in nonresidential districts.

(3) Porous asphalt, pervious concrete, or pervious pavers may be used if reviewed and approved by the Planning Commission. An applicant shall be required to submit a maintenance plan for upkeep of any permitted porous asphalt, pervious concrete, or pervious pavers. Failure to adhere to the maintenance plan shall be considered a violation of this code.

(d) Drainage

All vehicular use areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. Storm system and detention design calculations will be required per Village design standards and specifications for all improvements.

(e) Maintenance

The owner of a property shall maintain all vehicular use areas in good condition without holes and free of all dust, trash, and other debris.

(f) Lighting

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be of such a type and/or so arranged/diffused so as to reflect the light away from the adjoining property.

(g) Minimum Distance and Setbacks

No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling unit on an adjoining lot, unless screened in accordance with this chapter. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

(h) Access

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 of driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

(i) Signs and Access Road Requirements

The entrance and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

- (1) For one-way traffic, the minimum width of a driveway access shall be 14 feet.
- (2) Driveway access with two-way traffic shall have a minimum width of 25 feet.

(j) Striping

All vehicular use areas shall be clearly designated and marked/striped to ensure approved utilization of the space, direction of traffic flow, and general safety.

1125.4 Minimum Required Off-Street Parking Space Requirements

(a) For the purposes of this code, the following parking space requirements shall apply for all development:

(b) In the interpretations of this chapter, the following rules shall govern:

- (1) Parking spaces for other permitted or conditional uses not listed in this chapter shall be determined by the BZA.
- (2) Fractional numbers shall be increased to the next whole number.

- (3) The total number of parking spaces shall be based on the cumulative total required for all uses occurring on the site.

Table 1125-1: Parking Space Requirements	
Type of Use:	Parking Requirement:
Residential Uses	
Residential Facilities	Two spaces per facility if located in a single-family dwelling or four spaces for all other facilities
Skilled Nursing or Personal Care Facilities	One space per four beds at maximum capacity
All Other Residential Uses	Two spaces per dwelling unit
Public and Institutional Uses	
Cemeteries	One space per four seats in a chapel or place of assembly at maximum building capacity
Churches	One space per four fixed seats in the main assembly room or one space per four persons at maximum capacity, whichever is greater
College/University	One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus one space per five seats for every classroom
Nursery School	One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus six spaces per classroom
Parks and Playgrounds	One space per 5,000 square feet of outdoor area or one space per five seats if stadium/arena seating provided
Private or Public Schools	One space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater plus six spaces per classroom
Public Buildings	One space per 500 square feet of gross floor area
Wireless Telecommunication Towers	One space per antennae
All Other Public and Institutional Uses	One space per 500 square feet of gross floor area or one space per five permanent seat seats at maximum capacity, whichever is greater
General Commercial and Office Uses	
Adult Day Care	One space for every 400 square feet of gross floor area plus one space for every classroom or activity room
Animal Hospital and Veterinary Office	One space per 400 square feet of gross floor area
Automobile Repair Garages	One space per service bay plus one space per 400 square feet of retail space
Bar, Grill, Cocktail Lounge, State Liquor Store	One space per 150 square feet of gross floor area
Café	One space per 150 square feet of gross floor area
Financial Institutions	One space per 400 square feet of gross floor area
Funeral Homes	Six spaces for each parlor plus one space for each fleet vehicle or one space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater.
Hotel and Motel	One space per guest room
Indoor Commercial and Noncommercial Recreational Facility	One per 400 square feet of gross floor area; or one per five seats if stadium/arena seating provided
Medical and Surgical Hospitals / Medical Center	One space for every two patient beds plus one space for every 300 square feet of outpatient clinics, laboratories, pharmacies and other similar uses
Mixed-Use Building	The number of spaces required by the individual uses in the building
Professional Office Building or Clinic (Medical/Dental)	One space per 300 square feet of gross floor area
Restaurant	One space per 150 square feet of gross floor area
Service Stations	One space per service bay plus one space per 400 square feet of retail space
Theater and Concert Hall	One space for each four persons at maximum building capacity
Uses engaged in administrative and professional offices	One space per 400 square feet of gross floor area

Table 1125-1: Parking Space Requirements		
Type of Use:	Parking Requirement:	
Veterinary hospital or kennels	One space per 400 square feet of gross floor area	
All Other General Commercial or Office Uses	Building footprint less than 5,000 square feet of gross floor area	One space per 300 square feet of gross floor area
	Building footprint of 5,001 to 50,000 square feet of gross floor area	One space per 350 square feet of gross floor area
	Building footprint of 50,001 square feet or more of gross floor area	One space per 400 square feet of gross floor area
Industrial Uses: The total number of required spaces for uses in the industrial use classification shall be cumulative based on the variety of different functions present in a single use as established below		
Offices or Administrative Areas	One space per 300 square feet of gross floor area	
Indoor Sales Area and Displays of Goods Manufactured on Site	One space per 400 square feet of indoor gross floor area	
Indoor Areas Used for Storage, Warehousing, Assembly, Vehicular Service, or General Manufacturing Activities	1-3,000 square feet of floor area	One space per 300 square feet of gross floor area
	3,001-5,000 square feet of floor area	One space per 500 square feet of gross floor area
	5,001-10,000 square feet of floor area	One space per 1,000 square feet of gross floor area
	10,001 or more square feet of floor area	One space per 1,500 square feet of gross floor area
Outdoor Storage Area (3,000 square feet or less)	1 space per 1,500 square feet of gross outdoor area	
Outdoor Storage Area (more than 3,000 square feet)	1 space per 2,500 square feet of gross outdoor area	

1125.5 Off-Street Parking Area Design Requirements

(a) **Parking Space and Drive Aisle Dimensions**

- (1) Areas for off-street parking facilities shall be designed in accordance with the minimum dimensional requirements established in [Table 1125-2](#) and illustrated in [Figure 1125-A](#).
- (2) If parking along a drive aisle shall have parking at two or more different angles, the width of the aisle required shall be the largest width required in [Table 1125-2](#).

Table 1125-2: Parking Space Dimensions				
Angle	Parking Space Width (Feet)	Parking Space Length (Feet)	Drive Aisle Width (Feet)	
			One-Way	Two-Way
	A	B	C	D
Parallel (0°)	9 feet	22 feet	12 feet	20 feet
30°	9 feet	20 feet	12 feet	24 feet
45°	9 feet	20 feet	12 feet	24 feet
60°	9 feet	19 feet	18 feet	24 feet
Perpendicular (90°)	9 feet	19 feet	20 feet	24 feet

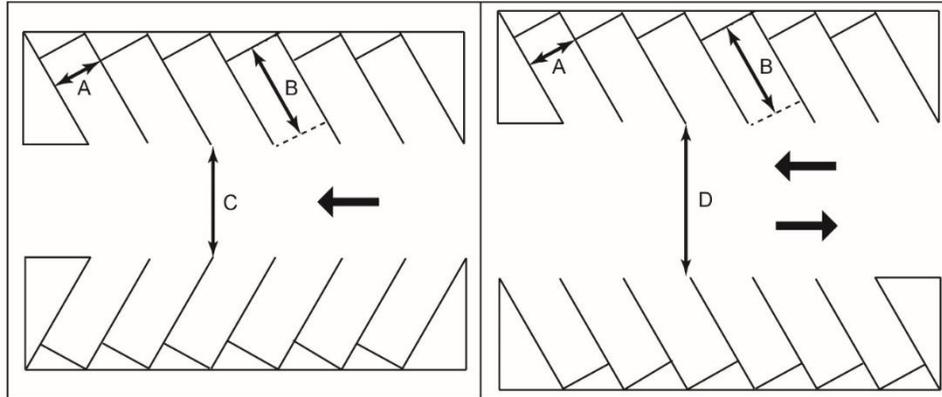


Figure 1125-A: Parking area dimensions

(b) Location Of Parking Spaces

The following regulations shall govern the location of off-street parking spaces and areas:

- (1) Parking space for all residential uses shall be located on the same lot as the use which they are intended to serve.
- (2) Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use.
- (3) Parking spaces for new development, after the effective date of this code, shall be located in the side and rear yards to the maximum extent practicable in the NB-1 and GB-1 Districts. The Planning Commission may approve a portion of parking in the front yard where parking in the front yard is found on adjacent properties and where access to front yard parking is safer.

(c) Screening and/or Landscaping of Parking Areas

- (1) Whenever a parking area is located in or adjacent to a residential district or property used for residential purposes, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen.
- (2) Such fence, wall, or planting screen shall be not less than four feet nor more than six feet in height and shall be maintained in good condition.
- (3) The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.
- (4) In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping may be required.
- (5) **Interior Parking Lot Landscaping Requirements**
 - A. The interior parking area landscaping requirements of this section shall apply to all off-street parking areas where the parking area contains 20 parking spaces or more. Parking areas in the ID District shall be exempt from these landscaping requirements.
 - B. Such landscaping shall be in addition to any screening requirements above when the parking area is located adjacent to a residential district.
 - C. The parking lot landscaping shall include at least one shade tree and two shrubs per 10 parking spaces that shall be located within landscaped islands, provided there is no impairment to visibility of motorists or pedestrians (See [1121.7.](#)).

- D. The interior landscaping shall be located within landscaped islands that are located entirely within the parking area.
- E. Landscape islands shall have a minimum size of 100 square feet within a minimum dimension of five feet in any direction to provide a suitable living environment for the landscaping.
- F. These interior parking lot landscaping requirements shall not be required when all off-street parking is located in the side and rear yards.

(d) Joint Use

Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Planning Commission shall be filed with the application for a zoning permit.

(e) Wheel Blocks

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

(f) Disabled Vehicles

The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. See also the regulations for junk in Section [1121.10](#) as it relates to junk vehicles.

1125.6 Loading Space Requirements And Dimensions

- (a) A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways, drive aisles, and other circulation areas, and a height of clearance of not less than 15 feet.
- (b) One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of 5,000 square feet or more.
- (c) The Planning Commission may reduce the number of off-street loading spaces required if the applicant can demonstrate that there is limited need for a designated off-street loading space.
- (d) Off-street loading spaces shall be so arranged that they may be used without blocking and shall not obstruct or occupy any parking space, circulation or drive aisles, sidewalks, or vehicle stacking spaces for drive through lanes.

1125.7 Sidewalks and Pedestrian Connections

(a) Public Sidewalks

- (1) New public sidewalks, constructed to meet Danville's construction standards, shall be required along the street frontage of any lot being developed when the following conditions exist:
 - A. The development includes new construction on a vacant lot or complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced);
 - B. There is no public sidewalk along one or more of the public street rights-of-way adjacent to the lot;
 - C. There is adequate existing right-of-way for the public sidewalk; and
 - D. A public sidewalk exists on a least one of the adjacent lots whereby the new sidewalk on the subject lot will create an extension of the sidewalk.

- (2) In the case of installation of sidewalks in accordance with the above regulation, such new sidewalks shall be aligned with the existing, adjacent sidewalk.
- (3) New sidewalks shall also be required on both sides of the street for all new subdivisions.
- (4) All sidewalks shall be constructed with a minimum width of five feet. Wider sidewalks may be required by the Planning Commission, depending on the applicable review process, where:
 - A. Wider sidewalks are present on the adjacent lots; or
 - B. Wider sidewalks are required by a plan adopted by the Village.
- (5) All sidewalks at intersections will include ramps that are compliant with the American Disabilities Act.
- (6) **General Standards for the Construction, Repair, or Replacement of Sidewalks**
 - A. **Purpose**
 - i. The owners of all lots or lands abutting a public sidewalk shall be responsible for the maintenance of such sidewalks including, but not limited to, removal of trash, removal of snow, and maintenance of the sidewalk in good working condition in accordance with Section 729.01 of the Ohio Revised Code.
 - ii. The purpose of this section is to establish standards and specifications for the construction, repair, or replacement of sidewalks within the Village.
 - B. **Duty of Abutting Owner**

All sidewalks within the Village shall be kept in repair by the owner of the property abutting thereon by constructing, repairing, or relaying of the same, as may be required by the Village. No existing sidewalks can be removed.
 - C. **Work to Comply with Village Specifications**

No person shall construct, replace or repair, or cause to be constructed, replaced or repaired any curb, gutter or sidewalk on any public way within the Village which does not comply with the following specifications or with the rules and regulations established by the Zoning Officer.
 - D. **Material Specifications**
 - i. All curbs, gutters, and sidewalks shall be constructed, replaced with air entraining cement. If a property currently has an existing brick sidewalk that property may replace the existing brick sidewalk with a new brick sidewalk that is installed over a four-inch concrete slab that meets the minimum standards for a concrete sidewalk, with a minimum of one inch of masonry sand between the concrete and brick with the joints between bricks filled with a non-shrinking grouting material.
 - ii. All concrete sidewalks shall be constructed or repaired in accordance with the following specifications and requirements:
 - a) Cement shall be Portland cement with a minimum five-bag mix but a six-bag mix is recommended.
 - b) A pre-molded bituminous expansion joint, one-half of an inch wide by four inches deep, shall be installed where new sidewalk meets the curb or building foundations.

- c) All new or replaced sidewalks shall be constructed to a minimum width of four feet. The slope of all new sidewalks shall not exceed the natural slope of the road that it is parallel to. A sidewalk constructed, replaced or repaired within the area of intersections with driveways for vehicles, except streets and alleys or where sidewalk abuts against a paved street with no curb, shall be of cement not less than six inches in thickness. All other sidewalks shall be constructed, replaced or repaired not less than four inches in thickness. A sidewalk in a residential area when repaired, replaced or extended shall be in line and same width as existing sidewalks.
- iii. Valve boxes that fall within the sidewalk area shall be brought flush with the finished walk surface and protected while construction is in progress. Roof drains shall be extended under the sidewalk and through the curb.

E. Notice to Owners and Time Limit

The owners of lots where sidewalks, curbing, or gutters are to be constructed or repaired shall be notified in accordance with the statutes of the state relative thereto and in accordance with the following) procedure:

- i. Council shall request an inspection;
- ii. Council shall pass a resolution determining the necessity to proceed with the notifications of owners;
- iii. Notices shall be sent, by registered mail, to owners, to repair, or replace in not more than 60 days, or proof of intent;
- iv. If the notice is returned, or an owner cannot be located, then public notice shall be given in the newspaper;
- v. If a property owner does not construct or replace, the Village shall proceed with the work or hire a contractor; and then
- vi. The cost of the construction shall then be assessed to the property owner.

F. Failure of Owner to Construct, Remedy of Village

Upon failure of the owner of any property to cause sidewalks, curbing, or gutters to be constructed within the time mentioned in [1125.7\(a\)\(6\)E](#), above, the Mayor is authorized and directed to cause such sidewalks, curbing or gutters to be constructed and to assess the entire cost of the same against such property and cause the same to become a lien thereon, to be collected in such manner as may be provided by State law, the Codified Ordinances or other Village Ordinances. The Mayor is hereby authorized and directed to contract for such work with the lowest and best bidder, after advertisement according to law. The Mayor may, at her/his discretion, let the entire job in one contract, or in several contracts, to cover each of the separate streets.

G. Ramps Required

Whenever a sidewalk at an intersection is to be constructed or replaced by the Village or by the individual, ramps for the handicapped and elderly shall be constructed in a uniform manner set up by Village specifications or the Zoning Officer.

H. Vegetation

All property owners are responsible to keep their sidewalks free of vegetation. The property owner is responsible for keeping the area above the sidewalk free of branches to a height of seven feet and the area beside the sidewalk free of vegetation encroaching upon the sidewalk.

(b) Internal Pedestrian Access

- (1) In nonresidential zoning districts, where a sidewalk exists in a public right-of-way adjacent to the site or where a sidewalk is required to be constructed as part of the development approval, paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (2) The pedestrian connection shall have a minimum width of five feet.
- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Planning Commission. See [Figure 1125-B](#).



Figure 1125-B: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.

1125.8 Parking of Recreational Vehicles in Residential Districts

- (a) Recreational vehicles shall be prohibited from parking on the street with the exception that one recreational vehicle may be parked on a public street, in front of a dwelling unit, for a maximum of seven days in any three-month time period.
- (b) In no instance shall there be more than a total of two recreational vehicles stored outside on a single residential property.
- (c) Recreational vehicles shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in a recreational vehicle while the vehicle is parked or stored on the residential lot.
- (d) Recreational vehicles shall not have a connection to electric, water, gas or sewer facilities while parked or stored on a residential lot.
- (e) Recreational vehicles shall be kept in good repair and carry the current year's license and/or registration as required by the State of Ohio. Any recreational vehicle in violation of this shall be prohibited from being parked or stored on a residential lot outside of an enclosed building.
- (f) Only covers and tarpaulins designed specifically to fit the vehicle may be used to cover the vehicle or components.
- (g) The entire area under the parking or storage of a recreational vehicle shall be gravel or paved in accordance with the provision for off-street parking in Section [1125.3\(c\)](#). Any such gravel or pavement shall be maintained to prevent weeds or debris from accumulating under the vehicles.

- (h) Recreational vehicles shall not be parked or stored in front of the building line (front yard) of any dwelling except that:
 - (1) Recreational vehicles with a length of up to 24 feet (including the entirety of any trailer) may be parked or stored, in compliance with this section, in the front yard between May 1 and October 1 of each year.
 - (2) Larger recreational vehicles may be temporarily parked in the front yard, in compliance with this section, for the purposes of loading or unloading for a period of not more than seven days in any three-month time period.
- (i) Recreational vehicles of any size may be stored in side yards, rear yards, or in an enclosed garage or permitted accessory building in any residential district.

1125.9 Parking of Commercial Vehicles in Residential Districts

- (a) For the purposes of this code, any vehicle that is classified as a Class 1, Class 2, or Class 3 vehicle by the Federal Highway Administration shall be permitted to be parked or stored on a lot in a residential district as a personal vehicle provide any parking or storage areas comply with all other requirements of this code.
- (b) All other vehicles shall be considered commercial vehicles and are permitted on lots in residential districts in accordance with the following:
 - (1) No more than one commercial vehicle shall be permitted to be stored or parked on any single lot.
 - (2) Commercial vehicles shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in a commercial vehicle while the vehicle is parked or stored on the residential lot.
 - (3) Commercial vehicles shall be kept in good repair and carry the current year's license and/or registration as required by the State of Ohio. Any commercial vehicle in violation of this shall be prohibited from being parked or stored on a residential lot outside of an enclosed building.
 - (4) The entire area under the parking or storage of a commercial vehicle shall be gravel or paved in accordance with the provision for off-street parking in Section [1125.3\(c\)](#). Any such gravel or pavement shall be maintained to prevent weeds or debris from accumulating under the vehicles.
 - (5) Commercial vehicles shall comply with the same locational and setback requirements of recreational vehicles in Section [1125.8](#).

1125.10 Access Control Requirements

- (a) General standards for parking areas, circulation, and access shall be incorporated as part of the site plan. These standards are found in Section [1137.2](#) of this code.
- (b) As part of the site plan review process, access shall be reviewed relative to the distance from other drive approaches and from roadway intersections.
- (c) The preferred method of providing access to parcels is to minimize or eliminate driveways by using service roads, rear access roads, or shared driveways.
- (d) The Planning Commission may, as part of the site plan review process, require that driveways be moved, combined, re-aligned, or eliminated to reduce the potential for accidents.

(e) Conditional Approval of Driveways

As part of the site plan review process, the Planning Commission may approve a site plan with a specific driveway location, with the condition that an agreement be first entered into between the property owner and the Village of Danville requiring that if a service road is constructed in the future, or if the opportunity for a shared driveway should present itself with development of adjacent property, one or more approved driveways shall be closed and measurements taken to utilize such service road or shared drive. Approval of driveways may also include restrictions on turning movements, locations, or other requirements to ensure safe and efficient traffic movement.

(f) Construction and Use of Service Roads

When a service road is required, such improvement shall be constructed by the developer of the involved property before any zoning occupancy or zoning use permit is granted. When a service road is provided, all access to an adjacent property shall use that service road and no direct access to the main thoroughfare shall be provided.

1125.11 Traffic Impact Study

- (a)** A traffic impact study shall be a requirement for site plan review if the expected trip generation of the use is 100 or more cars per hour as identified in the Institute of Traffic Engineers (ITE) Manual.
- (b)** A traffic impact study shall be prepared by a qualified professional engineer at the developer's expense.
- (c)** The traffic impact study shall investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, and other relevant information to the site to protect the safety of the traveling public.
- (d)** The traffic impact study shall include the following elements:
 - (1)** A description of the site and study area;
 - (2)** Anticipated development of adjacent parcels;
 - (3)** Trip generation and distribution, including a description of all assumptions used to generate findings of trip distribution;
 - (4)** Modal split (if applicable);
 - (5)** Traffic assignment resulting from the development;
 - (6)** Projected future traffic volumes;
 - (7)** An assessment of the impact that would result from driveway alternatives;
 - (8)** Recommendations for site access and transportation improvements needed to maintain traffic flow within and past the site at an acceptable and safe level of service; and
 - (9)** An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

CHAPTER 1127: LANDSCAPING

1127.1 Landscaping Requirements

Consistent with the objectives established in this chapter, landscaping shall be provided according to the following standards for the following districts, with the new construction, enlargement, addition, or alteration of any principal building:

- (a) R-3: High Density Residential District;
- (b) NB-1: Neighborhood Business District;
- (c) GB-1: General Business District;
- (d) CB-1: Commerce Business District; and
- (e) LI-1: Light Industrial District.

1127.2 Special Exceptions

The Village of Danville shall recognize that, in some cases, the landscaping requirements may be difficult or impractical to meet due to specific site characteristics. In these cases, an alternate landscaping plan may be approved by the Planning Commission as part of the site plan review process.

1127.3 Screening of Service Areas, Storage Areas, and Loading Docks

For all uses that include areas used for service, loading, and unloading activities, such areas shall be screened along the entire rear lot line and side lot lines from the rear lot line to the rear building line to the following minimum standards:

- (a) The width of the screening area shall be a minimum of five feet. Screening shall consist of walls, hedges, fences, vegetation, or an acceptable combination of these elements, provided that screening must be at least seven feet in height.
- (b) Vegetation used for screening shall have a minimum capacity of 75 percent at all times within two years of planting.

1127.4 Screening of Trash Container Receptacles

Trash containers shall be screened according to the following minimum standards:

- (a) Trash containers designed to service more than one residential unit or to service a nonresidential structure shall be screened on three sides by walls, fences, or natural vegetation or an acceptable combination of these elements.
- (b) The height of such screening shall be at least six feet. The maximum height of walls and fences shall not exceed 10 feet. Vegetation shall have a minimum opaqueness of 75 percent at all times within two years of planting. The use of evergreen vegetation is encouraged. Vegetation shall be a variety and size that will attain six feet in height within two years of planting.

1127.5 Interior Parking Area Landscaping

Landscaping within parking areas, whether ground cover or upright plant material, is necessary not only to reduce the generation of heat and water runoff, but to break up visually the expanse of paved areas. The use of parking islands or peninsulas strategically placed throughout the parking lot is required to landscape parking lot interiors. The use of shade trees in these landscape areas is encouraged. Any open parking area containing more than 6,000 square feet of area or 15 or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

- (a) An area equal to five percent (of the total area devoted to parking space and parking lanes shall be landscaped and permeable.
- (b) Whenever possible, large parking areas of 30,000 square feet or larger shall be designed so as to break up their visual expanse and create the appearance of smaller parking lots. This distinction or separation can be achieved by interspersing yard space and buildings in strategic areas and by taking advantage of natural features such as slope, existing woodland or vegetation, drainage courses, and retention/detention areas that contain water throughout the year.
- (c) Landscaping in parking areas shall be dispersed throughout in peninsulas or islands. The minimum island or peninsula size shall be 180 square feet with a two-foot minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang and should have a minimum width of 10 feet. Islands shall typically be located every 10 to 12 parking spaces and may be curbed.
- (d) The required plant materials for the interior of parking areas shall be one deciduous tree for every 3,000 square feet. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.
- (e) Areas located between any parking area and public right-of-way shall be landscaped with elements such as mounding, trees, ground cover, and shrubs.

1127.6 Buffer Strip Requirements

Where rear yards or side yards in the GB-1, CB-1, and LI-1 districts are adjacent to a lot in a residential district, a 10-foot wide buffer strip shall be provided that runs the length of the side and/or rear yards adjacent to the residential district, and meet the following requirements:

- (a) Side yard buffer strips shall begin at the front yard setback line and extend the full length of the side lot line.
- (b) Required buffer strips shall consist of maintained living vegetative material such as trees, shrubs, ornaments plants, earth mounding or fencing of wood that results in 100 percent opacity to a height of six feet or more within one year of planting. Fences shall not exceed a maximum height of six feet.
- (c) No parking or vehicular use area shall be located in a required buffer strip.

1127.7 Plant Material Specifications

The following sections include specifications for plant materials. Alternatives to these materials that can be shown to meet both the intent and requirements of this code may be approved as part of a site plan:

(a) Shrubs

Shrubs shall be at least 24 inches average height and spread at the time of planting, and where required for screening, shall form a continuous, year-round, solid visual screen within five years after planting.

(b) Ground Cover and Grass

Ground cover shall be planted a minimum of eight inches on center and shall be planted in such a manner to present a finished appearance and 75 percent coverage after one complete growing season. If approved as part of a site plan, ground cover may also consist of rocks, pebbles, wood chips, and other material. Grass shall be planted in species normally grown as permanent lawns.

(c) Prohibited Tree Species

- (1) Invasive species identified in OAC 901:5-30-01 shall be prohibited.
- (2) The following tree species may not be used in any landscaping on lots in the Village:

Box Elder	Tree of Heaven	Catalpa
Black Walnut	Poplar	Willow
Mountain Ash	Siberian Elm	Black Locust
Hickory	Mulberry	

- (3) In addition to the species listed above, trees which produce nuts, seeds, or fruit that can create a hazard to pedestrians or vehicles, shall not be planted in such a manner that the natural dripline of an average adult tree of the species planted will be any closer than three feet of a pedestrian walkway or parking lot.

1127.8 Screening of Exterior Mechanical Equipment

- (a) Exterior components of plumbing, processing, heating, cooling, and ventilating systems (including, but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating-equipment fans, blowers, duct work, vents, louvers, meters, compressors, motors, incinerators, ovens, etc.) shall not be directly visible at ground level.
- (b) Any landscaping or structural means employed to screen exterior components of plumbing, processing, heating, cooling, and ventilating systems from direct view shall appear as integrated parts of the buildings; shall be constructed of complementary and durable materials; and finished in a texture and color scheme complementary to the overall architectural design.
- (c) Any exterior components of plumbing, processing, heating, cooling, and ventilating systems, and their screening devices which will be visible from upper floors of adjacent buildings shall be kept to a visible minimum; shall be installed in a neat and compact fashion; and shall be painted such a color as to allow their blending with their visual backgrounds.

1127.9 Maintenance and Replacement Requirements

- (a) The owner shall be responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. This should be accomplished by the following standards:
- (b) All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a hazard.
- (c) All planted areas shall be maintained in a weed-free condition, clear of undesirable undergrowth; and free from refuse and debris.
- (d) Replacement plants shall conform to the standards that govern original installation. Dead or unhealthy plants shall be replaced within the next planting season.
- (e) Representatives of the Village of Danville shall have the authority to inspect landscaping and check it against the approved plan on file.

CHAPTER 1129: NONCONFORMING USES

1129.1 General Provisions

The lawful use of a building or parcel of land existing at the time of the adoption of this zoning code may be continued, although such use of a building or parcel of land does not conform to the provisions hereof, provided no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure and provided further, that such extension does not displace any residence use in a residence district. A nonconforming use may be extended, changed, or enlarged in accordance with the provisions found in this chapter.

1129.2 Nonconforming Lots of Record

In all zoning districts, any lot or parcel of land under one ownership and of record at the time of adoption of this zoning code or any amendment hereto, may be used as a building site even when of less area or width than that required by the regulations for the district in which located. All applicable setbacks and other development standards shall apply to nonconforming existing lots. A variance shall not be required for a zoning permit unless setback or yard requirements are to be altered.

1129.3 Standards Applicable to Change of Nonconforming Uses and Buildings

Any change in the use of a building or lot from a nonconforming use to another nonconforming use shall require approval by the Planning Commission, who shall review the particular facts and circumstances of each change in a nonconforming use application in terms of the following standards:

Adequate evidence shall be required that shows that the following statements are true when considering changes to a nonconforming use:

- (a) The proposed nonconforming use shall have the same or less impact on the existing district when compared to the previous nonconforming use.
- (b) The proposed nonconforming use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed nonconforming use or building shall be able to provide adequately any such services.
- (c) The proposed nonconforming use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (d) The proposed nonconforming use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, flashing lights, or odors.
- (e) The proposed nonconforming use will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads.
- (f) The proposed nonconforming use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (g) Whenever a nonconforming use of a building or land has been changed to a more restricted use, or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- (h) **Application for Change in Nonconforming Use or Building**

An application for a change in a nonconforming use or building shall be filed with the Zoning Officer by at least one owner of property for which such change is proposed. At a minimum, the application shall contain the following information:

- (1) Name, address, telephone number, and fax number of applicants;
- (2) Legal description of property;
- (3) Description of the existing nonconforming feature/use of the property;
- (4) Present zoning district;
- (5) Description of the proposed change to the nonconforming feature/use of the property;
- (6) A plan of the property showing the location of buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Planning Commission may require to determine;
- (7) If the change is a nonconforming building or is an extension or enlargement of the nonconforming use, then the applicant must demonstrate that he or she would suffer undue hardship by not being able to expand the building as requested in the application. The applicant must also demonstrate that other sites were sought after and/or considered, and shall prepare a statement why another site, in which a new building could be constructed, or in which the use proposed could conform, was not a feasible alternative;
- (8) Such other information as may be required; and
- (9) Names and addresses of all owners of record of abutting parcels.

1129.4 Supplementary Conditions and Safeguards

In granting a change in a nonconforming use, extension, or addition to any building or property, the Planning Commission may prescribe appropriate other conditions and safeguards in conformity with this zoning code. Violations of such conditions and safeguards, when made a part of the terms under which the nonconforming use or extension is granted, shall be deemed a violation of this code and punishable, as allowed in Section [1131.14](#). Supplementary conditions may include: Limits on the amount of time that the nonconforming use will be permitted; and The construction of barriers/buffers (such as fences) or screening.

1129.5 Nonconforming Use Public Hearing Notice

(a) Public Hearing

The Planning Commission shall hold a public hearing at the next regularly scheduled meeting after providing the same general notice required in Section [1137.3\(e\)](#) and notice to parties of interest according to Section [1129.5\(b\)](#), below.

(b) Notice to Parties of Interest

- (1) Before holding a public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least 10 days before the date of such hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed change in the nonconforming use or building.
- (2) Before holding the public hearing, written notice of such hearing shall be mailed by the Zoning Officer, by first class mail, at least 10 days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in this chapter.

1129.6 Decision by the Board

A decision by the Planning Commission on an application for change in a nonconforming use shall be in accordance with Section [1129.3](#).

1129.7 Expiration of Change Permit for a Nonconforming Use or Building

Any change for a nonconforming use or building approved by the Planning Commission shall be deemed to authorize only what is specifically permitted by the Planning Commission. If changes as permitted to the nonconforming use or building are not made within six months, the approval shall expire without notice.

1129.8 Discontinuance of a Nonconforming Use

If any nonconforming use of land is discontinued or abandoned for any reason for a period of two years such use of the land shall conform to the regulations specified by this code for the district in which such land is located. Whenever a nonconforming use of a building or portion thereof has been discontinued for a period of at least two years, such nonconforming use shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of this code.

1129.9 Extension, Enlargement, and Removal

A nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of building or land than was occupied at the effective date of the adoption or subsequent amendment of this code, unless the Planning Commission approves such change to the nonconforming use or building. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption or amendment of this code, unless the Planning Commission approves such change in accordance with procedures of this chapter.

1129.10 Destruction, Damage, and Reconstruction

Any nonconforming building or structure damaged by fire, explosion, act of God, or act of the public entity may be reconstructed and used as before such calamity, provided such building or structure is not damaged to the extent of more than 50 percent of its reproduction cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this code, unless the Planning Commission approves the reconstruction in accordance with procedures in this chapter.

CHAPTER 1131: ADMINISTRATION AND ENFORCEMENT

1131.1 Zoning Officer

- (a) The position of Village of Danville Zoning Officer shall be established to administer and enforce this code.
- (b) The Village of Danville Zoning Officer may also be referred to as the “Zoning Officer”
- (c) The Zoning Officer may be provided with the assistance of such other persons as the Mayor may direct.
- (d) Unless otherwise specifically established by the Mayor, the Zoning Officer shall not be the same person as the Village Administrator.

1131.2 Zoning Permits Required

- (a) No building or structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit issued by the Zoning Officer unless exempted by this code.
- (b) No zoning permit shall be issued for any project requiring the obtaining of such permit that does not conform with all provisions of this zoning code unless the Board of Zoning Appeals (BZA) has granted a variance through procedures that are provided by this code.

1131.3 Permit Application and Contents

The application for a zoning permit shall be signed by the owner or applicant attesting to tell the truth and to the exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire without notification to the applicant or permit holder and may be revoked if work has not begun within one year or been substantially completed within two years. At a minimum, the application shall contain the following information:

- (a) Name, address, and telephone number of applicant;
- (b) Legal description of property;
- (c) Existing use;
- (d) Proposed use;
- (e) Zoning district;
- (f) Plans in triplicate showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings or structures on the lot, if any; and the location and dimensions of the proposed buildings or alterations;
- (g) Existing and proposed building and structure heights;
- (h) Number of existing and proposed off-street parking spaces or loading berths;
- (i) Number of existing and proposed dwelling units; and
- (j) Such other matters as may be required or necessary to determine conformance with, and provide for the enforcement of this zoning code.

1131.4 Zoning Permit Approval

Within 30 days after the receipt of an application, the Zoning Officer shall either approve or disapprove the application in conformance with the provisions of this zoning code. One copy of the plans shall be returned to the applicant by the Zoning Officer, after he or she marks such copy either as approved or disapproved and attests to same by his/her signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Officer. The Zoning Officer shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this code.

1131.5 Zoning Permit Expiration

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, the permit shall expire without notification to the applicant/permit holder and it shall be revoked by the Zoning Officer and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension of not more than six months is granted by the Zoning Officer. If a permit is revoked, the owner is in violation of this zoning code and subject to penalty according to Section [1131.14](#).

1131.6 Zoning Certificate of Occupancy

No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a zoning certificate of occupancy is issued thereof by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this zoning code.

1131.7 Temporary Zoning Certificate of Occupancy

A temporary zoning certificate of occupancy may be issued by the Zoning Officer for a period not to exceed six months during alterations or partial occupancy of a building pending its completion.

1131.8 Record of Zoning Certificates of Occupancy

The Zoning Officer shall maintain a record of all zoning certificates of occupancy and a copy shall be furnished upon request to any person.

1131.9 Failure to Obtain a Zoning Permit or Zoning Certificate of Occupancy

Failure to obtain a zoning permit or zoning certificate of occupancy shall be a violation of this zoning code and is/shall be punishable under Section [1131.14](#).

1131.10 Construction and Use to be as Authorized

Zoning permits or zoning certificates of occupancy issued on the basis of plans and applications approved by the Zoning Officer authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use or arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this zoning code and is/shall be punishable as provided in Section [1131.14](#).

1131.11 Complaints Regarding Violations

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

1131.12 Schedule of Fees, Charges and Expenses

Village Council shall, by resolution, establish a schedule of fees, charges and expenses, and a collection procedure for zoning permits, zoning certificates of occupancy, appeals, and all other matters pertaining to the administration and enforcement of this zoning code. The schedule of fees shall be posted in the office of the Zoning Officer and Village Clerk, and may be altered or amended only through Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1131.13 Supplement, Change, or Repeal Of Regulations

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may, by ordinance, after receipt of written recommendation thereof from the Planning Commission and subject to procedures as described by Chapter [1137.1](#) of this code, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

1131.14 Penalties

Whoever violates any provision of this zoning code or fails to comply with any of its requirements shall be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations.

(a) Civil Action

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this zoning code or any amendment thereto, Village Council, the Solicitor, the Zoning Officer, or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other appropriate action, enter proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

(b) Remedies Cumulative

The exercise of the rights and remedies granted in this chapter and the above paragraphs shall in no way preclude or limit the Village or any person from exercising any other right or remedy now or hereafter granted to them under the laws of the Village or the State of Ohio.

CHAPTER 1133: PLANNING COMMISSION

1133.1 Purpose

The Village Council hereby establishes a Planning Commission to undertake the roles of a municipal planning commission as established by the ORC, this code, and any ordinance established by the Village Council.

1133.2 Title

The Village of Danville Planning Commission may be referred to as such or as the “Planning Commission” or the “Commission.”

1133.3 Organization And Procedure

- (a) Membership of the Planning Commission shall be in accordance with Chapter 713 of the ORC, including the length of terms
- (b) The Planning Commission shall organize annually and elect a chair, vice-chair, and secretary from its membership. The secretary need not be a member of the Planning Commission. The Planning Commission shall adopt rules as may be necessary to carry into effect the provisions of this code and to exercise the powers and jurisdiction conferred upon it by the code.
 - (1) The chair shall preside at all meetings of the Planning Commission. They shall decide on all points of order and procedure unless otherwise directed by a majority of the Planning Commission. The chair may appoint committees deemed necessary to carry out the business of the Planning Commission. The chair may administer oaths and compel the attendance of witnesses, where allowed by law. The chair's signature shall be the official signature of the Planning Commission and shall appear on all decisions as directed by the Planning Commission.
 - (2) The vice-chair shall serve in the absence of the chair. They shall have all the powers and responsibilities of the chair during their absence, disability, or disqualification.
 - (3) The secretary of the Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Village Hall and shall be a public record.
- (c) Meetings of the Planning Commission shall be held at the call of the chair and at such other times as the Planning Commission may determine. All meetings shall be open to the public.
- (d) All actions of the Planning Commission shall be taken by resolution, the vote of each member being recorded. The majority of the Planning Commission shall constitute a quorum to do business and the concurring vote of three members shall be necessary for any action of the Planning Commission. No member of the Planning Commission shall vote on any matter in which they are personally or financially interested.
- (e) The Planning Commission may call on Village departments, other governmental agencies or consultants for assistance in the performance of its duties, and such departments shall render assistance to the Planning Commission as may be required.

1133.4 Governing Guidelines

- (a) The Planning Commission shall be governed by the provisions of all applicable State statutes, local laws, ordinances, and rules set forth herein.
- (b) The Planning Commission shall become familiar with all enacted ordinances and laws of the Village under which it may be expected to act as well as with applicable State enabling legislation.

- (c) The Planning Commission shall uphold the zoning code and official zoning map of the Village as adopted and shall serve primarily as a judicial review in the performance of its duties.
- (d) The Planning Commission shall become familiar with the community goals, desires, and policies as expressed in an adopted comprehensive plan and the proposals set forth therein. All decisions shall be guided by such plan and relief only granted which will insure that the goals and policies of the plan will be preserved, substantial justice is done, and the public interest is protected. Through the performance of its duties, the Planning Commission may not act as a legislative body; or through interpretation, the granting of variances, or the setting of conditions, alter the basic intent of the zoning code to be generally and equally applicable to all persons covered by a zoning district.

1133.5 Jurisdiction And Powers

The Planning Commission shall have the following roles and powers:

- (a) Initiate, hear, review, and make recommendations to Village Council for the approval of a strategic plan, comprehensive plan and other plans for the future physical development and improvement of the Village, based upon utility, convenience and beauty, physical needs, density and the social welfare and physical well-being of the people;
- (b) Initiate, hear, review, and make recommendations to Village Council related to amendments to the text of this code or the zoning map;
- (c) Hear, review, and make recommendations or decisions related to Planned Unit Developments in accordance with [Chapter 1117: PUD Planned Unit Development District](#);
- (d) Hear, review, and make decisions on conditional use applications in the respective zoning district;
- (e) Review and make decisions on site plan applications;
- (f) Consider, investigate, and report upon any special matter or question coming within the scope of its work as requested by Village Council, or the administration; and
- (g) Perform any other duties related to the administration and enforcement of this code as authorized by this code, by ordinance of Village Council, and/or by the ORC.

CHAPTER 1135: BOARD OF ZONING APPEALS (BZA)

1135.1 Purpose

The Village Council hereby establishes a Board of Zoning Appeals to decide any issue involving the interpretation of the provisions contained in this code and to grant variances from the strict letter of the code in instances of practical difficulty or unnecessary hardship.

1135.2 Title

The Board of Zoning Appeals may be referred to as such or as the “Board” or the “BZA.”

1135.3 Organization And Procedure

- (a) The BZA shall be composed of five members, all of whom are residents of the Village. Members shall be appointed by the Mayor for a period of five years. The terms shall be arranged so that the term of one member shall expire each year. Should any vacancy on the Board occur for any reason, the Mayor shall appoint a successor to serve the unexpired term. The Mayor shall have the right to remove any members of the BZA with due cause.
- (b) The BZA shall organize annually and elect a chair, vice-chair, and secretary from its membership. The secretary need not be a member of the BZA. The BZA shall adopt rules as may be necessary to carry into effect the provisions of this code and to exercise the powers and jurisdiction conferred upon it by the code.
 - (1) The chair shall preside at all meetings of the BZA. They shall decide on all points of order and procedure unless otherwise directed by a majority of the BZA. The chair may appoint committees deemed necessary to carry out the business of the BZA. The chair may administer oaths and compel the attendance of witnesses. The chair's signature shall be the official signature of the BZA and shall appear on all decisions as directed by the BZA.
 - (2) The vice-chair shall serve in the absence of the chair. They shall have all the powers and responsibilities of the chair during their absence, disability, or disqualification.
 - (3) The secretary of the BZA shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be certified correct and filed in the Village Hall and shall be a public record.
- (c) Meetings of the BZA shall be held at the call of the chair and at such other times as the BZA may determine. All meetings shall be open to the public.
- (d) All actions of the BZA shall be taken by resolution, the vote of each member being recorded. The majority of the BZA shall constitute a quorum to do business and the concurring vote of three members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer. No member of the BZA shall vote on any matter in which they are personally or financially interested.
- (e) The BZA shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, and other evidence pertinent to any issue before the BZA.
- (f) The BZA may call on Village departments, other governmental agencies or consultants for assistance in the performance of its duties, and such departments shall render assistance to the BZA as may be required. In addition, the Planning Commission may make an analysis and present a report on any matter before the BZA. Such report shall be considered by the BZA at the time of hearing on the matter.

1135.4 Governing Guidelines

- (a) The BZA shall be governed by the provisions of all applicable State statutes, local laws, ordinances, and rules set forth herein.
- (b) The BZA shall become familiar with all enacted ordinances and laws of the Village under which it may be expected to act as well as with applicable State enabling legislation.
- (c) The BZA shall uphold the zoning code and official zoning map of the Village as adopted and shall serve primarily as a judicial review in the performance of its duties.
- (d) The BZA shall become familiar with the community goals, desires, and policies as expressed in an adopted comprehensive plan and the proposals set forth therein. All decisions shall be guided by such plan and relief only granted which will insure that the goals and policies of the plan will be preserved, substantial justice is done, and the public interest is protected. Through the performance of its duties, the BZA may not act as a legislative body; or through interpretation, the granting of variances, or the setting of conditions, alter the basic intent of the zoning code to be generally and equally applicable to all persons covered by a zoning district.

1135.5 Jurisdiction And Powers

The BZA shall operate so as to carry into effect the powers and jurisdiction conferred upon it as follows:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement of this zoning code;
- (b) To hear and decide upon application for variances under the terms provided in this code;
- (c) To interpret the provisions of the zoning code zoning map where there is doubt as to meaning or application. The BZA shall have the specific power to:
 - (1) Interpret the precise location of the boundary lines between zoning districts; and
 - (2) Interpret the classification of a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable conditionally permitted, permitted, or prohibited use in accordance with the intent and purpose of each district.
- (d) To exercise such other powers as may be granted to the BZA by this code, amendment thereto, or by the general laws as set forth in the Ohio Revised Code as amended; and
- (e) The BZA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this code, but does have power to act on those matters where the code provides for judicial review, interpretation, or variance requests as defined in this chapter.

CHAPTER 1137: REVIEW PROCEDURES

1137.1 Amendments

(a) Initiation

Amendments to this zoning code may be initiated in one of the following ways:

- (1) By adoption of a motion by the Planning Commission;
- (2) By adoption of a resolution by Village Council; or
- (3) By the filing of an application by at least one property owner within the area proposed to be changed or affected by such amendment.

(b) Contents of Application

The application for amendment shall contain at least the following information:

- (1) Name, address, and telephone number of applicant;
- (2) Proposed amendment to the text or legal description;
- (3) Present use;
- (4) Present zoning district;
- (5) Proposed use;
- (6) Proposed zoning district;
- (7) A vicinity map at a scale approved by the Zoning Officer showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Officer may require;
- (8) A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
- (9) A statement on how the proposed amendment relates to the comprehensive plan, land use plan, strategic plan, or similar adopted planning document; and
- (10) A fee as established by Village Council.

(c) Transmittal to Planning Commission

Immediately after the adoption of a resolution by Village Council or the filing of a complete application by at least one owner of property, such resolution or application shall be transmitted to the Planning Commission.

(d) Public Hearing By Planning Commission

The Planning Commission shall schedule a public hearing after the adoption of a motion, transmittal of a resolution from Village Council, or the filing of an application for zoning amendment. Such hearing shall be not less than 20 days from the date of the adoption of such motion, receipt of transmittal of such resolution, or the filing of such application.

(e) Notice of Planning Commission Public Hearing

Before holding the public hearing, notice of such hearing shall be given by the Planning Commission by at least one publication in one or more newspapers of general circulation in the Village at least 15 days before the date of such hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to Village Council for further determination.

(f) Planning Commission Notice to Property Owners

If the proposed amendment intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by first class mail, at least 20 days before the date of the hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Planning Commission for this hearing. The notice shall contain the same information as that of the notice for the Planning Commission public hearing in Subsection [1137.1\(e\)](#), above. Failure to notify adjoining property owners shall not invalidate any actions taken.

(g) Planning Commission Recommendations

Within 15 days after the public hearing, the Planning Commission shall recommend to Village Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. The Planning Commission shall transmit its recommendation to Village Council in writing.

(h) Public Hearing by Village Council

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Such hearing shall be not more than 40 days from the receipt of the recommendation from the Planning Commission.

(i) Notice of Public Hearing by Village Council

Notice of the public hearing shall be given by Village Council by at least one publication in one or more newspapers of general circulation in the area affected. Such notice shall be published at least 30 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

(j) Village Council to Notify Property Owners

If the proposed amendment intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least 20 days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this Section, shall not invalidate any such amendment. The notice shall contain the same information as that of the notice for the Village Council public hearing in Subsection [1137.1\(i\)](#), above.

(k) Action by Village Council

Within 30 days after the public hearing, Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. No amendment which violates, differs, or departs from the recommendation of the Planning Commission shall take effect unless passed by not less than three-fourths (3/4) of the membership of Village Council.

(l) Effective Date and Referendum

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

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

(m) Zoning Map Amendments

Within 15 days of the effective date of any change of a zoning district classification or boundary, the Zoning Officer shall amend the official zoning map to reflect such change, and shall note the effective date of such change together with appropriate reference to the code authorizing such change. The official zoning map shall then be signed by the Mayor and attested to by the Clerk.

1137.2 Site Plan Review Procedure

(a) Applicability

- (1) Site plan review shall be required in any district for new construction or the alteration, or expansion of any principal building.
- (2) Site plan review shall be required in any zoning district where a parking area will be expanded by five or more parking spaces.
- (3) Any construction, alteration, or expansion of a principal or accessory building that involves less than above shall still be subject to zoning permit and zoning certificate of occupancy requirements unless otherwise exempted in this code.
- (4) The construction, alteration, or expansion of single-family dwellings shall be exempted from site plan review.

(b) Procedure for Site Plan Review

- (1) Formal submission and approval of a site plan is required before any zoning permit may be issued.
- (2) An applicant seeking site plan approval shall follow the process for site plan review as defined in this chapter. For developments also requiring conditional use approval, the procedure established in Section [1137.3](#) shall be followed. The Planning Commission may concurrently review a site plan review and conditional use application and, in such case, the approval of the site plan shall be contingent upon the approval of the conditional use. If a variance is required, the applicant shall be required to seek a variance in accordance with Section [1137.4](#) before submitting plans for formal site plan approval in accordance with this chapter.

(3) Optional Conceptual Sketch Plan Review

- A. At any time prior to the formal submission and review of a site plan, an applicant may engage the Planning Commission in an optional concept review process. In order to receive this review, the applicant shall submit a sketch site plan to the Planning Commission.
- B. The applicant shall be required to submit the sketch plan at least 21 days before the next scheduled monthly meeting in order to be placed on the agenda for review.
- C. The purpose of such a sketch site plan is to provide an opportunity to conceptually discuss a proposed development and to provide general guidance to assist in the preparation of a formal site plan.
- D. There are no applied standards to the site sketch plan, however, the applicant is encouraged to provide enough detail in order to be able to accurately represent the concept.

- E. All comments and suggestions shall be considered informal by the applicant and shall not be a binding agreement with the Planning Commission for approval. This concept review is a service provided to benefit the applicant, and formal site plan approval is dependent upon the outcome of the preliminary plan review and final site plan review described herein.

(4) Site Plan Review

- A. Site plan review applications shall be submitted to the offices of the Zoning Officer.
- B. All applications shall be in a form and in such numbers as established by the Zoning Officer, and made available to the public as part of application forms.
- C. Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by Village Council.
- D. An additional fee may be required to defray the expenses associated with the Village review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.
- E. A complete application shall be submitted to the Zoning Officer at least 21 days before the next regularly scheduled monthly meeting in order to be considered for placement on the agenda for review. If the applicant fails to provide a complete application as described herein, the Zoning Officer shall notify the applicant promptly of the missing items.

F. Zoning Officer Review

The Zoning Officer shall review the application for compliance to all applicable sections of this code within 15 days of receipt of the application, based on the information provided in the application. If the Zoning Officer finds that plan will not comply with this zoning code, the Zoning Officer shall notify the applicant of the discrepancies of the site plan. If the applicant disagrees with the Zoning Officer's decision or chooses to seek a variance, they can appeal to the BZA for such relief, as described in Section [1137.4](#) as a separate process. Submission of the preliminary site plan to the Planning Commission shall not be permitted unless the Zoning Officer determines that the plans are in compliance with this code or an appeal or variance has been granted from the Planning Commission.

G. Planning Commission Review

The Zoning Officer shall forward the complete site plan review application to the Planning Commission for review and discussion, after determining that the application is complete and the applicant complies with this code, based on the information required and provided at this stage of review. The Planning Commission shall review the site plan review application at a public meeting with notice as required by the ORC for all meetings of the Planning Commission. Within 60 days of receipt of the preliminary application and plan from the Zoning Officer, the Planning Commission shall meet and shall consider the proposed site plan according to the following criteria:

- i. The adequacy of the information presented to determine the impacts of the proposed site; and
- ii. The impacts of the proposed development compared with the following standards:
 - a) Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties;

- b) Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control;
- c) Reasonable demands placed on municipal services and infrastructure;
- d) Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface water and groundwater. This includes controlling soil erosion both during and after construction;
- e) Protection of abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.;
- f) Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees;
- g) The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside planting, and the retention of other green areas; and
- h) The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.

H. Final Action of the Site Review Application

- i. Within 60 days of receipt of an accurate and complete final plan from the Zoning Officer, the Planning Commission shall take a final action. The final action shall consist of either:
 - a) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and the plan meets all standards set forth in this zoning code and agreements during the review process; or
 - b) Approval of the site plan subject to any additional conditions, modifications, and restrictions as required to ensure that the project meets the standards for review; or
 - c) Disapproval of the site plan with indication of the areas where the site plan is not compliant with this zoning code.
- ii. If the site plan is approved subject to conditions, the Zoning Officer shall not issue a permit until the site plan has been redrawn and resubmitted and checked for compliance with the imposed conditions.

(c) Enforcement

The Village of Danville may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any zoning permit when work is not performed as required. Site plan approval issued under this section shall lapse within one year if a substantial use thereof has not commenced, except for good cause.

1137.3 Conditional Uses

(a) Purpose

It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses are classified as "conditional uses" in each zoning district, and because of their special nature, may be permitted according to procedures outlined in this chapter.

(b) Application for a Conditional Use

An application for a conditional use permit shall be filed with the Zoning Officer by at least one owner of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- (1) Name, address, telephone number, and fax number of applicants;
- (2) Legal description of property;
- (3) Description of existing use;
- (4) Present zoning district;
- (5) Description of proposed conditional use;
- (6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Planning Commission may require to determine if the proposed conditional use meets the intent and requirement of this zoning code;
- (7) A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, flashing lights, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
- (8) Such other information as may be required; and
- (9) Names and addresses of all owners of record of abutting parcels.

(c) Standards Applicable to All Conditional Uses

In addition to the specific requirements for conditionally permitted uses that may be established in [Chapter 1115: Zoning Districts and Regulations](#), the Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (1) Must be, in fact, a conditionally permitted use in the zoning district where the permit is sought;
- (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village of Danville and Union Township's Comprehensive Plan, or other adopted plans;
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
- (4) Will not be hazardous or disturbing to existing or future neighboring uses;
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (6) Will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (7) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads; and
- (9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(d) Supplementary Conditions and Safeguards

In granting any conditional use, the Planning Commission may prescribe appropriate other conditions and safeguards in conformity with this zoning code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this code and punishable, as allowed in Section [1131.14](#).

(e) Public Hearing Notice

- (1) The Planning Commission shall hold a public hearing within 35 days from the receipt of the properly completed application for a conditional use where they will review and make a decision on the application.
- (2) Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least 10 days before the date of such hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

(f) Written Notice to Parties Of Interest

Before holding the public hearing, written notice of such hearing shall be mailed by the Zoning Officer, by first class mail, at least 10 days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in this chapter.

(g) Expiration Of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional use and such permit shall automatically expire without notice if, for any reason, the conditional use shall cease for more than six months.

1137.4 Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of this zoning code.

(a) Appeals, Fees, and Stay Of Proceedings

- (1) Appeals to the BZA concerning interpretation or administration of this zoning code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Officer. Such appeal shall be taken within 20 days after the decision by filing with the Zoning Officer and with the BZA a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Officer shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- (2) See Section [1131.12](#) related to required fees.
- (3) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer from whom the appeal is taken certifies to the BZA after the notice of appeal is filed with him or her, that by reason of facts stated in the application, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the BZA or by a court of record on application, with a written notice to the Zoning Officer from whom the appeal is taken.

(b) Application and Standards for Variances

A variance from the terms of this zoning code shall not be granted by the BZA unless and until a written application for a variance is submitted to the Zoning Officer and the BZA, containing:

- (1) Name, address, and telephone number of applicants;
- (2) Legal description of property;

- (3) Description of nature of variance requested; and
- (4) A narrative statement demonstrating that the requested variance conforms to the following standards:
 - A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - B. That a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code;
 - C. That special conditions and circumstances do not result from the actions of the applicant; and
 - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code, to other lands, structures, or buildings in the same district.

(c) Requirements for Granting Variances

- (1) Variances may be granted by the BZA where the strict application of any provision of this zoning code would result in peculiar and exceptional difficulties or undue hardship to the property owner. A request for a variance may be made to the BZA through the Zoning Officer by an aggrieved property owner.
- (2) A variance from the provisions or requirements of this code shall not be authorized by the BZA unless it finds that all the following facts and conditions exist:
 - A. That unnecessary hardships would result from the literal enforcement of the provisions of this zoning code. Alleged hardships such as theoretical loss or limited possibilities of economic advantage shall not be considered real hardships. A hardship based on conditions created by the owner shall not be considered a sufficient hardship for the granting of a variance. It must be demonstrated that peculiar and special hardships exist which apply only to the property in question and are separate and distinct from the general conditions pertaining throughout the district.
 - B. That there are unique physical circumstances or conditions applying to the property in question such as irregularity, narrowness, or shallowness of lot size or shape, exceptional topographical, or other physical conditions.
 - C. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this zoning code and that authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 - D. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and that the granting of such variance will not be injurious to persons working or residing in the neighborhood.
 - E. That the granting of such variance will not be contrary to the public interest (health, safety) or the intent and purpose of this code and other adopted plans.
 - F. That such variance will not permit the establishment within a district of any use other than those permitted by right within that district, or any use for which a conditional permit is required.
 - G. That such variance may not be construed to mean a change of use, but shall mean only a variation or modification from the strict provisions of this code.

H. That such variance, if granted, is the minimum modification that will make possible the reasonable use of the land, building, or structure.

- (3) The BZA shall have no powers to authorize, as a variance, the establishment of a new nonconforming use or extensions of or changes in nonconforming uses unless provided for in [Chapter 1129: Nonconforming Uses](#), of this code.

(d) Conditions Imposed

The BZA shall have the power to impose additional conditions and safeguards other than those stated in the zoning code when granting variances. Such additional conditions shall be reasonable and necessary to promote and preserve the public safety, general welfare, and economic viability of the neighborhood and community and shall be imposed solely for the purpose of minimizing the effect of the variance on surrounding property and the community as a whole. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this code and punishable under Section [1131.14](#).

(e) Lapses Of Variances

A variance, once granted, shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of nine months, no construction has taken place in accordance with the terms and conditions for which such variance was granted. Thereafter, the variance shall be deemed null and void without notification to the applicant or variance holder and all regulations governing the premises in question shall revert to those in effect before the variance was granted.

(f) Public Hearing by the BZA

The BZA shall hold a public hearing within 20 days after the receipt of an application for an appeal or variance from the Zoning Officer or an applicant.

(g) Notice of Public Hearing in Newspaper

Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least 10 days before the date of such hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

(h) Written Notice to Parties of Interest

Before holding the public hearing, notice of such hearing shall be mailed by the chair of the BZA, by first class mail, at least 10 days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in this chapter.

(i) Decisions of the BZA

- (1) The BZA shall decide all applications for variances and appeals, and changes in nonconforming uses within 30 days after the final hearing thereon. The decision shall state any conditions and safeguards necessary to protect the public interest.
- (2) The applicant shall be notified in writing of the BZA's decision and the findings of fact which were the basis for the BZA's determination.
- (3) The BZA may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination made by the Zoning Officer on an appeal.
- (4) A certified copy of the BZA's decision including all terms and conditions shall be transmitted to the Zoning Officer and shall be binding upon and observed by him.
- (5) The Zoning Officer shall fully incorporate these terms and conditions in the permit to the applicant whenever a permit is authorized by the BZA.
- (6) All findings and decisions shall be clearly set forth in the minutes of the BZA.

- (7) In rendering a decision, the BZA should show that:
- A. It has considered and evaluated all available information and evidence.
 - B. It has heard all parties in question.
 - C. Any personal knowledge the BZA may have of the subject under question has been taken into account.

(j) Duties of Officials on Matters of Appeal

It is the intent of this code that all questions of interpretation and enforcement shall first be presented to the Zoning Officer and that such questions shall be presented to the BZA only on appeal from the decision of the Zoning Officer, and that recourse from the decision of the BZA shall be to the courts as provided by Section [1137.4\(k\)](#) and ORC Chapter 713. It is further the intent of this code that the duties of Village Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise; these being the powers of the BZA. Under this code, Village Council shall have only the duties of considering, adopting, or rejecting proposed amendments or the repeal of all or part of this zoning code, as provided by law and of establishing a schedule of fees and charges. If, in the course of carrying out the intent of this chapter and after review of all appeal cases brought before it, the BZA finds a series of similar irregularities or inequities, it shall be incumbent upon the BZA to inform Village Council and the Planning Commission of these inadequacies in order that the zoning code or zoning map may be appropriately amended. Nothing in this chapter shall prevent a member of Village Council from appealing the decision of the Zoning Board in a court of law.

(k) Appeal To Courts

A person aggrieved by a decision of the BZA may appeal to the Court of Common Pleas of Knox County, Ohio.

CHAPTER 1139: DEFINITIONS

1139.1 Interpretation of Terms or Words

For the purposes of this zoning code, certain terms or words used herein shall be interpreted as follows:

- (a) "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) "Shall" is a mandatory requirement, "may" is a permissive requirement, and "should" is a preferred requirement.
- (d) "Lot" includes "plot" or "parcel."
- (e) "Used" or "occupied" includes "intended, designed, or arranged to be used or occupied."

1139.2 Definitions

For the purposes of this zoning code, the following terms shall have the meanings set forth below:

Abutting

Having a common border with or being separated from such common border by a public right-of-way, alley, or easement.

Accessory Structure/Building

Any improvement to the property other than the main building(s), with the exception of landscaping. If a temporary building is placed on a property to provide extra space for expansion of a use, the temporary building shall also be an accessory structure.

Accessory Use

A use incidental to and on the same lot or property as the principal use.

Adult Bookstore

An establishment that has as a substantial portion of its stock-in-trade and offers for sale or rent, for any form of consideration, any one (1) of the following items: (1) books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, compact disks, or other visual representations; audio tapes, cassettes, records, compact disks, or other audio representations or any other similar material that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Day Care Facility

A facility where adults who do not otherwise have the capacity to take care of themselves are cared for during daytime hours with no overnight accommodations. Adults being cared for at this type of facility generally do not leave the facility without the assistance of the primary care giver or employees of the facility.

Adult Motion Picture Theater

An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Agriculture

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.

Alley

See Thoroughfare.

Alterations

Any change, addition, or modification in the construction or occupancy of any building or structure.

Alterations, Structural

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

Apartment House

See Multiple-Family Dwelling.

Appeal

A request for a review of the Zoning Officer, interpretation of any provision of this chapter, or a request for a variance.

Area of Special Flood Hazard

The land in the flood plain within the community subject to a one percent (1%) or greater chance of flooding in any given year.

Area, Building

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

Automobile Repair Garage

Any establishment which is used for repair, painting, servicing, adjusting, or equipping of automobiles, boats, or any other vehicle with an engine or motor of any kind.

Bar, Tavern, or Cocktail Lounge

Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and minors are not prohibited from dining.

Base Flood

The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100-year flood.

Basement

A story partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5 ft.) or if used for business or dwelling purposes.

Bed and Breakfast

An owner-occupied, single-family dwelling that contains guest rooms where short-term lodging, with or without meals, is provided for compensation.

Board

The Board of Zoning Appeals of Village of Danville, Ohio.

Boardinghouse, Rooming House

A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building

Any structure that is used for occupancy or storage of any human activity, including the care of livestock and unattended storage of goods and has at least three (3) walls and is at least six feet (6 ft.) in height.

Building Line

See Setback Line.

Building(s), Principal

A building or group of buildings in which is conducted the main or principal use of the lot on which such building(s) is situated.

Building, Detached

A building surrounded by open space on the same lot with a principle building.

Building, Height

The vertical height of a building as measured in accordance with Section [1115.5\(c\)](#).

Cellar

See Basement.

Child Care Facility

An establishment that administers to the needs of seven (7) or more infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The term "Child Care Facility" also includes nursery schools where children under the age of five (5) are receiving schooling.

Club

An organization catering exclusively to members and their guests, including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club.

Commercial Message or Speech

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

Commission

The Village Planning Commission.

Corner Lot

See Lot Type.

Covenant

A written promise or pledge.

Coverage

See Lot Coverage.

Density

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

Density, Medium Residential

Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight (8) dwelling units per gross acre.

Developer

Any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for the individual/entity or for another.

Development

Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Dish

That part of a satellite signal receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape.

Drawing

The map, drawing, or chart on which the developers plan of subdivision is presented to the Planning Commission for conceptual and/or preliminary approval. After such approval or in concurrence with this submittal, the final plat may be prepared for submission.

Drive-up or Drive-through

An establishment that, by design of physical facilities or by services or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be transported in a motor vehicle.

Dwelling

A building designed or used as the living quarters for one (1) or more families. "Dwelling," "single-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not be deemed to include motel, hotel, or rooming house. A dwelling may include an industrialized unit (as defined herein) and a manufactured home (as defined herein) provided it meets all of the following requirements:

- The manufactured home is affixed to a permanent foundation and connected to appropriate utilities.
- The manufactured home, excluding any addition, has a width of at least twenty-two feet (22 ft.) at one point and a length of at least twenty-two feet (22 ft.) at one point. The total living area of the manufactured home, excluding garages, porches, or attachments must be at least nine hundred square feet (900 sq. ft.) or equal to or greater than any minimum dwelling size applicable within an applicable zoning district. The manufactured home has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch (6 in.) minimum eave overhang, including appropriate guttering.
- The manufactured home was manufactured after January 1, 1995.
- The manufactured home is not located in a manufactured home park as defined herein.

Dwelling Unit

Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

Dwelling, Multiple-Family

A building consisting of three (3) or more dwelling units.

Dwelling, Single-Family

A building designed for or occupied exclusively by one (1) family and separated from other dwelling units by open space.

Dwelling, Two-Family

A building consisting of two (2) dwelling units which may be either attached side by side or one (1) above the other.

Easement

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of this property.

Electronic Message Center

A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

Engineer

Any person registered to practice professional engineering, in the State of Ohio, by the State Board of Registration as specified in Section 4733 of the Ohio Revised Code.

Family

One (1) or more persons living, sleeping, cooking, or eating on the same premises as a single housekeeping unit with no more than six (6) persons, unless all persons are related by blood, marriage, or adoption to one another.

Finished Grade

The completed surfaces of lawns, walks, and roads brought to grades as shown on municipally approved plans or designs relating thereto.

Floor Area

The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways and unenclosed porches, elevator or stair bulkheads, and accessory structures.

Gross Floor Area

The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Home Occupation

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood in which the dwelling is located.

Hospital

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and provides overnight accommodations for such patients.

Hospital, Animal

An establishment for the medical and/or surgical care of sick or injured animals.

Hotel

A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities for their guests.

Improvements

Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Industrial Service Uses

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

Industrial Uses, Heavy

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, public works yards, and container storage.

Industrial Uses, Light

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

Industrialized Unit

Industrialized unit means a building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site or intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. An industrialized unit does not include a manufactured home or mobile home as defined herein.

Institution

A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

Junk

Any worn-out, castoff, or discarded article or material which is or may be salvaged for reuse, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for the aforementioned purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Buildings, Junk Shops, Junk Yards

Any land, property, structure, building, or combination of the same, on which junk is stored or processed. See also ORC 4737.05(B).

Kennel

A structure used for the harboring, grooming, breeding, boarding, training, or selling of more than three (3) domestic animals.

Living Area

The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages, and/or carports.

Loading Space

A loading space shall have minimum dimensions of not less than twelve feet (12 ft.) in width, fifty feet (50 ft.) in length, exclusive of driveways, drive aisles, and other circulation areas and a height clearance of not less than fifteen feet (15 ft.).

Lot

For purposes of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A single lot of record.
- A portion of a lot of record.
- A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage

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

Lot Frontage

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under Yards in this section.

Lot Lines

Any line dividing one lot from another (see Illustration A).

Lot of Record

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

Lot, Corner

A lot which has an interior angle of less than one hundred thirty-five degrees (135E) at the intersection of two (2) street lines. A lot abutting upon a curbed street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than one hundred thirty-five degrees (135E).

Lot, Through

A lot having frontage on two parallel or approximately parallel streets.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Major Thoroughfare Plan

The comprehensive plan recommended by the Village Planning Commission and adopted by the Village Council indicating the general location recommended by arterial, collector, and local thoroughfares within the corporate limits.

Manufactured Home

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.

Manufactured Home Community

A manufactured home community is a subdivision with up to 50 lots designed for the purpose of placement of permanently sited manufactured homes. Such use shall not include residential subdivisions, in residential zoning districts, that are designed to meet the site development standards for residential dwelling units and where a manufactured home is permanently sited in a similar manner as a single-family dwelling.

Manufactured Home Park

Any tract of land upon which three or more manufactured or mobile homes, used for habitation, are parked, either free of charge or for revenue purposes, on a single lot but where such lot is divided (not platted) into individual plots for the placement of the manufactured home or mobile home. Such park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. Manufactured home parks do not include a tract of land used solely for display or sale of manufactured or mobile homes, or a tract of land with frontage on a public street that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation. A manufactured home park also does not include a recreational vehicle park.

Mixed-Use Buildings

A building that contains a commercial or office use and a residential use within a single building as provided for in this code. In such cases, the residential uses (apartments) shall only be permitted on the upper floors.

Mobile Home

A transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings. This definition only applies to units constructed prior to June 15, 1976. (See also manufactured home)

Motel

A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

New Construction

Structures for which the start of construction has commenced on or after the effective date of this section.

Noncommercial Speech

Any sign, wording, logo or other representation that, does fall under the definition of "commercial message or speech."

Nursery School

See Child Care Facility.

Nursing Home

A home or facility for the care and treatment of three (3) or more persons who are living on the premises, that are infirmed and not normally capable of leaving the premises without assistance from care givers who are in attendance at the nursing home at all times.

Open Space

An area open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation and the like shall not be included.

Owner

Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parcel

Any area or tract of land as defined in a recorded deed description and shown on a tax duplicate.

Parking Space, Off-Street

For the purpose of these regulation, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Personal Care

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

Planned Unit Development

An area of land, in which a variety of housing types and/or related commercial and industrial facilities 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 development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Plat

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

Pool, Community or Club

Operated with or without a charge for admission and open to the general public for recreational use, or multiple-family development, or a community, or the members and guests of a club, or the patrons of a motel or hotel.

Pool, Private

Exclusively used without paying an additional charge for admission by the residents and guests of a single household; an accessory use.

Pool, Swimming

A pool, pond, lake, or open tank having a span of at least six feet (6 ft.) and intended for human recreational use and maintained by the owner or manager. Farm ponds and pools and ponds or lakes developed as landscape design features or as storm water detention/retention facilities where swimming is not intended and does not occur shall be excluded.

Public Way

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

Recreational Facilities

Commercial or noncommercial facilities that offer nonpassive recreational services to a group of people or the general public. Included in this definition are outdoor recreational facilities and indoor recreational facilities. This definition includes a combination of indoor and outdoor recreational services.

Regulations

Subdivision Regulations for the Village of Danville, Knox County, Ohio.

Research and Development Facilities

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

Residential Facilities

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, excluding staff, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregative living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

Residential Zoning District

The term residential zoning district shall mean the R-1, R-2, and R-3 District.

Right-Of-Way

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.

Satellite Dish

A signal receiving device whose purpose is to receive or send communications or signals from earth-orbiting satellites or other sources.

Self-Storage Facilities

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares. Such use may include the outdoor storage of vehicles as an accessory use if approved by the Planning Commission as part of the site plan approval.

Service Station

Any area of land, including structures thereon, that is used primarily for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means.

Setback

The minimum distance from the street line to the building line measured along a line perpendicular to the street line or front property line, or in the case of an arc street, measured along the radius of such arc. For lot abutting on a thoroughfare as shown on the Major Thoroughfare Plan for Knox County, the setback shall be measured from the proposed right-of-way line specified for that thoroughfare on the Major Thoroughfare Plan for Knox County.

Setback Line

A line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

Sidewalk

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic (see Walkway).

Sign

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to [Section 1123.4](#).

Sign Copy

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face

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

Sign, A-Frame

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Sign, Awning

A permanent sign painted on, printed on or attached flat against the surface of an awning.

Sign, Banner

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

Sign, Building

Any permanent sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

Sign, Canopy

A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning.

Sign, Driveway

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Freestanding

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building.

Sign, Nonconforming

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Permanent

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

Sign, Portable

Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels.

Sign, Projecting

A permanent sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

Sign, Roof

Any sign erected on a roof.

Sign, Sidewalk

A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances and resolutions. See definition of “sign, T-frame” and “sign, A-frame.”

Sign, Temporary

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, T-Frame

A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Sign, Wall

A permanent sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

Sign, Window

Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

Sign, Yard

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Skilled Nursing

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

Skilled Nursing or Personal Care Facilities

A long-term or short-term residential facility that provides skilled nursing services or personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as “hospitals” or “residential facility.”

Specified Anatomical Areas

As used herein, specified anatomical areas means and includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

As used herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in items 1, 2, or 3 of this definition.

Start of Construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Static/Instant Message Change

On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

Story

The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

Street

A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street Line

The dividing line between the street and the lot, also referred to as the “right-of-way line.”

Structure

Any building, shed, parking areas, driveways, or any other object constructed on any parcel or lot, regardless if it is a temporary or permanent construction. “Structure” shall not include live plant materials established on a lot.

Subdivision:

- The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange does not create additional building sites, shall be exempted.
- The improvement of one (1) or more parcels of land for residential, commercial, industrial, structures, or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easement for the extension and maintenance of public sewer, water, storm drainage, or other public facilities (see Minor Subdivisions).

Substantial Completion

The point at which the building can be used for the purpose in which it was intended.

Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the replacement or reproduction cost and/or area, whichever is greater, of the structure either:

- Before the improvement or repair is started.
- If the structure has been damaged and is being restored, before the damage occurred.
- For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - Any project for the improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
 - Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Surface Area (of a sign)

The entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Only one (1) side of a freestanding or projecting double-faced sign shall be included in calculating surface area, providing that the two (2) display surfaces are joined at an angle no greater than sixty degrees (60E). All sides of multi-faced signs, visible from any one (1) street, shall be included in the calculation of surface area.

Thoroughfare, Street, or Road

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

- **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- **Dead-End Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property.

Through Lot:

See Lot Types.

Townhouse

A one-family dwelling unit with a private entrance which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and have totally exposed front and rear wall to be used for access, light, and ventilation.

Use

The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Use, Conditional

A use of land that is of such a nature that its unlimited operation could be detrimental to the health, safety, morals, and general welfare of residents in the surrounding area, or to property or property values and on which the public has reserved the right to permit and/or regulate the use, subject to certain general and/or specific conditions stated in this code or determined by the Board of Zoning Appeals, Planning Commission, and Village Council which are deemed necessary to protect the permitted uses of other affected properties.

Use, Institutional

A use of land or a building by a nonprofit corporation or a nonprofit establishment for public use.

Use, Nonconforming

A building, structure, or use of land existing at the time of enactment of this zoning code and which does not conform to the regulations of the district or zone in which it is situated.

Use, Principal

The main use of land or structures as distinguished from a secondary or accessory use.

Variance

A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicular Use Area

The entire paved area that encompasses all parking spaces, loading areas, waiting spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, waiting space, or loading space.

Walkway

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

Warehouses and Distribution Facilities

A business establishment primarily engaged in the storage, loading, unloading, and/or distribution of merchandise, goods, and materials, not including "self-storage facilities."

Way

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Wetlands

Areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support, under normal circumstances, a prevalence of vegetation adapted for life in saturated soil conditions. These areas may be as defined by the Corps of Engineers, Soil Conservation Service, Ohio Department of Natural Resources, or the Ohio Environmental Protection Agency and are specifically delineated by a wetlands specialist.

Wholesale Establishments

An establishment or place of business primarily engaged in selling merchandise to retailers, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunications Equipment Shelter

A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility

A facility consisting of the equipment and structures involved in receiving or relaying telecommunications or radio signals from a radio communication source and transmitting those signals to a central switching computer which connects the unit with land-based telephone lines.

Wireless Telecommunications Tower

A structure intended to support equipment used to transmit, relay, and/or receive telecommunications signals including but not limited to monopoles, guyed, and lattice construction steel structures.

Yard

A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet (3 ft.) above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility (see Illustration A).

Yard, Front

A yard extending along the full width of the front lot line between side lot lines and from the front lot line to the building line in depth.

Yard, Rear

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building (see Illustration A).

Yard, Side

A yard extending from the principal building between the lines establishing the front and rear yards (see Illustration A).

Zero Lot Line

The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

Zoning Officer

The individual, or their designee, responsible for the administration and enforcement of this code.