

## **CODIFIED ORDINANCES OF FAYETTE**

### **PART ELEVEN - PLANNING AND ZONING CODE**

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#### **TITLE ONE - Subdivision Regulations**

- Chap. 1101. Administration, Purpose and Scope.
- Chap. 1103. Definitions.
- Chap. 1105. Procedures for Plat Approval.
- Chap. 1107. Design Standards and Improvements.
- Chap. 1109. Enforcement and Penalty.

#### **TITLE THREE - Zoning Administration**

- Chap. 1115. Title, Purpose and Interpretation.
- Chap. 1117. Definitions.
- Chap. 1119. Planning Commission.
- Chap. 1121. Administration and Enforcement.
- Chap. 1123. Board of Zoning Appeals.
- Chap. 1125. Conditional Use Permits.
- Chap. 1127. Amendments.

#### **TITLE FIVE - Zoning Districts and Regulations**

- Chap. 1133. Districts and Regulations Established.
- Chap. 1135. Open Space District (O-S).
- Chap. 1137. First Density Residential District (R-1).
- Chap. 1139. Second Density Residential District (R-2).
- Chap. 1141. Third Density Residential District (R-3).
- Chap. 1145. Manufactured Home District (M-H).
- Chap. 1147. Accessory Uses in Residential Districts.
- Chap. 1151. General Business District (C-1).
- Chap. 1153. Highway Commercial District (C-2).
- Chap. 1157. Light Industrial District (M-1).
- Chap. 1159. General Industrial District (M-2).
- Chap. 1163. Planned Industrial/Business Park (M-3).

#### **TITLE SEVEN - Additional Zoning Standards**

- Chap. 1167. Schedule of Regulations.
- Chap. 1169. Planned Unit Development.
- Chap. 1171. Nonconforming Lots and Uses.
- Chap. 1173. Home Occupations.
- Chap. 1175. Fences, Walls and Other Barriers.
- Chap. 1177. Signs and Outdoor Advertising.
- Chap. 1179. Off-Street Parking and Loading.
- Chap. 1181. Wind Turbines.
- Chap. 1183. Demolition of Property.



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**CHAPTER 1101**  
**Administration, Purpose and Scope**

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| <b>1101.01</b> Applicability.<br><b>1101.02</b> Interpretation and purpose.<br><b>1101.03</b> Scope.<br><b>1101.04</b> Compliance with regulations required. | <b>1101.05</b> Planning Commission to be platting authority.<br><b>1101.06</b> Variances.<br><b>1101.07</b> Minor subdivisions (lot splits). |
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**CROSS REFERENCES**

- Construction and interpretation - see ADM. Ch. 101  
 Planning Commission to be Platting Commission - see Ohio R.C.  
 713.03
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**1101.01 APPLICABILITY.**

The following provisions as provided shall govern the subdivision of land within the corporate limits of the Village.  
 (Ord. 2002-03.)

**1101.02 INTERPRETATION AND PURPOSE.**

In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate Village services and safe streets. (Ord. 2002-03.)

**1101.03 SCOPE.**

These Subdivision Regulations shall not apply to any lot or lots forming a part of an improved subdivision created and recorded prior to the effective date of this section. Nor is it intended by these Subdivision Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the Village is a party. Where these Subdivision Regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Subdivision Regulations shall control. (Ord. 2002-03.)

**1101.04 COMPLIANCE WITH REGULATIONS REQUIRED.**

(a) Except as provided in paragraph (b) no person shall subdivide or lay out into lots any land within the Village unless it is by a plat complying with the regulations herein contained and no plat shall be recorded and no lot or land shall be sold from any such plat until the plat has been approved as herein required.

(b) Notwithstanding any provisions of Chapters 1101 to 1109, inclusive, a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to Planning Commission through its designated representative, for approval without plat. If the designated representative is satisfied that the proposed subdivision is not contrary to applicable platting, subdividing, or zoning regulations, he or she shall within seven working days after submission approve the proposed division, and, on presentation of a conveyance of the parcel, shall stamp the same "Approved By Planning Commission; No Plat Required" and have it signed by a clerk, secretary, or other official of the department as may be designated.

(c) No application for approval of subdivision, plat or lot split which involves property abutting a public road or highway wherein the proposed subdivision, plat or lot split will deny other land owned by the applicant a minimum of sixty (60) feet of access to said abutting public road or highway shall be approved. (Ord. 2002-03.)

**1101.05 PLANNING COMMISSION TO BE PLATTING AUTHORITY.**

The Planning Commission is hereby designated as the platting authority for the Village and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and is hereby authorized to approve, conditionally approve or disapprove maps of subdivisions prepared and filed in accordance with provisions of these Subdivision Regulations. (Ord. 2002-03.)

**1101.06 VARIANCES.**

(a) Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements of these Subdivision Regulations would result in real difficulties, substantial hardship or injustice, such requirements may be varied or modified so that the subdivider may subdivide his property in a reasonable manner, but at the same time the public welfare and interest of the Village and the surrounding area are thoroughly protected and the general intent and spirit of these regulations are enforced.

(b) The requirements of these regulations may also be modified and varied whenever a plat is for a complete community or neighborhood, but any such variance shall insure that adequate public spaces, circulation, recreation, light and air will be provided and the needs of the entire community where fully developed and occupied will be fully met.  
(Ord. 2002-03.)

**1101.07 MINOR SUBDIVISIONS (LOT SPLITS).**

Approval without a plat of a minor subdivision may be granted by the Village Planning Commission, if the proposed division of a parcel of land meets all of the following conditions:

- (a) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road;
- (b) No more than five (5) lots are involved after the original parcel has been completely subdivided;
- (c) The proposed subdivision is not contrary to applicable Subdivision or Zoning Regulations; and
- (d) The property has been surveyed and a sketch and legal description of the property is submitted with the application.

If approval is given under these provisions, the Village Planning Commission shall, within seven (7) working days after submission approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "Approval by the Village of Fayette: no plat required." The authorized representatives of the Commission shall sign the conveyance.  
(Ord. 2002-03.)



**CHAPTER 1103**  
**Definitions**

**1103.01 Definitions.**

CROSS REFERENCES

General definitions - see ADM. 101.02  
Zoning definitions - see P. & Z. Ch. 1117  
Plat and subdivision defined - see Ohio R.C. 711.001

**1103.01 DEFINITIONS.**

As used in these Subdivision Regulations:

- (a) "Block" means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights of way or parks, etc., or a combination thereof.
- (b) "Clerk" means the Fiscal Officer of the Village.
- (c) "Council" means the Council of the Village.
- (d) "County" means Fulton County, Ohio.
- (e) "Engineer" means Village Engineer or Consultant Engineer of the Village.
- (f) "Final Plat" means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the Recorder of Fulton County.
- (g) "Law Director" means the Solicitor or legal advisor of the Village.
- (h) "Lot" means a parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.
- (i) "Master Plan" means a comprehensive plan prepared by the Planning Commission which indicates the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (j) "Official Map" means the map established by the Planning Commission showing the streets, highways, and parks theretofore laid out, adopted and established by law and any amendments adopted thereto by the Planning Commission or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.
- (k) "Official Thoroughfare Plan" means a plan designating a system of principal or major streets for traffic intercommunication.
- (l) "Owner" means 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 Subdivision Regulations.
- (m) "Planning Commission" or "Commission" means the Planning Commission of the Village.

- (n) "Preliminary Plan (Plat)" means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
- (o) "Streets and Alleys" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however, otherwise designed.
- (1) "Alley" means a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
  - (2) "Arterial street" or "major thoroughfare" or "major street" means a principal or heavy traffic street of considerable continuity and used primarily as a traffic artery.
  - (3) "Collector street" means a street which carries traffic from minor streets to arterial or major streets, including the principal entrance streets of a residential development and streets for circulation within such development.
  - (4) "Cul-de-sac" or "Dead-end street" means a minor street with only one outlet.
  - (5) "Marginal access street" means a minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.
  - (6) "Minor street" means a street used primarily for access to the abutting properties.
  - (7) "Street width" means the shortest distance between the lines delineating the right of way of a street.
- (p) "Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these Subdivision Regulations, to effect a subdivision of land hereunder for himself or for another.
- (q) "Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five 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 acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners does not create additional building sites, shall be exempted.
- (r) "Village" means the Village of Fayette, Fulton County, Ohio.  
(Ord. 2002-03.)



**CHAPTER 1105**  
**Procedures for Plat Approval**

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| <b>1105.01</b> Submission and approval of preliminary plan. | <b>1105.03</b> Approval of final plat. |
| <b>1105.02</b> Contents of preliminary plat.                |  |

**CROSS REFERENCES**

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

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

**1105.01 SUBMISSION AND APPROVAL OF PRELIMINARY PLAN.**

(a) Pre-Application Meeting Required. The subdivider shall meet with the Village Planning Commission or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Plan, the zoning resolution and the drainage, sewerage and water systems for the Village of Fayette, Ohio.

(b) Filing. The subdivider shall prepare and file application for preliminary approval with the Commission, and as many copies of the preliminary plan as may be required by the Commission according to the standards and the provisions of these regulations. The preliminary plan shall be considered officially filed after it is examined by the Engineer for the Commission and is found to be in full compliance with the formal provisions of these regulations.

(c) Approval. The Engineer shall forward copies of the preliminary plan to such officials and agencies as may be directed by the Planning Commission for study and recommendation. After receipt of reports from such officials and agencies, the Commission shall determine whether the preliminary map shall be approved, approved with modifications or disapproved. Notice of such action shall be supplied to the subdivider.

The Commission shall act on the preliminary plan within ninety days after filing, unless such time is extended by agreement with the subdivider or his agent.

When a preliminary plan has been approved by the Commission, the chairman of the Commission shall affix his signature to the plat and attach thereto a notation that it has received preliminary approval and return it to the subdivider for compliance with final approval requirements. Approval of the preliminary plat by the Commission shall not constitute final acceptance of the subdivision by the Commission.

Preliminary approval shall confer upon the subdivider the assurance for a one year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed.

(Ord. 2002-03.)

**1105.02 CONTENTS OF PRELIMINARY PLAT.**

(a) Form. The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than twelve inches by eighteen inches. The map of a subdivision shall be drawn at a scale of one inch equals 100 feet or less, unless otherwise required by the Planning Commission.

(b) Contents. The preliminary plat shall contain the following information:

- (1) Proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation, with any other recorded subdivision.
- (2) Location by section, town, range, township, county and State.
- (3) Names and addresses of the subdivider, owner and surveyor.
- (4) Scale of the plan, north point and date.
- (5) Boundaries of the subdivision indicated by a heavy line and the approximate acreage.
- (6) Location, widths and names of existing or platted streets, railroad rights of way, easements, parks, permanent buildings, section and corporation lines.
- (7) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- (8) Zoning Districts.
- (9) Existing contours with intervals of not more than five feet where the slope is greater than ten percent and not more than two feet where the slope is less than ten percent. Elevations are to be based on sea level datum.
- (10) Drainage channels, wooded areas, power transmission poles and lines, and any other significant items should be shown.
- (11) Vicinity sketch.

(c) Other Required Information.

- (1) There shall also be submitted a statement of the proposed use of lots, stating the type of residential buildings with the number of proposed dwelling units and the type of business or industry so as to reveal the effect of the development on traffic and fire hazards.
- (2) Proposed covenants and restrictions.
- (3) Source of water supply.
- (4) Provisions for sewage disposal, drainage and flood control.
- (5) If any zoning changes are contemplated, the proposed zoning plan for the areas; including dimensions, shall be included.

(d) Improvement or Bond. No final or official plat of any subdivision shall be approved until:

- (1) The improvements listed in Section 1107.11 have been completed.
- (2) The subdivider has filed with the Clerk a surety bond, or a cashier's or certified check approved by the Planning Commission and the Solicitor guaranteeing to the Village the completion of such improvements in a satisfactory manner within such time, not to exceed two years, as may be fixed by the Commission. The bond or checks shall be approved by the Solicitor and shall be made payable to, and enforceable by, the Village of Fayette, Ohio.

- (3) However, upon application of the subdivider, the Planning Commission may waive the compliance with subsection (d)(1) and (2) hereof upon the following conditions:
  - A. No lot or land abutting the unopened or unimproved street shall be sold and/or conveyed until conformity with subsection (d)(1) and (2) hereof. However, with the consent of the Planning Commission, all of such abutting lots or land may be sold and/or conveyed as one unit; and
  - B. No building permit shall be issued or buildings constructed on lots or land abutting an unopened and unimproved street until the conditions set forth in subsection (d)(1) and (2) hereof have been complied with.

(e) Public Hearing. The Village Planning Commission on its own initiative or upon petition by a citizen or neighboring property owner may, prior to acting on a preliminary plat of a subdivision, hold a public hearing thereof at such time and upon such notice as the Commission may designate. (Ord. 2002-03.)

#### **1105.03 APPROVAL OF FINAL PLAT.**

(a) General. The final plat will have incorporated all changes or modifications required by the Planning Commission, otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all requirements of these Subdivision Regulations.

(b) Preparation. The final plat shall be prepared by a registered engineer or surveyor.

(c) Filing. The final plat shall be considered officially filed after it is examined by the Engineer and is found to be in full compliance with the formal provisions of these regulations. The final plan shall be filed at least ten working days prior to the meeting at which it is to be considered.

(d) Approval.

- (1) After receiving notice of the action of the Planning Commission approving the preliminary plan, the subdivider may proceed to file:
  - A. Copies of the final plat as may be required by the Commission.
  - B. A written application for final approval.
  - C. Cross-sections and profiles of streets and all other construction drawings related to the improvements to be constructed in the subdivision.
- (2) The Commission shall, within five days after the filing of the final plan, transmit copies of the plan to such officials and agencies as may be properly concerned with the proposed subdivision. The cross-sections and all other construction drawings for subdivisions located outside the corporation limits of the Village shall also be forwarded to the County Planning Commission.
- (3) After receiving a report from each of the aforementioned officials, the Commission shall notify the subdivider of any recommended changes or suggestions so that the subdivider may correct the final tracing and submit same for final approval.

- (4) The final tracing shall be submitted at least ten working days prior to the meeting at which the plan is to be considered by the Commission.
- (5) The Commission shall take action on the final plan in the form of a tracing within thirty days after same has been officially filed; otherwise, the plat shall be deemed to have been approved. The certificate of the Commission as to the date of the submission of the plat for approval, and the failure to take action within such time, shall be sufficient in lieu of the written endorsement or evidence of approval herein required. If disapproved, the grounds for disapproval of the final plan shall be stated on the record of the Commission, including the reference to the regulation violated by the plan.
- (6) The subdivider shall be notified of the final action of the Commission, and the subdivider shall record the final plan in the office of the Recorder of Fulton County, Ohio, within sixty days after the date of approval, otherwise, the plan shall be considered void. The subdivider shall, immediately upon recording, furnish the Commission with mylars and photostats of the recorded plat as may be required.

(e) Form. The final plat shall be clearly and legibly drawn in ink or mylar. The size of the map shall be not less than twelve inches by eighteen inches. The map of a subdivision shall be drawn at a scale of one inch equals 100 feet or less, unless otherwise required by the Commission.

- (f) Map Contents. The final plan shall contain the following information:
- (1) Name of the subdivision, location by section, town, range, township, county, State; and the scale, date and north point.
  - (2) All plat boundaries with length of courses in feet and hundredths and bearings to half minutes. When required by the Village Engineer, all calculations and field notes shall be submitted.
  - (3) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, which shall be accurately described on the plat.
  - (4) Village, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings.
  - (5) Names of streets within the adjoining plat.
  - (6) Length of all acres, chord bearings, radii, internal angles, points of curvature and tangent bearings.
  - (7) All easements for rights of way providing for public services or utilities and any limitations of such easements.
  - (8) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalk way lines.
  - (9) Accurate location of all monuments.
  - (10) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
  - (11) Building setback lines, with dimensions.

When lots are located on a curve or when side lot line lines are at angles other than ninety degrees, the width at the building line shall be shown.

- (g) Other Required Information.
- (1) Protective covenants shall be noted on the plat.
  - (2) If a zoning change is involved, certification from the Clerk shall be required indicating that the change has been approved and is in effect.
  - (3) Certification by a registered surveyor to the effect that the plan represents a survey made by him, and that all monuments shown thereon actually exist and that their location is correctly shown.
  - (4) An acknowledgment by the owner(s) of his or their adoption of the plat, and dedication of streets and other public areas.  
(Ord. 2002-03.)



**CHAPTER 1107**  
**Design Standards and Improvements**

<b>1107.01</b>	<b>Water and sanitary sewer improvements.</b>	<b>1107.06</b>	<b>Blocks.</b>
<b>1107.02</b>	<b>Street design.</b>	<b>1107.07</b>	<b>Lots.</b>
<b>1107.03</b>	<b>Street and alley width.</b>	<b>1107.08</b>	<b>Building lines.</b>
<b>1107.04</b>	<b>Street grades.</b>	<b>1107.09</b>	<b>Street lighting.</b>
<b>1107.05</b>	<b>Easements.</b>	<b>1107.10</b>	<b>Easement along streams.</b>
		<b>1107.11</b>	<b>Required improvements.</b>

**CROSS REFERENCES**

Construction of improvements - see Ohio R.C. 711.101  
Public sewers use - see S.U. & P.S. 925.03

**1107.01 WATER AND SANITARY SEWER IMPROVEMENTS.**

(a) Water Supply Improvements. The following requirement shall govern water supply improvements:

- (1) Where a public water supply is reasonably accessible or required because of pollution problems, in the determination of the Village Planning Commission, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public well systems shall meet the requirements of the Ohio Department of Health. The Village Engineer will review all public waterline proposals and determine all tap-ins and fees.
- (2) Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to drill one (1) or more test wells in the area to be platted. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the plat to the Village Planning Commission.

(b) Sanitary Sewer Improvements. The following requirements shall govern sanitary sewer improvements:

- (1) Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Village Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio E.P.A. and Village standards. Combinations of sanitary sewers and storm sewers shall be prohibited. The Village Engineer will review all sanitary sewer proposals.
- (2) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
  - A. A central treatment plant for the group, provided that such central treatment plant is installed in accordance with State and County Board of Health requirements; or
  - B. Lots may be served by individual disposal systems as determined by the Fulton County Health Department.
- (3) Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the County Board of Health and the requirements of the Ohio Department of Health. (Ord. 2002-03.)

#### **1107.02 STREET DESIGN.**

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in the adjoining area (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements.

(b) The street and alley arrangement shall be such as not to cause hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Residential streets shall be designed as to discourage through traffic, but off-set streets should be avoided.

(c) The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible and no intersection of streets at angles of less than sixty degrees shall be permitted. (Ord. 2002-03.)

#### **1107.03 STREET AND ALLEY WIDTH.**

(a) Major Thoroughfares. The width of all major thoroughfares shall conform to the width designated on the Major Thoroughfare Plan of the Village or Fulton County.

(b) Minor Streets. The minimum width for minor streets in single and two-family districts shall be fifty feet, except that where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser width for a minor street. The minimum width of minor streets serving multiple dwellings shall be sixty feet.



(c) Dead-end Streets or Cul-de-sacs. Designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside diameter of not less than ninety feet.

(d) Half-Streets. Dedication of half-streets shall be discouraged. Where there exists a dedicated or platted half-street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary.

(e) Alleys. Alleys should be avoided in single or two-family districts. They may, however, be required in multiple developments where they should have a minimum width of twenty feet. Alleys are required in the rear of all commercial and industrial lots if no other provisions are made for adequate service access or for parking. The rights of way of such alleys shall not be less than twenty feet and dead-end alleys shall not be permitted.  
(Ord. 2002-03.)

#### **1107.04 STREET GRADES.**

No street grade shall be less than one-half percent and shall not exceed the following with due allowances for reasonable vertical curves:

<u>Type of Street</u>	<u>Grade (Percent)</u>
Main or Arterial Thoroughfare	5
Secondary Thoroughfare	6
Minor Street	8

(Ord. 2002-03.)

#### **1107.05 EASEMENTS.**

Easements of at least ten (10) feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, gas mains, water lines and electric lines. Easements shall also be provided along every water course, storm sewer, drainage channel or stream within a subdivision, where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.  
(Ord. 2002-03.)

#### **1107.06 BLOCKS.**

(a) No block shall be longer than 1,400 feet and, except in unusual instances, residential blocks shall not be less than 500 feet in length. Where a subdivision adjoins a major thoroughfare, the greater dimensions of the block shall front along such major thoroughfare to avoid unnecessary ingress or egress.

(b) Where blocks are over 750 feet in length, a crosswalk easement not less than ten feet in width may be required, if necessary to provide proper access to schools, playgrounds, shopping centers and other facilities.  
(Ord. 2002-03.)

**1107.07 LOTS.**

(a) The lot arrangement and design shall be such that all lots provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.

(b) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule provides a better street and lot layout. Lots with double frontage shall be avoided.

(c) No lot shall have less area or width than is required by the zoning regulations applying to the area in which it is located.

(d) In subdivisions designed for multiple-family development, all lots shall conform to the Zoning Ordinance requirements.

(e) In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, the Commission may require larger lot widths and lot areas as may be necessary.  
(Ord. 2002-03.)

**1107.08 BUILDING LINES.**

The building lines shall follow the setbacks as required in the Zoning Code.  
(Ord. 2002-03.)

**1107.09 STREET LIGHTING.**

(a) The subdivider shall install street lights in accordance with standards and specifications of the Village Engineer in each residential subdivision which contains a majority of lots with an individual lot width of one hundred (100) feet or less at the front property line. Such lights shall be located at each street entrance to the subdivision and in each street intersection within the subdivision. In addition, whenever the distance between two (2) adjacent street lights would exceed three hundred (300) feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained.

(b) New subdivision street lighting shall be installed with all associated wiring underground if possible.  
(Ord. 2002-03.)

**1107.10 EASEMENT ALONG STREAMS.**

Whenever any stream or important surface drainage course is located in the area being subdivided, an adequate easement shall be provided along each side of the stream for the purpose of widening, deepening, relocating, improving or protecting the stream for drainage or recreational use. (Ord. 2002-03.)

**1107.11 REQUIRED IMPROVEMENTS.**

Prior to the granting of final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation of the following:

- (a) **Monuments.** Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as are required by the Village Engineer. The monuments shall be of such material, size and length as may be approved by the Engineer.
- (b) **Street Improvements.**
  - (1) **General.** All streets shall be constructed in conformance with the current Construction and Material Specifications of the Ohio Department of Transportation. All streets and thoroughfares shall be graded to their full right-of-way width including side slope, and shall be extended to the farthest line of each lot in the subdivision as the same is sold and conveyed.
  - (2) **Pavement width.** Streets shall have a minimum pavement width of twenty-eight feet, measured to back of curbs.
  - (3) **Curbs.** Concrete curbs and gutters are required on all streets and shall be a minimum of two feet wide as per Ohio Department of Transportation, Item 609.
  - (4) **Subgrade.** The subgrade shall be free of sod, vegetative or organic matter, soft clay and other objectionable materials for a depth of at least two feet below finished grade. The subgrade shall be properly rolled, shaped and compacted, and shall be subject to the approval of the Engineer.
  - (5) **Pavement construction.** The base course shall consist of eight inches of compacted stone aggregate, item 204. The base course shall be primed with bituminous prime, item 408, before the pavement is laid. The pavement shall consist of one and one-half inches of asphaltic leveling course, item 402 and one and one-half inches of asphalt surface course, item 404. Equivalent thickness of concrete or full depth asphalt pavements may be constructed where approved by the Engineer.
  - (6) **Intersection radius.** Intersections shall have a minimum thirty-five feet radius, measured to the back of the curb.
  - (7) **Inspection.** All street construction shall be inspected by a representative of the Village. It shall be the responsibility of the owner to notify and obtain Village approval before placing the base course and also before placing the pavement courses. Final acceptance of the street will not be made without these approvals. The developer is responsible for testing and meeting all O.D.O.T. specifications as required.
- (c) **Sidewalks.** Concrete sidewalks shall be required on both sides of the street in all residential subdivisions where predominant lot width is less than one hundred (100) feet and one side where the predominant lot width is greater than one hundred (100) feet but less than one hundred fifty (150) feet. Drives will have concrete approaches from the curb to the sidewalk. Public sidewalks shall be required for all commercial lots. Public sidewalks may be required for industrial lots, subject to the approval of the Village Planning Commission.
- (d) **Water Lines.** Where an approved and available public water supply is within reasonable access to the subdivision, each lot within the subdivision shall be provided with a connection to such water supply. The minimum size of waterlines serving the subdivision shall be approved by the Engineer.

- (e) Fire Protection. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the Engineer
- (f) Drainage.
- (1) General. All necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches shall be installed to provide for the adequate disposal of surface water and to maintain any natural drainage course. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.
  - (2) Catch basins. Catch basins shall be installed in street gutters and located so that not more than 400 feet of gutter is drained into any basin. The catch basins shall conform to Ohio Department of Transportation, Item 604.
  - (3) Storm sewers. Storm sewers shall be installed to outlet the street catch basins and to provide storm drainage for the lots. Storm sewer shall extend to the farthest lot line and terminate in a manhole O.T. 604. These sewers shall be a minimum of ten inches in diameter and consist of tongue and groove, sealed joint, rigid pipe or an approved equal. All storm sewers under the pavement and curbs shall be reinforced or extra strength pipe and shall be backfilled with granular material in concurrence with the Type B conduit specifications of the Ohio Department of Transportation. All sewers shall be laid with a gradient that will provide a minimum full flow velocity of two feet per second.
  - (4) Inspection. All sewers must be inspected by a representative of the Village and thereby obtain approval from Village before backfilling. Final acceptance of the sewer system will not be made without this approval.
  - (5) In order to protect the health, safety and general welfare of the people, the Village Planning Commission shall reject any proposed subdivision located in an area subject to periodic flooding or located in a 100 Year Floodplain. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the subdivider agrees to perform such improvements as will render the area safe for the intended use. In lieu of improvements, the subdivider shall furnish a surety or certified check covering the cost of the required improvements.
  - (6) Where natural drainage channels intersect any street right of way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed.

- (g) Miscellaneous. Electrical service, gas mains and other utilities, as well as street tree planting should be provided within each subdivision. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.
- (h) Approval and Supervision. All of the improvements required in this section shall be constructed only after the improvement plans and specifications have been approved by, and the construction thereof has been under supervision of, the appropriate public official, including the Planning Commission and when applicable, the County Board of Health.  
(Ord. 2002-03.)



**CHAPTER 1109  
Enforcement; Penalty**

<b>1109.01</b>	<b>Recording a plat.</b>	<b>1109.05</b>	<b>Revision of plat after approval.</b>
<b>1109.02</b>	<b>Sale prior to recording prohibited.</b>	<b>1109.06</b>	<b>Fees.</b>
<b>1109.03</b>	<b>Permits.</b>	<b>1109.99</b>	<b>Penalty.</b>
<b>1109.04</b>	<b>Public improvements.</b>		

**CROSS REFERENCES**

Plat recording - see Ohio R.C. 711.06

Violations of regulations - see Ohio R.C. 711.102

**1109.01 RECORDING A PLAT.**

No plat of any subdivision shall be entitled to record in the Fulton County Recorder's Office or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be considered invalid and the Planning Commission shall institute proceedings to have the plat stricken from the record of Fulton County. (Ord. 2002-03.)

**1109.02 SALE PRIOR TO RECORDING PROHIBITED.**

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, exhibition of, or by use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transferring shall not exempt the transaction from the provisions of this section. (Ord. 2002-03.)

**1109.03 PERMITS.**

(a) Building or zoning permits shall not be issued for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

(b) The County Health Department shall not issue a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

(Ord. 2002-03.)

**1109.04 PUBLIC IMPROVEMENTS.**

The Village hereby defines its policy to be that the Village shall withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by Council in the manner prescribed in these Subdivision Regulations.

(Ord. 2002-03.)

**1109.05 REVISION OF PLAT AFTER APPROVAL.**

No changes, erasures, modification or revision shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and enforced in writing on the plat, unless the plat is first resubmitted to the Commission.

(Ord. 2002-03.)

**1109.06 FEES.**

(a) At the time of submitting a preliminary plan, the subdivider shall pay a filing fee of \$25.00 per lot plus \$200.00 for subdivision filing.

(b) The filing fee shall be paid in legal tender or by check or money order made payable to the Village and deposited with the Clerk.

(c) The Village Administrator shall determine tap fees for water and sewer connections.  
(Ord. 2002-03.)

**1109.99 PENALTY.**

The following penalties shall apply to the violations of these regulations:

(a) Whoever violates any rule or regulation adopted by the Village for the purpose of setting standards and requiring the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof. Whoever violates these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) per day. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Fulton County.

(b) A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the Village Law Director in the name and for the use of Fulton County.

(c) Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) per day for each lot parcel, or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Fulton County by the legal representative of the Village in the name of the Village.

(Ord. 2002-03.)



**TITLE THREE - Zoning Administration**

- Chap. 1115. Title, Purpose and Interpretation.
- Chap. 1117. Definitions.
- Chap. 1119. Planning Commission.
- Chap. 1121. Administration and Enforcement.
- Chap. 1123. Board of Zoning Appeals.
- Chap. 1125. Conditional Use Permits.
- Chap. 1127. Amendments.

**CHAPTER 1115**  
**Title, Purpose and Interpretation**

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| <p><b>1115.01 Title.</b></p> <p><b>1115.02 Purpose and intent.</b></p> <p><b>1115.03 Identification of the Zoning Map.</b></p> | <p><b>1115.04 Interpretation of district boundaries.</b></p> <p><b>1115.05 Minimum requirements.</b></p> <p><b>1115.06 General provisions.</b></p> |
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**CROSS REFERENCES**

Construction and interpretation generally- see ADM. Ch. 101

**1115.01 TITLE.**

This Ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Fayette". The map which accompanies this Ordinance and is hereby incorporated herein and which is made a part hereof, shall be referred to as the "Zoning Map". (Ord. 2011-15. Passed 9-28-11.)

**1115.02 PURPOSE AND INTENT.**

(a) The purpose of this Zoning Ordinance and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible under Ohio Laws, the public health, safety, convenience, comfort, prosperity and the general welfare of the Village of Fayette, Ohio; by regulating the use of buildings, other structures and land for residences, public facilities, business, services, industry, or other purposes; by regulating and restricting the bulk, height, design, percent of lot coverage and location of buildings; by regulating and limiting population density; and, for the aforesaid purposes, to divide the land within the corporation limits of the Village of Fayette, Ohio into districts of such number and dimension in accordance with the objectives of the Zoning Ordinance, and to provide procedures for the administration and amendment of said Zoning Ordinance.

(b) This Zoning Ordinance is intended to achieve, among others, the following objectives:

- (1) To protect the character and values of residential, institutional and public use, business, commercial and manufacturing uses, and to insure their orderly and beneficial development;
- (2) To provide adequate open spaces for light, air and outdoor uses;
- (3) To promote orderly development and optimal use of land;  
(Ord. 2011-15. Passed 9-28-11.)

#### **1115.03 IDENTIFICATION OF THE ZONING MAP.**

The Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, bearing the seal of the Village.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1115.04 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply:

- (a) Where district boundaries are indicated as approximately following the center lines of thoroughfares 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 boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (c) Where district boundaries are so identified that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.
- (d) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore lines; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (e) Where physical or cultural features existing on the ground are at variance with those shown on the zoning plan or in other circumstances not covered by subsections (a) through (d) hereof, the Board of Zoning Appeals shall interpret the district. (Ord. 2011-15. Passed 9-28-11.)

#### **1115.05 MINIMUM REQUIREMENTS.**

In their interpretation and application, the provisions of this Zoning Code shall be held to the minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Zoning Code are at variance with the requirement of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.  
(Ord. 2011-15. Passed 9-28-11.)

**1115.06 GENERAL PROVISIONS.**

(a) Intent. The purpose of these provisions is to set specific conditions for various uses, classifications of uses, or areas where problems are frequently encountered.

(b) Scope. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

- (1) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area, structural and placement regulations of the district in which the building is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses and roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structure may be erected more than fifteen (15) feet in excess of the district height requirement, unless otherwise specified nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
- (3) Open structures, such as porches, decks, awnings, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building in which attached and shall not project into the required minimum front, side or rear yard. Unattached garages, decks, gazebos, and other accessory buildings shall follow the minimum requirements of Chapter 1147. Architectural projections abutting a structure, although unattached, shall adhere to the requirements for attached projections.
- (4) No more than one (1) residential structure shall be permitted on a lot of record.
- (5) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lots as the established grade or such grade determined by the Zoning Inspector.

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade may be used in determining the grade around the new building. The new building shall be graded in such a manner as not to permit increased run-off of surface water onto adjacent property unless property is part of a natural watercourse.
- (6) Temporary buildings, construction trailers, equipment, and materials used in construction work may be permitted in any district during the period that construction work is in progress. Temporary facilities shall be removed within thirty (30) days after completion of the construction work. No storage of such facilities or equipment beyond the completion date of the project shall be permitted. Mobile homes shall not be used for storage purposes.

- (7) One (1) boat and one (1) travel trailer, when not in use, may be stored on a paved or stoned area in the rear or side yard, if they have a current license.
- (8) The construction, maintenance, or existence within the Village of an unprotected, unbarricaded, open or dangerous excavation, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, sewers, reservoirs, or other major bodies of water created or existing by authority of the State of Ohio, Fulton County, Gorham Township, Village of Fayette, or any other governmental agency.
- (9) Single family residential structures located outside of a manufactured home park shall conform to minimum area, height, structural and placement regulations, be secured to a permanent foundation and comply with all ordinances governing sewer, electrical and water connections.
- (10) Enforcement: The duty of administering and enforcing the provisions of the Zoning Ordinance is hereby conferred upon the Zoning Inspector. If there has been no Zoning Inspector appointed, the Village Administrator shall assume the responsibilities of the Zoning Inspector as specified in this Zoning Ordinance. The Administrator can appoint a qualified person to do inspections when necessary.  
(Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1117  
Definitions**

**1117.01 Definitions.**

**CROSS REFERENCES**

General definitions - see ADM. 101.02

Home occupation defined - see P. & Z. 1173.02

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**1117.01 DEFINITIONS.**

As used in this Zoning Ordinance, the following terms shall have the following definitions:

**ACCESSORY BUILDING** - A building or portion of a building subordinate to a main building on the same lot, occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirements of the primary use.

**ACCESSORY USE** - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**AGRICULTURAL USE** - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**ALLEY** - A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATION** - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**ARCHITECTURAL FEATURES** - Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**AUTOMOBILE REPAIR** - Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

AUTOMOBILE SALES - The use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

AUTOMOBILE SERVICE STATION- Any building, land area or other premises, or portions thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

AUTOMOBILE WASH - Any building or premises or portions thereof used for washing automobiles.

BASEMENT OR CELLAR - A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6-1/2 feet.

BILLBOARD - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BLOCK - A unit of land bounded by streets or by a combination of streets and public land, railroad rights of way, waterways or any other barrier to the continuity to development.

BOARD OF ZONING APPEALS -The words "Board of Zoning Appeals" or "Board" shall mean the Board of Zoning Appeals of the Village of Fayette, Fulton County, Ohio.

BOARDING HOUSE - A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING AREA - A buildable area of a lot in the space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING HEIGHT - The vertical distance of a building measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.

BUILDING LINE- A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

BUILDING, MAIN OR PRINCIPAL - A building in which is conducted the principal use of the lot on which it is located.

CERTIFICATE OF OCCUPANCY- A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

CLUB - A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

CONDITIONAL USE - A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a Zoning Ordinance and authorized by the Planning Board.

CONDITIONAL USE PERMIT - A permit issued by the authorized board stating that the conditional use meets all conditions set forth in local ordinances.

CONVALESCENT OR NURSING HOME - A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for.

COUNCIL - The Village Council of Fayette, Ohio.

CUSTOM WORKSHOP- A building or part of a building where goods are produced to special order and sold at retail.

DECK- A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet (3') of the finished grade and not covered by a permanent roof. Deck shall include patio and terrace.

DRIVE-IN ESTABLISHMENT - A business establishment the principal retail or service character of which is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g. restaurants, cleaners, banks, theaters).

DWELLING, MULTI-FAMILY- A dwelling containing more than two (2) dwelling units.

DWELLING, ROW OR TERRACE- A row of three (3) or more attached one-family dwellings, not more than two (2) stories in height in which each dwelling has its own front entrance and rear entrance.

DWELLING, SINGLE-FAMILY - Detached, individual dwelling units, which accommodate one family related by blood, adoption, or marriage; or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the Ohio Residential Code For One, Two and Three Family Dwellings, or other applicable building code if adopted, or be classified as an "Industrialized Unit" under the Ohio Building Code.

Permanently Sited Manufactured Housing must:

- (a) Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- (b) Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- (c) Be connected to appropriate utilities.

- (d) Have a length of at least 22 feet and a width of at least 24 feet, as manufactured.
- (e) Have at least 1,000 square feet of living area, or whatever greater square footage is uniformly required by this Ordinance.
- (f) Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6 inch minimum eaves overhang, and a minimum "A" roof pitch of 3:12.
- (g) Have removed any indications of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
- (h) Be intended to be assessed and taxed as permanent real estate, not personal property.

**DWELLING UNIT**- One (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**EFFICIENCY UNIT** - A dwelling unit consisting of not more than one (1) habitable room together with kitchen or kitchenette and sanitary facilities.

**ERECTED** - The word "erected" includes built, constructed, reconstructed, moved upon, or any physical alteration on the premises requiring for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES** - The erection, construction, alteration, or maintenance of underground, surface or overhead electrical, gas, steam, water and sewerage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

**EXCAVATION** - Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the land surface, whether exposed or submerged.

**FAMILY** - One (1) or more individuals occupying a dwelling unit and living as a single household unit.

**FARM OR FARMLAND** - A parcel of land used for agricultural activities.

**FENCE** -An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FILLING** - The process of depositing fill in low-lying marshy or water areas to create usable land.

**FLOOR AREA, GROSS** - The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.



**FLOOR AREA, RESIDENTIAL**- For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior wall. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.

**FLOOR AREA, USABLE** - (For the purpose of computing parking) Is that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the buildings, measured from the interior faces of the exterior walls.

**FOOD PROCESSING** - The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**GARAGE, COMMERCIAL**- Any premises except those described as a private, community or storage garage, available to the public, used principally for the storage of automobiles or motor driven vehicles, for remuneration, hire, or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed, or serviced.

**GARAGE, PRIVATE** - An accessory building in a residential district used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit the inside storage of any one (1) lot, for the occupants thereof, or not more than one (1) commercial vehicle not exceeding a rated capacity of three-fourths (3/4) ton.

**GARAGE, STORAGE** - A non-residentially zoned building used exclusively for the storage of self-propelled vehicles, where such vehicles are not repaired.

**GRADE** - The degree of rise or descent of a sloping surface.

**GROUP HOME** - A facility wherein:

- (a) The operator is not legally related to the individuals supervised and is licensed by the federal, state, or county agency and; wherein
- (b) One or more individuals are provided with room, board, specialized and distinctive care and supervision in a family environment, or where five or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment.

**HOSPITAL** - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOTEL - A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

INDUSTRIALIZED UNIT- A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of 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. Industrialized unit does not include a manufactured or mobile home as defined herein.

JUNK - Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

KENNEL - An establishment in which more than six (6) dogs or domesticated animals more than one (1) year old are housed, groomed, bred, boarded, trained and/or sold.

LABORATORY - A place devoted to experimental, routine study or basic study such as testing and analytical operations and which manufacturing of product or products, except prototypes, is not performed.

LOADING SPACE - An off-street space or berth used for the loading or unloading of commercial vehicles.

LOT - A designated parcel, tract or area of land established by plat, subdivision, or otherwise permitted by law, to be used, developed or built upon as a unit.

LOT AREA - The total area within the lot lines of a lot, excluding any street rights of way.

LOT, CORNER - A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE - That portion of the lot that is covered by buildings and structures or any other impervious surface, excluding sidewalks.

LOT DEPTH- The distance measured from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE- (Through-Lot) A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

LOT FRONTAGE - The length of the front lot line measured at the street right-of-way.

LOT, INTERIOR - A lot other than a corner lot.

MANUFACTURING, HEAVY - Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; required large sites, open storage and service areas, extensive service and facilities, ready access to regional transportation and normally generating some nuisances such as smoke, noise, vibration, dust, glare, but not beyond the distant boundary.

MANUFACTURING, LIGHT - Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MOBILE HOME- A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a Permanently Sited Manufactured Home or industrialized unit.

MOTEL - An establishment providing transient accommodations containing six (6) or more rooms with at least 25% of all rooms having direct access to the outside without necessity of passing through the main lobby of the building.

MOTOR VEHICLE - Any vehicle propelled or drawn by power other than muscular power.

NON-CONFORMING BUILDING OR STRUCTURE - A structure or building the size, dimensions or location of which was lawful prior to adoption, revision or amendment to a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NON-CONFORMING USE - A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NUISANCE FACTOR - Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as: noise; dust; smoke; odor; glare; fumes; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluents; noise of congregation of people, particularly at night; passing traffic; invasion of street coverage by traffic generation from an adjacent land use which lacks sufficient parking and circulation facilities.

NURSERY, PLANT MATERIALS - Is a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

**OCCUPIED** - The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.

**OFF-STREET PARKING LOT**- A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two (2) automobiles.

**OPEN AIR BUSINESS USES** - Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

- (a) Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services;
- (b) Outdoor display and sale of garages, swimming pools, and similar uses;
- (c) Retail sale of trees, fruit, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;
- (d) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

**OPEN FRONT STORE**- A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

**OPEN SPACE** - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed or reserved for public or private use or employment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**OPEN STORAGE** - Outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

**PARKING SPACE** - A space for the parking of a motor vehicle within a public or private parking area.

**PERMANENTLY SITED MANUFACTURED HOUSING** - A dwelling that meets all of the following criteria:

- (a) Is constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- (b) Is attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- (c) Is connected to appropriate utilities.
- (d) Has a length of at least 22 feet and a width of at least 22 feet, as manufactured.
- (e) Has at least 900 square feet of living area, or whatever greater square footage is uniformly required by this Ordinance.
- (f) Has conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6 inch minimum eaves overhang, and a minimum "A" roof pitch of 3:12.
- (g) Has removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.

- (h) Is intended to be assessed and taxed as permanent real estate, not personal property.
- (i) Is located outside of a Manufactured Home District.

**PERSONAL SERVICES** - Any enterprise which primarily offers services to the general public.

**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.

**PORCH, ENCLOSED** - A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN** - A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PUBLIC USES** - Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**PUBLIC UTILITY** - A closely regulated private enterprise with an exclusive franchise for providing a public service.

**QUARRY EXCAVATION**- Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil or rock matter to a depth greater than twelve (12) inches from the surface.

**RETAIL SERVICES** - Establishments providing services or entertainment, as opposed to products, to the general public.

**ROOMING HOUSE**- A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

**SALVAGE YARD** - Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

**SEMI-PUBLIC USE** - Churches, Sunday Schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

**SEPARATE OWNERSHIP** - Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Ownership of a property may include dual or multiple ownership by a partnership, corporation or other group. Provided that the owner of any number of contiguous lots of record may have as many of said contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

**SETBACK** - The minimum horizontal distance between the front of the building excluding steps and unenclosed porches and the established right-of-way of the street abutting upon the front lot line.

**SETBACK LINE** - That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure may be erected or placed.

**SIGN** - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person, entity, product, service, establishment, activity or sale which communicate information of any kind. (See additional definitions in Section 1177.02).

**SOIL REMOVAL** - Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

**STORY** - That portion of a building included between the surface of any floor and the surface of the floor next to it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

- (a) A "mezzanine" shall be deemed a full story when it covers more than 50% of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
- (b) For the purposes of this Ordinance, a basement or cellar shall be counted as a story if over 50% of its height is above the level from which the height of the building is measured, or, if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.

**STORY, HALF** - A space under a sloping roof which has the line of intersection of the roof and wall face not more than 3 feet above the floor level, and in which space the possible floor area with head room of 5 feet or less occupies at least 40% of the total floor area of the story directly beneath.

**STREET** -

- (a) Any vehicular way which:
  - (1) Is an existing state, county, or municipal roadway; or
  - (2) Is shown upon a plat approval pursuant to law; or
  - (3) Is approved by other official action; or
  - (4) Is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.

- (b) "Street" includes:
- (1) Alley - A minor street used primarily for vehicular services access to back or side of properties abutting on another street.
  - (2) 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.
  - (3) 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.
  - (4) Cul-de-sac - A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turn around.
  - (5) Dead-end Street- A street primarily for providing access to residential or other abutting property.
  - (6) Loop Street - A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty degree (180°) system of turns are not more than one thousand (1,000) feet and said arterial or collector street, nor normally more than six hundred (600) feet from each other.
  - (7) Marginal Access Street - A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

STRUCTURE - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

STRUCTURE ALTERATION - Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE, OUTDOOR ADVERTISING - Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.

SWIMMING POOL - A water-filled enclosure, permanently constructed or portable having a depth more than 18 inches below the level of the surrounding land, or an above surface pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and/or bathing.

SWIMMING POOL, COMMUNITY- Operated with a charge for admission; a primary use.

SWIMMING POOL, PRIVATE - Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

TENTS - Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

**TEMPORARY BUILDING AND USE**- A structure or use permitted by the Zoning Inspector to exist during periods of construction of the main use or for special events.

**TRAVEL TRAILER** - A motorized recreational vehicle or a recreational trailer that is towed by a motorized vehicle.

**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.

**VARIANCE** - Permission to depart from the literal requirements of a Zoning Ordinance.

**WIRELESS TELECOMMUNICATION FACILITY** - Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:

- (a) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial.
- (b) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
- (c) Antennas used by amateur radio operators.

**YARD** - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be permitted provided in the Zoning Ordinance.

**YARD, FRONT**- A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**YARD, FRONT CORNER LOTS** - A yard located on a lot having a frontage on more than one (1) street.

**YARD, REAR** - A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**YARD, SIDE** - A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**ZERO LOT LINE** - The location of a building on a lot in such a manner that one or more of the building sides rest directly on the lot line.



ZONING CERTIFICATE - The document issued by the Village Zoning Inspector authorizing the use of the land or buildings.

ZONING DISTRICT MAP - The Zoning District Map or maps of the Village together with all amendments subsequently adopted.

ZONING INSPECTOR - The Zoning Inspector or his authorized representative appointed by the Village Council. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1119**  
**Planning Commission**

<b>1119.01</b>	<b>Establishment.</b>	<b>1119.05</b>	<b>Employment of consultants.</b>
<b>1119.02</b>	<b>Officers and rules.</b>	<b>1119.06</b>	<b>Access to property.</b>
<b>1119.03</b>	<b>Quorum.</b>	<b>1119.07</b>	<b>Planning Commission approval</b>
<b>1119.04</b>	<b>Powers.</b>		<b>required.</b>

**CROSS REFERENCES**

Planning Commission- see Ohio R.C. 713.01 et seq.

**1119.01 ESTABLISHMENT.**

There is established a Fayette Planning Commission of five (5) members that are electors of the Municipality, all appointed by the Mayor, subject to the approval of a majority of the members elected to Council.

(Ord. 2011-15. Passed 9-28-11.)

**1119.02 OFFICERS AND RULES.**

The Planning Commission shall elect a chairman and secretary from its members. It shall adopt rules or bylaws for the holding of regular and special meetings. In the transaction and disposition of its business and the exercise of the powers of the Commission, such procedure shall be followed. (Ord. 2011-15. Passed 9-28-11.)

**1119.03 QUORUM.**

All meetings of the Planning Commission shall be open to the public. A majority of its members shall constitute a quorum at any meeting. No action of the Commission shall be deemed taken unless concurred in by a majority of its members.

(Ord. 2011-15. Passed 9-28-11.)

**1119.04 POWERS.**

The Planning Commission shall have such powers as are conferred by the general laws of Ohio and/or by ordinance of the Council.

(Ord. 2011-15. Passed 9-28-11.)

**1119.05 EMPLOYMENT OF CONSULTANTS.**

The Planning Commission may control, appoint or employ professional services, and may appoint a secretary, clerks, craftsmen, and other subordinates as it finds necessary in connection with the performance of its functions and duties. Expenditures for such service and employment shall be within the amount appropriated for such purpose by the Council.

(Ord. 2011-15. Passed 9-28-11.)

**1119.06 ACCESS TO PROPERTY.**

For the purpose of making necessary surveys, engineers, agents and representatives of the Planning Commission may enter upon all property within the limits of the Village. Members, agents and representatives of the Commission shall have access to all property in making any survey in connection with any matter being considered by the Commission.

(Ord. 2011-15. Passed 9-28-11.)

**1119.07 PLANNING COMMISSION APPROVAL REQUIRED.**

No building or structure, street, park, playground, ground, bridge, or other way, grounds, works, or utility, whether publicly or privately owned, or a part thereof, shall be constructed or authorized to be constructed within the limits of the Village unless and until it shall have been submitted to the Planning Commission for report and recommendation. In the case of disapproval, the Commission shall communicate its reasons therefor to the Council and to the head of the department which has control of the construction of the proposed improvement or utility. The Council, by a vote of not less than two-thirds (2/3) of its members, may overrule such disapproval. The opening, widening, narrowing, relocating, vacation or change in the use of street and other public ways, grounds, and places, shall be subject to similar approval and this approval may be similarly overruled.

(Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1121  
Administration and Enforcement**

<p><b>1121.01 Duties of the Zoning Inspector.</b></p> <p><b>1121.02 Zoning permits required.</b></p> <p><b>1121.03 Contents of application for zoning permits.</b></p> <p><b>1121.04 Approval of zoning permit.</b></p> <p><b>1121.05 Expiration of zoning permit.</b></p> <p><b>1121.06 Certificate of Occupancy.</b></p> <p><b>1121.07 Temporary certificate of occupancy.</b></p> <p><b>1121.08 Record of zoning permits and certificates of occupancy.</b></p> <p><b>1121.09 Failure to obtain a zoning permit or certificate of occupancy.</b></p>	<p><b>1121.10 Construction and use to be provided in application, plans, permits, and certificates.</b></p> <p><b>1121.11 Complaints regarding violations.</b></p> <p><b>1121.12 Schedule of fees, charges and expenses.</b></p> <p><b>1121.13 Enforcement, penalties and other remedies.</b></p> <p><b>1121.14 Fee schedule.</b></p>
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**CROSS REFERENCES**

Appeal from zoning decisions- see Ohio R.C. 713.11, Ch. 2506  
Violation of zoning ordinances- see Ohio R.C. 713.13

**1121.01 DUTIES OF THE ZONING INSPECTOR.**

(a) The Zoning Inspector shall have the power to grant zoning and occupancy permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Inspector to approve any plans or issue any permit or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.

(b) The Zoning Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 1171.

(c) Under no circumstances is the Zoning Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Inspector.

(d) The Zoning Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.  
(Ord. 2011-15. Passed 9-28-11.)

**1121.02 ZONING PERMITS REQUIRED.**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or conditional use.  
(Ord. 2011-15. Passed 9-28-11.)

**1121.03 CONTENTS OF APPLICATION FOR ZONING PERMITS.**

The zoning permit application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not been completed within one (1) year. At a minimum, the application shall contain the following information:

- (a) Name.
- (b) Legal description of the property.
- (c) Existing use.
- (d) Proposed use.
- (e) Zoning District.
- (f) Plans in triplicate, drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building( s) or alteration.
- (g) Building heights and side view of the building.
- (h) Number of off-street parking spaces or loading berths.
- (i) Number of dwelling units.
- (j) Other such matters, such as surveys, which may be necessary to determine conformation with, and provide for, the enforcement of this Ordinance.  
(Ord. 2011-15. Passed 9-28-11.)

**1121.04 APPROVAL OF ZONING PERMIT.**

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of the plans, similarly marked, shall be retained by the Zoning Inspector.  
(Ord. 2011-15. Passed 9-28-11.)

**1121.05 EXPIRATION OF ZONING PERMIT.**

If the work described in any zoning permit has not been completed within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected.  
(Ord. 2011-15. Passed 9-28-11.)

**1121.06 CERTIFICATE OF OCCUPANCY.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.  
(Ord. 2011-15. Passed 9-28-11.)

**1121.07 TEMPORARY CERTIFICATE OF OCCUPANCY.**

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six ( 6) months during alterations or partial occupancy of a building pending its completion. (Ord. 2011-15. Passed 9-28-11.)

**1121.08 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person. (Ord. 2011-15. Passed 9-28-11.)

**1121.09 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.**

Failure to obtain zoning permit or certificate of occupancy shall be in violation of this Ordinance and punishable under Section 1121.14. (Ord. 2011-15. Passed 9-28-11.)

**1121.10 CONSTRUCTION AND USE TO BE PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES.**

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorizing only the use and arrangements set forth in such approved plans and application or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to the authorized shall be deemed a violation of this Ordinance and punishable as approved in Section 1121.14. (Ord. 2011-15. Passed 9-28-11.)

**1121.11 COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this Ordinance 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 Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided in this Ordinance. (Ord. 2011-15. Passed 9-28-11.)

**1121.12 SCHEDULE OF FEES, CHARGES, AND EXPENSES.**

The Village Council, shall by Ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other materials pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Fayette Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. (Ord. 2011-15. Passed 9-28-11.)

**1121.13 ENFORCEMENT, PENALTIES, AND OTHER REMEDIES.**

(a) Violations. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) and the cost of prosecution. Upon written notice of violation, by the Zoning Inspector, there shall be a thirty (30) day period to bring said violation into compliance. If said violation is not brought into compliance, within the specified period, appropriate legal means will be taken to rectify said violation.

- (b) Any person who:
- (1) Uses or occupies any land or place, builds, erects, alters, remodels, restores or rebuilds thereon any building or structure, or permits any building or structure to remain on such land or uses, occupies or operates such building or structure in any way, or for any use or purpose which is not permitted by the provisions of this Zoning Ordinance;
  - (2) Aids, assists, or participates with any person placing, building, erecting, altering, remodeling, restoring or rebuilding any building or structure which is not permitted by the provisions of this Zoning Ordinance;
  - (3) Violates or fails to perform any condition, stipulation or safeguard set forth in any permit issued pursuant to this Zoning Ordinance, or continues to use or occupy any premises or building, as previously authorized by such permit, beyond the duration limit therein stated;
  - (4) Fails to comply with an order of the Zoning Inspector, within the time period set forth in such order;
  - (5) Knowingly makes any materially false statement of fact in an application to the Zoning Inspector for a permit or in any plans or specifications submitted in relation to any application under this Zoning Ordinance; or
  - (6) As an owner or lessee of any premises, knowingly suffers or permits a violation of this Zoning Ordinance to occur or exist on such premises shall be charged with a violation of this Zoning Ordinance for each such action or omission.

(c) Public Nuisance Per Se. Any building or structure which is erected, altered or converted, or any use of premises or land which is being changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(d) Fines. The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction, thereof, shall be liable to the fines herein provided.

(e) Each Day a Separate Offense. A separate offense shall be deemed committed upon each day, during or when a violation occurs or continues.

(f) Rights and Remedies Are Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1121.14 FEE SCHEDULE.**

- (a) The following fees are hereby established for administration of the Zoning Code:
- (1) Zoning Permit:
 

Residential Construction	\$20.00	
All Other Construction	\$10.00	for the first \$1,000 of estimated or actual construction cost; and
	\$1.00	for each additional \$1,000 of estimated or actual construction cost; however, in no case shall the zoning permit fee be less than \$20.00



(2)	Conditional Use Permit	\$50.00
(3)	Zoning District Change	\$50.00
(4)	Variance	\$50.00
(5)	Demolition Permit	\$20.00
(6)	Certificate of Occupancy	\$20.00

(b) Failure to obtain the proper permits in advance of construction, use, demolition shall incur a penalty equal to the cost of the original permit. Payment of late fees will not relieve the property owner from compliance to all other Zoning Code regulations.  
(Ord. 2012-17. Passed 11-28-12.)



**CHAPTER 1123**  
**Board of Zoning Appeals**

<b>1123.01</b>	<b>Membership.</b>	<b>1123.05</b>	<b>Appeals.</b>
<b>1123.02</b>	<b>Meetings.</b>	<b>1123.06</b>	<b>Meetings and hearings.</b>
<b>1123.03</b>	<b>Authority.</b>	<b>1123.07</b>	<b>Quorum and vote.</b>
<b>1123.04</b>	<b>Standards.</b>	<b>1123.08</b>	<b>Appeal to court.</b>

**CROSS REFERENCES**

Appeals from zoning decisions- see Ohio R.C. 713.11, Ch. 2506

**1123.01 MEMBERSHIP.**

The five (5) members of the Planning Commission will be the five (5) members of the Zoning Board of Appeals. The members of the Board of Appeals will serve without compensation, and a secretary shall be elected from the members of the Board of Appeals.  
(Ord. 2011-15. Passed 9-28-11.)

**1123.02 MEETINGS.**

The Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of the Zoning Ordinance. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.  
(Ord. 2011-15. Passed 9-28-11.)

**1123.03 AUTHORITY.**

- (a) The Board of Zoning Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance or of any Ordinance adopted pursuant thereto.
  - (2) To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

- (3) To grant conditional use permits as specified in Chapter 1125 and under such additional safeguards as will uphold the intent of this Ordinance.

(b) In exercising the above mentioned powers, such Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken.

(Ord. 2011-15. Passed 9-28-11.)

#### **1123.04 STANDARDS.**

In consideration of all appeals for variances, the Board of Zoning Appeals shall review each case individually as to its applicability to each of the following standards:

- (a) Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.
- (b) Will be of a nature that will minimize the hazards resulting from vehicular and pedestrian traffic taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
- (c) Will be designed as to location, size, intensity, site layout and periods of operation of such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- (d) Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- (e) Will relate harmoniously with adjacent land uses.
- (f) Is necessary for the public convenience at that location.
- (g) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- (h) Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

(Ord. 2011-15. Passed 9-28-11.)

#### **1123.05 APPEALS.**

(a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

(b) The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1123.06 MEETINGS AND HEARINGS.**

(a) The Board of Zoning Appeals may schedule regular meetings and special meetings may be called by the Chairman or any two (2) Board members. The Board shall establish rules for the giving of notices and the conduct of its meetings and hearings. The Board shall hear all appeals and all applications for variances. The Board may reverse or affirm, wholly or in part, or modify any orders of the Zoning Inspector and shall have all of the powers of the office from whose decision the appeal was taken.

(b) The Board shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony, to produce reports, findings and other evidence pertinent to any issue referred to it for decision.

(c) Any appeal may also be considered by the Board as a request for a variance.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1123.07 QUORUM AND VOTE.**

A quorum shall consist of at least three (3) members of the Board and a decision to affirm or reverse a decision or order of any duly authorized administrative officer or to grant a variance shall require the concurring vote of three (3) members of the Board.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1123.08 APPEAL TO COURT.**

A person aggrieved by a decision of the Board may appeal to the Courts in accordance with the procedures established by the Ohio Revised Code.  
(Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1125**  
**Conditional Use Permits**

**1125.01 Statement of purpose.**

**1125.02 Procedures for approval.**

**CROSS REFERENCES**

Board of Zoning Appeals to approve permits- seeP. & Z. 1123.03

**1125.01 STATEMENT OF PURPOSE.**

Certain uses hereinbefore defined in the Ordinance are conditionally permitted and prior to the use of the land, building, or structure or for the erection of any building or structure for said conditional uses a conditional zoning certificate must first be approved and authorized by the Board of Zoning Appeals. Conditional uses possess unique characteristics vis-a-vis those permitted by right in the affected zoning district. The characteristics have inherent in them a degree of incompatibility with the uses permitted by right and therefore it is important that individual site consideration be given those proposed uses and that potentially affected property owners be given an opportunity to determine the suitability of the use of their particular area. The purpose of this chapter is to establish reasonable procedures to insure the proper disposition of conditional zoning certificate applications.

(Ord. 2011-15. Passed 9-28-11.)

**1125.02 PROCEDURES FOR APPROVAL.**

(a) Application. Every application shall be filed with the Village Zoning Inspector on a form prescribed by the Board of Zoning Appeals and supplied to the applicant by the Zoning Inspector. Every application shall, in addition, be accompanied by the following information and data:

- (1) Site plan, plot plan, or development plan, drawn to scale of not less than one-quarter (1/4) inch equals one (1) foot of the total property involved showing the location of all abutting streets, the buildings and their uses.
- (2) Vehicular and pedestrian movement plan.
- (3) Landscaped plans including the provision of any screening or buffering of adjacent uses.
- (4) A legal description of the property and proof of ownership.

The Zoning Inspector shall in turn convey the application and plans to the Board of Zoning Appeals.

(b) Public Hearing.

- (1) Upon receipt of the conditional use application, the Board of Zoning Appeals should set a date for a public hearing thereon which date shall not be less than twenty (20) or more than thirty (30) days from the date of filing of such application. Notice of such hearing shall be given by the Board of Zoning Appeals by one (1) publication in a newspaper of general circulation at least ten (10) days before the date of such hearing.
- (2) Written notice of the hearing shall be mailed by the Board of Zoning Appeals by first class mail, at least ten (10) days before the date of the public hearing to all owners of property contiguous to and directly across the street from such area proposed for a conditional use application to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The published and mailed notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use application. Upon the appointed date the Board of Zoning Appeals shall then hold a public hearing prior to any determination of the conditional use application.

(c) Board of Zoning Appeals. The Board of Zoning Appeals shall be governed by the powers, rules, and standards provided in Chapter 1123, "Board of Zoning Appeals". In addition thereto, the minimum standards relative to each conditional use provided in the various chapters of this Ordinance shall not be modified by the Board, except under its variance provision. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1127**  
**Amendments and Supplements**

<b>1127.01</b>	<b>General provisions.</b>	<b>1127.07</b>	<b>Notice of public hearing.</b>
<b>1127.02</b>	<b>Initiation of zoning amendments.</b>	<b>1127.08</b>	<b>Notice to property owners by Village Council.</b>
<b>1127.03</b>	<b>Contents of application.</b>	<b>1127.09</b>	<b>Action by Village Council.</b>
<b>1127.04</b>	<b>Transmittal to Planning Commission.</b>	<b>1127.10</b>	<b>Effective date and referendum.</b>
<b>1127.05</b>	<b>Recommendation by Planning Commission.</b>		
<b>1127.06</b>	<b>Public hearing by Village Council.</b>		

**CROSS REFERENCES**

Zoning amendments- see Ohio R.C. 713.10

**1127.01 GENERAL PROVISIONS.**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by Ordinance after receipt of recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.  
(Ord. 2011-15. Passed 9-28-11.)

**1127.02 INITIATION OF ZONING AMENDMENTS.**

Amendments to the Ordinance may be initiated in one (1) of the following ways:

- (a) By adoption of a motion by the Planning & Zoning Board;
- (b) By adoption of a Resolution by Village Council;
- (c) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

(Ord. 2011-15. Passed 9-28-11.)

**1127.03 CONTENTS OF APPLICATION .**

Applications for amendments to the official zoning map adopted as part of this Ordinance shall contain at least the following information:

- (a) Name, address, and phone number of applicant;
- (b) Proposed amending ordinance, approved as to form by the Village Legal Advisor;
- (c) Present use;

- (d) Present zoning district;
- (e) Proposed use;
- (f) Proposed zoning district;
- (g) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require.
- (h) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
- (i) A statement of how the proposed amendment relates to the Comprehensive Plan if one exists.
- (j) A fee as established by Village Council, according to Section 1121.13.

Applications for amendments proposed to amend, supplement, change or repeal portions of this Ordinance other than the Official Zoning Map shall include subsections (a), (b), (i) and (j) hereof. (Ord. 2011-15. Passed 9-28-11.)

#### **1127.04 TRANSMITTAL TO PLANNING COMMISSION.**

Immediately after the adoption of a Resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said Resolution or application shall be transmitted to the Commission.

(Ord. 2011-15. Passed 9-28-11.)

#### **1127.05 RECOMMENDATION BY PLANNING COMMISSION.**

Within sixty (60) days after the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

(Ord. 2011-15. Passed 9-28-11.)

#### **1127.06 PUBLIC HEARING BY VILLAGE COUNCIL.**

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty-five (45) days from the receipt of the recommendation from the Planning Commission.

(Ord. 2011-15. Passed 9-28-11.)

#### **1127.07 NOTICE OF PUBLIC HEARING.**

Notice of the public hearing required shall be given by the Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set the time and place of the public hearing and a summary of the proposed amendment. (Ord. 2011-15. Passed 9-28-11.)

**1127.08 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL.**

If the proposed amendment intends to rezone or redistrict ten (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 twenty (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 required of notices published in newspapers.

(Ord. 2011-15. Passed 9-28-11.)

**1127.09 ACTION BY VILLAGE COUNCIL.**

Within thirty (30) days after the public hearing the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than two-thirds (2/3) of the full membership of the Village Council.

(Ord. 2011-15. Passed 9-28-11.)

**1127.10 EFFECTIVE DATE AND REFERENDUM.**

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

(b) No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the same 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.

(Ord. 2011-15. Passed 9-28-11.)



**TITLE FIVE - Zoning Districts and Regulations**

- Chap. 1133. Districts and Regulations Established.
- Chap. 1135. Open Space District (O-S).
- Chap. 1137. First Density Residential District (R-1).
- Chap. 1139. Second Density Residential District (R-2).
- Chap. 1141. Third Density Residential District (R-3).
- Chap. 1145. Manufactured Home District (M-H).
- Chap. 1147. Accessory Uses in Residential Districts.
- Chap. 1151. General Business District (C-1).
- Chap. 1153. Highway Commercial District (C-2).
- Chap. 1157. Light Industrial District (M-1).
- Chap. 1159. General Industrial District (M-2).
- Chap. 1163. Planned Industrial/Business Park (M-3).

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**CHAPTER 1133**  
**Districts and Regulations Established**

- |                |                                      |                |                                      |
|----------------|--------------------------------------|----------------|--------------------------------------|
| <b>1133.01</b> | <b>Establishing of districts.</b>    | <b>1133.04</b> | <b>Principally permitted uses.</b>   |
| <b>1133.02</b> | <b>Establishment of regulations.</b> | <b>1133.05</b> | <b>Conditionally permitted uses.</b> |
| <b>1133.03</b> | <b>One lot, one building.</b>        |                |                                      |

**CROSS REFERENCES**  
Basis of districts- see Ohio R.C. 713.10

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**1133.01 ESTABLISHING OF DISTRICTS.**

(a) In order to carry out the purpose of this Ordinance, the Village of Fayette, Ohio, is hereby divided into the following districts, all of which are designated on the Zoning Map by symbols and boundaries. Such districts shall be known as:

	(Title)	(Abbreviation)
<u>Residential Districts:</u>	First Density Residential	R-1
	Second Density Residential	R-2
	Third Density Residential	R-3
<u>Manufactured Home Districts:</u>	Manufactured Home Park	M-H
<u>Business Districts:</u>	General Business	C-1
	Highway Commercial	C-2
<u>Industrial Districts:</u>	Light Industrial	M-1
	General Industrial	M-2
	Planned Industrial/Business Park	M-3
<u>Open Space Districts:</u>	Open Space	O-S

- (b) Whenever the abbreviated terms such as R-1, R-2, C-1, M-1, etc. are used in this Ordinance, they shall be construed as referring to their corresponding district titles.
- (c) The above classification of districts shall not be construed as an enumeration of most restrictive to less restrictive districts, except for the specific purpose set forth in this Ordinance.  
(Ord. 2011-15. Passed 9-28-11.)

### **1133.02 ESTABLISHMENT OF REGULATIONS.**

Any building or parcel of land may be used; and the use of any building and any parcel of land may be changed or extended; and any existing buildings may be altered, converted, enlarged, reconstructed, moved or maintained, only for the uses specifically enumerated or referred to as permitted, or required, in the district in which the building or parcel of land is located and for no other use. (Ord. 2011-15. Passed 9-28-11.)

### **1133.03 ONE LOT, ONE BUILDING.**

Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building and the customary accessory buildings on one (1) lot except as otherwise provided, in conformity with the provisions of this Ordinance.  
(Ord. 2011-15. Passed 9-28-11.)

**1133.04 PRINCIPALLY PERMITTED USES.**R-1 District

1. Single Family Detached
2. Accessory Uses

R-2 District

1. R-1 Principal Permitted Uses
2. Two Family Dwellings

R-3 District

1. R-1 and R-2 Principal Permitted Uses
2. Multi-Family
3. Nursery Schools

M-H Manufactured Home DistrictsC-1 District

1. Motels and Motor Inns
2. Nurseries
3. Car Wash
4. Drive-In Establishments
5. Monument Works
6. Animal Hospitals
7. Open Yard Retail Sales
8. C-1 Permitted Uses

C-2 District

1. Retail Business
2. Personal Services
3. Offices, Banks and Loan Associations
4. Professional Activities
5. Restaurants and Taverns
6. Entertainment Facilities
7. Mortuaries
8. Printing and Publishing

M-1 District

1. Wholesale
2. Warehousing
3. Industrial Establishments  
(see text)
4. Public Utilities
5. Kennel

M-2 District

1. All M-1 Uses
2. Industrial Establishments (see text)
3. Adult Business Establishments

Open Space District

1. Publicly Owned and Operated  
Libraries, Parks, and  
Recreation Facilities
2. Public Uses
3. Essential Services
4. Cemeteries
5. Agriculture
6. Accessory Uses

(Ord. 2011-15. Passed 9-28-11.)

**1133.05 CONDITIONALLY PERMITTED USES.**R-1 District

1. Churches
2. Utility and Public Service Buildings
3. Golf Courses
4. Community or Club Pools
5. Zero Lot Line Developments
6. Telecommunication Towers

R-2 District

1. All R-1 Conditional Uses
2. Zero Lot Line Developments, per R-1 Conditional Use
3. Group Homes
4. Telecommunication Towers

R-3 District (All R-1 and R-2 Conditional Uses)

1. Hospitals
2. Elderly Housing
3. Nursing Homes
4. Boarding Houses
5. Group Homes
6. Zero Lot Line Developments, per R-1 Conditional Use
7. Rooming Houses
8. Telecommunication Towers

C-1 District

1. Automobile Service Stations
2. Farm Implement Sales and Service
3. Telecommunication Towers

C-2 District

1. Planned Shopping Center
2. Telecommunication Towers

M-1 District

1. Telecommunication Towers

M-2 District

1. Airports

M-3 District

1. All Uses, Including Conditional Uses, Permitted in C-1, C-2, M-1, and M-2 Districts

Open Space District

1. All R-1 Conditional Uses, Except Zero Lot lines
  2. Public Utilities
- (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1135**  
**Open Space District (O-S)**

<p><b>1135.01</b> Statement of purpose.</p> <p><b>1135.02</b> Principal permitted uses.</p> <p><b>1135.03</b> Conditionally permitted uses.</p>	<p><b>1135.04</b> Area, height, bulk and placement requirements.</p>
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**1135.01 STATEMENT OF PURPOSE.**

The Open Space District is designed to establish and preserve areas for public and semipublic use for recreational, conservation, and municipal purposes.  
(Ord. 2011-15. Passed 9-28-11.)

**1135.02 PRINCIPAL PERMITTED USES.**

- (a) Publicly owned and operated libraries, parks, non-commercial, and recreational facilities.
  - (b) Public uses.
  - (c) Essential services.
  - (d) Cemeteries.
  - (e) Agriculture.
  - (f) Accessory uses to the above principal permitted uses.
- (Ord. 2011-15. Passed 9-28-11.)

**1135.03 CONDITIONALLY PERMITTED USES.**

- (a) All uses conditionally permitted in the R-1 District, except zero lot lines.
  - (b) Public Utilities.
- (Ord. 2011-15. Passed 9-28-11.)

**1135.04 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.**

Area, height, bulk and placement requirements are in the Schedule of Regulations, Chapter 1167. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1137**  
**First Density Residential District (R-1)**

- |  |  |
|--|--|
| <b>1137.01</b> Statement of purpose.         | <b>1137.04</b> Area, height, bulk and placement. |
| <b>1137.02</b> Principal permitted uses.     |  |
| <b>1137.03</b> Conditionally permitted uses. |  |

**CROSS REFERENCES**

Accessory uses - see P. & Z. Ch. 1147  
Schedule of regulations - see P. & Z. Ch. 1167  
Home occupations - see P. & Z. Ch. 1173  
Fences- see P. & Z. 1175.01  
Signs- see P. & Z. 1177.02

**1137.01 STATEMENT OF PURPOSE.**

The R-1 District is designed to provide a single family detached dwelling environment with supporting ancillary uses in areas of the Village which, at present, are served by public utilities such as both public water and sanitary sewer systems or will shortly be made available to such areas. (Ord. 2011-15. Passed 9-28-11.)

**1137.02 PRINCIPAL PERMITTED USES.**

The following provisions apply to all First Density Residential Districts. In an R-1 District, no person shall hereafter use any building, structure or land, and no person shall erect any building or structure except in accordance with the following provisions:

- (a) One family detached dwelling;
  - (b) Accessory uses, private swimming pools, and buildings incidental to the above principal permitted uses.
- (Ord. 2011-15. Passed 9-28-11.)

**1137.03 CONDITIONALLY PERMITTED USES.**

The following uses may be permitted by the Village Planning Commission and subject further to the following provisions:

- (a) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- (b) Churches.
  - (1) Minimum lot width of one hundred fifty (150) feet;
  - (2) Minimum site size of three (3) acres;

- (3) All front, side and rear yard space shall be a minimum of fifty (50) feet from adjoining lot lines;
  - (4) Wherever the off-street parking area is adjacent to residentially used land, a continuous screening may be required so as to substantially obscure the parking area.
- (c) Community or Club Swimming Pools, subject to the following conditions:
- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
  - (2) The pool and accessory structure thereto, including the areas used by bathers, shall not be closer than one hundred (100) feet to any property line of the property on which located.
  - (3) The swimming pool and all of the areas used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
- (d) Golf Courses, which may or may not be operated for profit, subject to the following conditions:
- (1) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare of not less than sixty (60) feet of right-of-way width either existing or proposed.
  - (2) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
  - (3) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Board of Zoning Appeals may modify this requirement.
  - (4) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
  - (5) Adequate off-street parking facilities must be provided. (See Off-Street Parking and Loading Requirements in Chapter 1179.)
- (e) Zero Lot Line.
- (1) Minimum lot size. The minimum lot size shall be the same as the district regulations.
  - (2) Setback requirements. The setback requirements are the same as the district regulations for one (1) side, rear, and front yards.
  - (3) Building heights. The maximum building height shall not exceed two (2) stories or thirty-five (35) feet in height.
  - (4) Maximum lot coverage permitted. The total lot coverage permitted for all buildings on the site shall not exceed thirty percent (30%) of the lot area.
  - (5) Street frontage. Each lot shall have a clear, direct frontage on public streets.

- (6) Openings prohibited on the zero lot line side. The common wall of the dwelling located on the lot line, shall have no windows, doors, air conditioning units, or any other type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is exposed by three (3) walls of the dwelling unit, and a solid wall of at least eight (8) feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.
- (7) Utilities. Electrical, plumbing, heating, air conditioning, and sewer systems for each dwelling unit shall be separate and independent of such system for each other dwelling unit.
- (8) Platting requirements. Each dwelling shall be located on its own individual platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities as provided below. The plat shall also indicate the zero lot lines and easements appurtenant thereto.
- A. The owners of all lots on which such building is located shall be jointly and severally responsible for the maintenance and repair of the building's footing, slab foundation, roof sheathing, roofing, common walls, exterior walls and any other common portion of the building.
- B. The costs of such maintenance and repair shall be shared equitably by the owners of the lots on which the building is located.
- C. The declaration shall contain provisions providing the manner in which decisions concerning such maintenance and repair and their payments shall be decided.
- D. The owners of each such lot shall have a right of access to each other lot for the purpose of affecting such maintenance and repair.
- E. The declaration shall contain provisions providing for the rights of individual lot owners concerning the demolition or modification of any portion of a building, including a provision that no common element be modified without the consent of all affected lot owners.
- (f) Telecommunication Towers. In accordance with Ohio R.C. 303.21, when a tower is planned to be constructed for the provision of cellular telephone communication service, or other utility service provider, the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to a Site Plan Review and shall meet the following standards when located within a residential district:
- (1) 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).
- (2) The applicant shall demonstrate that no suitable site is available in a nonresidential district and shall be located on its own lot which meets the area and setback requirement as approved by the Board of Appeals.
- (3) All accessory buildings shall be screened with fencing, masonry, shrubbery or other screening as approved by the Board of Appeals.

- (4) The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within thirty (30) days of ceasing operations.
- (5) No advertising or illumination other than that required by law may be located on the structure.  
(Ord. 2011-15. Passed 9-28-11.)

**1137.04 AREA, HEIGHT, BULK AND PLACEMENT.**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in the following table and as further provided in Chapter 1167, "Schedule of Regulations".

Minimum Lot Size

Width in Feet - 90

Area in Square Feet - 12,500

Maximum Height of Building

In Stories - 2

In Feet- 35

Minimum Size of Residential Dwelling Unit

Area in Square Feet- 1,000

Building Width in Feet- 24

Minimum Yard Setback in Feet

Front- 25

Side- 10

Rear- 35

Sum of Side- 20

Maximum Percent of Lot To Be Occupied

30%

(Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1139**  
**Second Density Residential District (R-2)**

- |   |   |
|---|---|
| <p><b>1139.01</b> Statement of purpose.</p> <p><b>1139.02</b> Principal permitted uses.</p> <p><b>1139.03</b> Conditionally permitted uses.</p> | <p><b>1139.04</b> Area, height, bulk and placement.</p> |
|---|---|

**CROSS REFERENCES**

- Accessory uses - see P. & Z. Ch. 1147  
 Schedule of regulations - see P. & Z. Ch. 1167  
 Home occupations - see P. & Z. Ch. 1173  
 Fences- see P. & Z. 1175.01  
 Signs- see P. & Z. 1177.02

**1139.01 STATEMENT OF PURPOSE.**

The R-2 District is designed to provide for a one and two family residential environment with supporting ancillary uses in areas of the Village which contain both a public source of water and sanitary sewers. This district is also designed to permit multiple family dwelling units and the conversion of older, larger residences.  
 (Ord. 2011-15. Passed 9-28-11.)

**1139.02 PRINCIPAL PERMITTED USES.**

The following provisions apply to all Second Density Residential Districts. In the R-2 District no person shall hereafter use any building or structure except in accordance with the following provisions:

- (a) All uses principally permitted in the R-1 District unless otherwise provided;
- (b) Two family dwellings.

**1139.03 CONDITIONALLY PERMITTED USES.**

The following uses may be provided by the Village Board of Zoning Appeals subject to the following provisions:

- (a) All uses conditionally permitted in the R-1 District unless otherwise provided;
- (b) Converted dwellings, the conversion of existing residences is hereby permitted provided that further encroachment into required yard areas is not necessary and provided that the following conditions are met:
  - (1) When converted, no dwelling unit shall contain a floor area of less than six hundred (600) square feet.

- (2) The effect of said conversion does not increase the lot coverage to more than fifty percent (50%).
- (3) Conversion is prohibited in the event a lot is less than sixty (60) feet in width. (Ord. 2011-15. Passed 9-28-11.)

**1139.04 AREA, HEIGHT, BULK AND PLACEMENT.**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in the following table and as further provided in Chapter 1167, "Schedule of Regulations".

Minimum Lot Size

Width in Feet - 90

Area in Square Feet- 12,500

Maximum Height of Building

In Stories - 2

In Feet- 35

Minimum Yard Setback in Feet

Front- 25

Side- 10

Rear -35

Sum of Side - 20

Maximum Percent of Lot To Be Occupied

30%

(Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1141**  
**Third Density Residential District (R-3)**

<b>1141.01</b>	<b>Statement of purpose.</b>	<b>1141.04</b>	<b>Site and landscape plan review.</b>
<b>1141.02</b>	<b>Principal permitted uses.</b>	<b>1141.05</b>	<b>Area, height, bulk and placement.</b>
<b>1141.03</b>	<b>Conditionally permitted uses.</b>		

**CROSS REFERENCES**

Accessory uses - see P. & Z. Ch. 1147  
Schedule of regulations - see P. & Z. Ch. 1167  
Home occupations - see P. & Z. Ch. 1173  
Fences- see P. & Z. 1175.01  
Signs- see P. & Z. 1177.02

**1141.01 STATEMENT OF PURPOSE.**

The R-3 District is designed to provide for a multiple housing environment with townhouses and garden apartments constituting the principal type dwelling accommodations. The district is adequately supported with necessary public utilities. Planned Unit Development which combines various dwelling types within the open space environment is encouraged to locate in this zoning district. (Ord. 2011-15. Passed 9-28-11.)

**1141.02 PRINCIPAL PERMITTED USES.**

The following provisions apply to all Third Density Residential Districts. In the R-3 District no person shall hereafter use any building or structure except in accordance with the following provisions:

- (a) All principal permitted uses in the R-1 and R-2 Districts;
- (b) Multiple-family dwelling units including apartments, townhouses and row houses;
- (c) Nursery schools, day nurseries and child care centers (not including dormitories).

**1141.03 CONDITIONALLY PERMITTED USES.**

- (a) All conditional permitted uses in an R-1 and R-2 District.
- (b) Hospitals, provided the following conditions are met:
  - (1) All such hospitals shall be developed only on sites consisting of at least ten (10) acres.
  - (2) The proposed site shall have at least one (1) property line abutting a major thoroughfare (a thoroughfare of at least sixty (60) feet of right-of-way existing or proposed). All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.

- (3) In the event one (1) or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back for the initial one hundred (100) foot setback an additional one (1) foot for each five (5) feet of height above two (2) stories.
- (4) The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while for buildings above two (2) stories, regardless of what zoning district is adjacent, the proposed hospital site in which it is situated shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.
- (5) The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet.
- (6) Ambulance and delivery areas shall be obscured from all residential view with a wall or barrier of suitable material at least six (6) feet in height and said wall or barrier shall be further subject to the requirements of Chapter 1175. Ingress and egress to the site shall be directly from a major thoroughfare (a thoroughfare of at least sixty (60) feet of right-of-way, existing or proposed).

(c) Housing for the elderly, which shall not exceed a height of two and one-half (2-1/2) stories. All housing for the elderly shall be provided as a planned development consisting of at least one ( 1) acre and may provide for the following:

- (1) Cottage type dwellings and/or apartment type dwelling units.
- (2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounges, and workshops.
- (3) All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
- (4) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) percent of the total site exclusive of any dedicated public right-of-way.

(d) Convalescent and/or nursing home when the following conditions are met:

- (1) The site shall be developed as to create a land-to-building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home, there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscaping setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory use.
- (2) No building shall be closer than forty (40) feet from any property line.

(e) Boarding house (rooming house) not to exceed a height of two and one-half (2- 1/2) stories, provided that no more than six ( 6) guests live there.

(f) Accessory buildings and uses customarily incidental to any of the above uses.  
(Ord. 2011-15. Passed 9-28-11.)

**1141.04 SITE AND LANDSCAPE PLAN REVIEW.**

(a) For all uses permitted in the R-3 District, a site plan shall be submitted to the Village Zoning Inspector who in turn shall submit the plan to the Village Zoning Board of Appeals for their review and recommendations. The Zoning Board of Appeals may require certain modifications in terms of the location of buildings, parking and driveways, and may require screening and the landscaping techniques to ameliorate the problem of contiguous boundaries or to lessen the transmission of noise from the public street system. The Zoning Board of Appeals shall within thirty (30) days, advise the Village Zoning Inspector of their recommendations. The Village Zoning Inspector shall consider these requirements as binding upon him with the same force and effect as if they were included in the Zoning Ordinance.

(b) The Zoning Board of Appeals shall furnish the Village Zoning Inspector with their procedures relative to the site plan.  
(Ord. 2011-15. Passed 9-28-11.)

**1141.05 AREA, HEIGHT, BULK AND PLACEMENT.**

Area, height, bulk and placement requirements, see "Schedule of Regulations", Chapter 1167. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1145**  
**Manufactured Home District (M-H)**

**1145.01 Permitted uses.**

**1145.02 General park site and development standards.**

**CROSS REFERENCES**  
Manufactured homes- see Ohio R.C. Ch. 3733

**1145.01 PERMITTED USES.**

(a) Manufactured homes, single and multi-sectional manufactured homes, and mobile homes.

(b) Accessory buildings or structures for park management or park resident use only and not exceeding two (2) stories or twenty-five (25) feet in height.

(c) One (1) identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than fifty (50) square feet in surface area nor have any moving parts, nor stand higher than fifteen ( 15) feet from the ground to the top of the sign, nor less than nine (9) feet from the ground to the bottom of the sign.

(d) Not more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the Manufactured Home Park. In no case shall the sign be larger than two (2) square feet in surface area, not having any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign. (Ord. 2011-15. Passed 9-28-11.)

**1145.02 GENERAL PARK SITE AND DEVELOPMENT STANDARDS.**

(a) Shall contain a minimum of four (4) acres.

(b) Shall provide an adequate supply of municipal water.

(c) Shall provide an adequate system of collective sanitary sewers, sewage treatment and disposal and refuse pick-up areas. These areas must be screened or fenced in on a hard surface area with adequate containers.

(d) Shall provide a clearly defined minimum lot area of three thousand (3,000) square feet with a minimum lot width of forty ( 40) feet and seven hundred fifty (750) feet of floor area of each manufactured home or trailer.

(e) Shall provide a minimum of twenty (20) feet clearance between the individual mobile homes or trailer and a fifty (50) foot setback from any property line bounding the Manufactured Home Park.

(f) All manufactured home spaces shall abut upon a paved driveway of not less than twenty (20) feet in width, which shall be unobstructed access to a private or public street.

(g) A safe, usable, developed recreation area shall be conveniently located in each Manufactured Home Park and shall not be less than ten percent (10%) of the gross area of the tract.

(h) All manufactured home development shall further comply with Chapter 3733 of the Ohio Revised Code and Ohio Department of Health.

(i) All manufactured homes must be properly skirted.

(j) Manufactured Home Parks shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Board. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge of dense planting of evergreen shrub not less than four (4) feet in height may be substituted.  
(Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1147**  
**Accessory Uses in Residential Districts**

**1147.01 Accessory buildings in residential districts.**

**1147.02 Private swimming pools in residential districts.**

**CROSS REFERENCES**

First Density Residential District (R-1) - see P. & Z. Ch. 1137

Second Density Residential District (R-2) - see P. & Z. Ch. 1139

Third Density Residential District (R-3) - see P. & Z. Ch. 1141

**1147.01 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS.**

In residentially zoned districts, accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- (a) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- (b) Accessory buildings can be erected in a side or rear yard. Accessory buildings on a corner lot of record, that conflict with required yards shall be submitted to the Board of Zoning Appeals for a variance. Their decisions as to extent and location shall be compatible with the intent of this Ordinance.
- (c) An accessory building not exceeding one (1) story or eighteen (18) feet in height from the finished grade to the peak of the building, nor shall it exceed the height of the main building under any circumstance. It may not occupy more than twenty-five percent (25%) of the required rear yard, plus forty percent (40%) of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building or ten percent (10%) of the total lot, whichever is the lesser.
  - (1) A detached accessory building shall maintain a proportional distance of 2.5 feet for every foot in height (2.5:1) from the main building. Said distance shall be measured from the finished grade to the peak.
  - (2) An accessory building shall maintain a proportional distance of 1 foot for every foot in height (1: 1) from the side and/or rear lot line. Said distance shall be measured from the finished grade to the peak.
- (d) In those instances where the rear lot line is conterminous with an alley right-of-way, under no circumstance shall any accessory building be located within a dedicated easement right-of-way.  
(Ord. 2011-15. Passed 9-28-11.)

**1147.02 PRIVATE SWIMMING POOLS IN RESIDENTIAL DISTRICTS.**

Private swimming pools, inclusive of in-ground, above-the-ground, portable, seasonal, or capable of containing water to a depth greater than 18" and 6 feet or greater in diameter, located in residential districts are subject to the following conditions:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
- (b) It may not be located, including any walks or paved areas or accessory structure adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located;
- (c) The swimming pool, or the entire property on which it is located, shall be walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and maintained in good condition with a secure gate.  
(Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1151  
General Business (C-1)**

<b>1151.01</b>	<b>Statement of purpose.</b>	<b>1151.04</b>	<b>Required conditions.</b>
<b>1151.02</b>	<b>Principal permitted uses.</b>	<b>1151.05</b>	<b>Area, height, bulk and placement.</b>
<b>1151.03</b>	<b>Conditionally permitted uses.</b>		

**CROSS REFERENCES**

Schedule of regulations - see P. & Z. Ch. 1167

Fences- see P. & Z. 1175.02

Signs- see P. & Z. Ch. 1177

**1151.01 STATEMENT OF PURPOSE.**

The General Business District is designed to cater to the needs of the community as a whole and is generally characterized by an integrated or planned cluster of establishments served by common parking areas.

(Ord. 2011-15. Passed 9-28-11.)

**1151.02 PRINCIPAL PERMITTED USES.**

(a) Personal services which are performed on the premises, such as barber and beauty shops, laundry and dry cleaning, and laundromats.

(b) Offices, banks, and loan associations.

(c) Professional activities such as doctors, lawyers, dentists, chiropractors, and consulting offices.

(d) Restaurants and taverns.

(e) Entertainment facilities, such as theaters, night clubs, and bowling alleys.

(f) Printing and publishing.

(g) Private and non-profit clubs, fraternal organizations, and lodge halls.

(h) Shops for sale of baked goods, packaged beverages, including liquor outlets, confectionary, drugs, flowers, foodstuffs, including meats, hardware, hobby equipment, jewelry, notions, paint, periodicals, various household articles, antique shops, gift shops, bookstores, grocery stores, video stores, and veterinary clinics, exclusive of outdoor kennels.

- (i) Accessory uses and structures customarily incidental to the above permitted uses.
- (j) Similar uses not listed above or in any subsequent use classification and determined to be similar in use by the Planning & Zoning Board.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1151.03 CONDITIONALLY PERMITTED USES.**

(a) Automobile Service Station, Sales and Repair. Automobile service station for the sale of gasoline, oil and minor accessories, and minor repair which does not include steam cleaning or undercoating, vehicle body repair, painting, auto glass work, tire recapping and such other activities which could be adverse to the neighborhood.

- (1) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- (2) The minimum lot area shall be twenty thousand (20,000) square feet, and as nearly rectangular as possible, and so arranged that ample space is available for motor vehicles which are required to wait for service.

(b) Farm implement sales and service and accessory equipment peculiar to the below listed conditions:

- (1) All repairs shall be conducted within a wholly enclosed building.
- (2) Outdoor areas used for display shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
- (3) Points of ingress and egress to the lot shall be a distance of at least one hundred (100) feet from the intersection of any two (2) streets.
- (4) All lighting shall be shielded from adjacent residential districts.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1151.04 REQUIRED CONDITIONS.**

- (a) All lighting shall be shielded from residential districts.
- (b) All business activity and services where otherwise specified, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- (c) A planting strip at least fifteen (15) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall, fence, or barrier of suitable material not less than six (6) feet high shall be constructed along those property lines which abut an established residential district.
- (d) All parking lots serving the public shall be paved.
- (e) A site plan depicting the main building and accessory uses including vehicular movement, parking areas and landscaping shall be submitted to the Zoning Inspector and Planning Commission for review. (Ord. 2011-15. Passed 9-28-11.)

#### **1151.04 AREA, HEIGHT, BULK AND PLACEMENT.**

Area, height, bulk and placement requirements, see "Schedule of Regulations", Chapter 1167. (Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1153**  
**Highway Commercial District (C-2)**

<p><b>1153.01</b> Statement of purpose.</p> <p><b>1153.02</b> Principal permitted uses.</p> <p><b>1153.03</b> Conditionally permitted uses.</p>	<p><b>1153.04</b> Required conditions.</p> <p><b>1153.05</b> Area, height, bulk and placement.</p>
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**CROSS REFERENCES**

Schedule of regulations- see P. & Z. Ch. 1167  
Fences- see P. & Z. 1175.02  
Signs- see P. & Z. Ch. 1177

**1153.01 STATEMENT OF PURPOSE.**

The Highway Commercial District (C-2) is to provide areas for services required primarily by the transient motoring public.

- (a) To provide in appropriate and convenient locations, districts of sufficient size for the exchange of goods and services and other business activities.
  - (b) To protect adjacent residential neighborhoods by regulating uses, particularly at the common boundaries which would create hazards, noise, odors, or other objectionable influences.
  - (c) To promote the most desirable land uses and traffic patterns in the community.
- (Ord. 2011-15. Passed 9-28-11.)

**1153.02 PRINCIPAL PERMITTED USES.**

- (a) Motels and Hotels;
- (b) Nurseries and greenhouses having a retail outlet on the premises;
- (c) Car washes;
- (d) Drive-in establishments such as restaurants, banks, drive-thru's and drive-up facilities;
- (e) Monument works having a retail outlet on the premises;
- (f) Retail sales in open yards;
- (g) Those uses permitted in the General Business District (C-1);

- (h) Accessory uses customarily incident to any of the above permitted uses;
- (i) Similar uses not listed above or in any subsequent use classification and determined to be similar in use by the Planning Commission.  
(Ord. 2011-15. Passed 9-28-11.)

### **1153.03 CONDITIONALLY PERMITTED USES.**

**Planned Shopping Center and Outlet Stores.** When used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site of three (3) acres; a supporting population of at least five hundred (500) families, or 1,500 people; three (3) to ten (10) stores; and a floor area of five thousand (5,000) square feet to fifty (50,000) square feet with one (1) major tenant and which further satisfies the following development standards:

- (a) A site plan defining the areas to be developed for building, parking, pedestrian and vehicular circulation, points of ingress and egress, access streets, location and size of signs, and a landscape plan shall be submitted for approval to determine compliance with the requirements of this Ordinance.
- (b) A traffic survey shall be submitted indicating the effect of the proposed development on adjacent streets and also indicating the effect of the points of origin, direction, and amount of traffic flow to and from the shopping center.
- (c) The proposed site shall have at least one (1) property line abutting a major thoroughfare (a thoroughfare of at least sixty (60) feet of right-of-way existing or proposed). All ingress and egress to off-street parking, as well as any other uses of the facilities, shall be directly from a major thoroughfare. Collector roads may be required by the Planning Commission.
- (d) No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
- (e) All signs shall be affixed to the face of the building and shall be of a uniform design throughout, except for one (1) ground pole sign advertising the name of the shopping center possessing a sign no greater than fifty (50) square feet.
- (f) A statement of financial responsibility shall be submitted to assure construction of the planned shopping center; in accordance with the plan and the requirements of this section.
- (g) Interior Parking (exceeding 5,000 sq. ft.) Landscape Islands. At least eight percent (8%) of the vehicular use area will be landscaped. Each landscaped island shall be at least 100 sq. ft. in area with sides measuring at least five ft. in length.  
(Ord. 2011-15. Passed 9-28-11.)

### **1153.04 REQUIRED CONDITIONS.**

- (a) All lighting shall be shielded from residential districts.
- (b) All business activity and services where otherwise specified, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- (c) A planting strip at least fifteen (15) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall, fence, or barrier of suitable material not less than six (6) feet high shall be constructed along those property lines which abut an established residential district.

(d) All parking lots serving the public shall be paved.

(e) A site plan depicting the main building and accessory uses including vehicular movement, parking areas and landscaping shall be submitted to the Zoning Inspector and Planning Commission for review.

(Ord. 2011-15. Passed 9-28-11.)

**1153.05 AREA, HEIGHT, BULK AND PLACEMENT.**

Area, height, bulk and placement requirements, see "Schedule of Regulations", Chapter 1167. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1157**  
**Light Industrial District (M-1)**

<p><b>1157.01</b> Statement of purpose.</p> <p><b>1157.02</b> Principal permitted uses.</p> <p><b>1157.03</b> Conditionally permitted uses.</p> <p><b>1157.04</b> Industrial performance standards.</p>	<p><b>1157.05</b> Review and approval.</p> <p><b>1157.06</b> Area, height, bulk and placement.</p>
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**CROSS REFERENCES**

Schedule of regulations - see P. & Z. Ch. 1167  
Fences- see P. & Z. 1175.02  
Signs- see P. & Z. Ch. 1177

**1157.01 STATEMENT OF PURPOSE.**

The intent of these regulations is to encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth, protection from blight, deterioration, non-industrial encroachment, and efficient traffic movement including employee and truck traffic. The area, height, bulk and placement regulations, as well as use regulations, reflect the intent of this district.

(Ord. 2011-15. Passed 9-28-11.)

**1157.02 PRINCIPAL PERMITTED USES.**

Any of the following uses are principal permitted uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. This portion of the land used for open storage facilities, for materials or equipment used in the manufacturing, compounding, final product storage, or processing, shall be totally obscured by a six (6) foot privacy fence on those sides abutting any residential district and on any front yard abutting on a public thoroughfare.

- (a) Wholesale and Warehousing. The sale of wholesale or warehousing of automobile equipment, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, petroleum bulk stations and terminals, tobacco and tobacco products, beer, wine and distilled alcoholic beverages, paper and paper products, furniture and home furnishing, and any commodity which is permitted to be manufactured in this district.

- (b) Industrial Establishments.
- (1) The assembly, fabrication, manufacture, or treatment of products such as candy, drugs, cosmetics, and toiletries, musical instruments, toys, novelties, electrical instruments and appliances, electronic equipment, pottery and figurines or other similar ceramic products using only previously pulverized clay.
  - (2) The assembly, fabrication, manufacture, or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious and semi-precious metals or stones, sheet metal (excluding large stamping such as automobile fenders or bodies), shell, wax, wire, wood, (excluding saw and planing mills) and yams.
  - (3) Tool and die shops, metal working machine shops involving the use of grinding or cutting tools such as manufacturing tools, dies, jigs, fixtures, publishing, printing, or forming of box, carton, and cardboard products.
- (c) Public Utility Uses. Electric transformer station and substation, electric transmission towers, municipal sewage treatment plant, municipal buildings, and gas regulator and municipal utility pumping station.
- (d) Accessory Buildings. Any uses customarily incidental to the above Principal Permitted Uses, including living quarters of a watchman or caretaker. (Ord. 2011-15. Passed 9-28-11.)

#### **1157.03 CONDITIONALLY PERMITTED USES.**

##### Adult Business Establishments

- (a) Adult businesses shall not be located within:
- (1) 500 ft. of residential zoned districts;
  - (2) 1,000 ft. of any other adult business; and
  - (3) 500 ft. of a day care center, church, public parks, schools, libraries or other public buildings.
- The distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
- (b) "Adult Business Establishments" shall follow all of the density, setback, and parking requirements of the respective districts and all other zoning, building, and state requirements.
- (c) All building openings, entries, windows, etc. shall be located, covered, or otherwise arranged in such a manner as to prevent a view into the interior of the use. (Ord. 2011-15. Passed 9-28-11.)

#### **1157.04 INDUSTRIAL PERFORMANCE STANDARDS.**

(a) Refuse. No garbage, rubbish, waste matter, or empty containers shall be permitted outside any building unless contained in an approved refuse container.

(b) Liquid Waste Material. Liquid waste shall not be discharged into an open reservoir, stream or other open body of water or sewer, unless treated so that solids, alkalies, or other chemicals do not exceed the amount as permitted by the Ohio Environmental Protection Agency. If using the municipal sewer system for disposal of treated water, treated water must be discharged into a designated storm line.



(c) Emission of Pollutants. Emission of any atmospheric pollutant shall not exceed the level permitted by Federal or State of Ohio regulations.

(d) Glare. No direct or reflected glare which is visible from any property outside the district or from any public street, road, or highway is permitted.

(e) Erosion. No erosion, by either wind, or water, which carries objectionable substances onto neighboring properties shall be permitted.

(f) Noise. Objectionable noise due to volume, frequency or beat shall be muffled or otherwise controlled.

(g) Storage. The storage of production materials and equipment shall be screened or placed in a building. (Ord. 2011-15. Passed 9-28-11.)

#### **1157.05 REVIEW AND APPROVAL.**

Before any action thereon, the proposed use shall be referred to the Planning Commission for study. The following requirements shall be met:

(a) A site plan defining the area to be developed for buildings, parking, vehicular circulation, ingress and egress, loading provisions and location of all utilities.

(b) Yard Screening and Landscaping. Whenever an industrial building is located on a lot which adjoins a residential district, a side or rear yard of not less than twenty (20) feet shall be provided. The Planning Commission may require a wall or fence inside the industrial district line to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing paper and dust, and to reduce the visual encroachment of industrial buildings, signs and activity. The area between such wall or fence and property line shall be treated with plantings to form a permanent landscaped area. Landscaping plans must be submitted to the Planning Commission prior to approval.

(Ord. 2011-15. Passed 9-28-11.)

#### **1157.06 AREA, HEIGHT, BULK AND PLACEMENT.**

Area, height, bulk and placement requirements, see "Schedule of Regulations", Chapter 1167. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1159**  
**General Industrial District (M-2)**

<p><b>1159.01</b> Statement of purpose.</p> <p><b>1159.02</b> Principal permitted uses.</p> <p><b>1159.03</b> Conditionally permitted uses.</p>	<p><b>1159.04</b> Industrial performance standards.</p> <p><b>1159.05</b> Review and approval.</p> <p><b>1159.06</b> Area, height, bulk and placement.</p>
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**CROSS REFERENCES**

Schedule of regulations- see P. & Z. Ch. 1167  
Fences- see P. & Z. 1175.02  
Signs- see P. & Z. Ch. 1177

**1159.01 STATEMENT OF PURPOSE.**

The intent of this District is to permit certain industrial uses to locate in desirable areas of the Village based upon the Comprehensive Development Plan for the Village of Fayette, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specified industrial operations requiring good access by road, and needing special sites or public and utility services. Reasonable regulations apply to uses in this District, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas of the Village. Uses which are incompatible with the permitted industrial uses are prohibited. (Ord. 2011-15. Passed 9-28-11.)

**1159.02 PRINCIPAL PERMITTED USES.**

- (a) All uses permitted in the M-1 District;
- (b) Industrial Establishments:
- (1) The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, electrical fixtures, and other electrical apparatus and hardware.
  - (2) Processing, refining, or storage of food and foodstuffs.
  - (3) Breweries, machine shops, metal buffing, plastering and polishing shops, millwork, lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops.
  - (4) Accessory buildings and uses customarily incidental to the above principal permitted uses, including living quarters of a watchman or caretaker.
  - (5) Any other uses similar to any of the above principal permitted uses.
- (Ord. 2011-15. Passed 9-28-11.)

**1159.03 CONDITIONALLY PERMITTED USES.**

The following uses may be permitted by the Board of Zoning Appeals pursuant to Chapter 1123 and subject to the following provisions:

- (a) **Salvage Yards**, subject to the following conditions:
  - (1) The area of use shall be completely enclosed by a eight (8) foot, nontransparent fence, which shall be maintained to the satisfaction of the Zoning Inspector, subject to review by the Board of Zoning Appeals.
  - (2) The area of use shall also be surrounded by fifteen (15) feet in width of landscaping, with plantings adequate enough to provide a buffer between the junkyard and abutting uses or public rights of way.
  - (3) No open burning shall be permitted without the prior, specific written permission of the Fire Department.
  - (4) No material or vehicles shall be stacked higher than eight (8) feet within three hundred (300) feet of a property line abutting a public right-of-way or a more restrictive district and shall not be able to be viewed from any right-of-way.
  - (5) The off-street parking area should be provided as follows: one (1) space for each employee; and if there is a sale or sales of parts or services, in combination with the junkyard, there shall be one (1) space for each ten (10) acres in excess of thirty (30) acres; or, in the discretion of the Board of Zoning Appeals, one (1) space for each three hundred (300) square feet of floor area.
  - (6) All off-street parking should be behind the right-of-way, contiguous and easily accessible.
  - (7) Reasonable provision of surface and sub-surface drainage, as shown by appropriate studies and plans, so as to maintain access to the storage yard during periods of heavy rainfall or snow melt. The proposed drainage shall not impede the drainage of the surrounding lands.
  - (8) The Salvage Yard shall not be permitted to contain noxious weeds that are about to spread to mature seeds.
- (b) **Adult Business Establishments.**
  - (1) Adult businesses shall not be located within:
    - A. 500 ft. of residential zoned districts;
    - B. 1,000 ft. of any other adult business; and
    - C. 500 ft. of a daycare center, church, public parks, schools, libraries or other public buildings.
  - (2) The distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
  - (3) "Adult Business Establishments" shall follow all of the density, setback, and parking requirements of the respective districts and all other zoning, building, and state requirements.
  - (4) All building openings, entries, windows, etc. shall be located, covered, or otherwise arranged in such a manner as to prevent a view into the interior of the use.  
(Ord. 2011-15. Passed 9-28-11.)

**1159.04 INDUSTRIAL PERFORMANCE STANDARDS.**

(a) Refuse. No garbage, rubbish, waste matter, or empty containers shall be permitted outside any building unless contained in an approved refuse container.

(b) Liquid Waste Material. Liquid waste shall not be discharged into an open reservoir, stream or other open body of water or sewer, unless treated so that solids, alkalies, or other chemicals do not exceed the amount as permitted by the Ohio Environmental Protection Agency. If using the municipal sewer system for disposal of treated water, treated water must be discharged into a designated storm line.

(c) Emission of Pollutants. Emission of any atmospheric pollutant shall not exceed the level permitted by Federal or State of Ohio regulations.

(d) Glare. No direct or reflected glare which is visible from any property outside the district or from any public street, road, or highway is permitted.

(e) Erosion. No erosion, by either wind, or water, which carries objectionable substances onto neighboring properties shall be permitted.

(f) Noise. Objectionable noise due to volume, frequency or beat shall be muffled or otherwise controlled.

(g) Storage. The storage of production materials and equipment shall be screened or placed in a building. (Ord. 2011-15. Passed 9-28-11.)

**1159.05 REVIEW AND APPROVAL.**

Before any action thereon, the proposed use shall be referred to the Planning Commission for study. The following requirements shall be met:

(a) A site plan defining the area to be developed for buildings, parking, vehicular circulation, ingress and egress, loading provisions and location of all utilities.

(b) Yard Screening and Landscaping. Whenever an industrial building is located on a lot which adjoins a residential district, a side or rear yard of not less than twenty (20) feet shall be provided. The Planning Commission may require a wall or fence inside the industrial district line to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing paper and dust, and to reduce the visual encroachment of industrial buildings, signs and activity. The area between such wall or fence and property line shall be treated with plantings to form a permanent landscaped area. Landscaping plans must be submitted to the Planning Commission prior to approval.

(Ord. 2011-15. Passed 9-28-11.)

**1159.06 AREA, HEIGHT, BULK AND PLACEMENT.**

Area, height, bulk and placement requirements, see "Schedule of Regulations", Chapter 1167. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1163**  
**Planned Industrial/Business Park (M-3)**

<b>1163.01</b>	<b>Statement of purpose.</b>	<b>1163.06</b>	<b>Performance standards.</b>
<b>1163.02</b>	<b>Principal permitted uses.</b>	<b>1163.07</b>	<b>Landscape buffers.</b>
<b>1163.03</b>	<b>Site plans.</b>	<b>1163.08</b>	<b>Signage.</b>
<b>1163.04</b>	<b>Site plan review.</b>	<b>1163.09</b>	<b>Area, height, bulk and placement.</b>
<b>1163.05</b>	<b>Access management.</b>		

**CROSS REFERENCES**

Schedule of regulations - see P. & Z. Ch. 1167  
Fences - see P. & Z. 1175.02  
Signs - see P. & Z. Ch. 1177

**1163.01 STATEMENT OF PURPOSE.**

It is the intent of this zoning district to encourage a blend of compatible commercial and industrial uses, flexibility in a planned park setting, and to encourage the rural integrity of the district until the land is developed. It is also the intent to encourage easy vehicular access, but discourage congestion and haphazard development of the district.

(Ord. 2011-15. Passed 9-28-11.)

**1163.02 PRINCIPAL PERMITTED USES.**

(a) Commercial Uses Permitted.

- (1) Automobile service stations;
- (2) Motels and hotels;
- (3) Office equipment sales and repair;
- (4) Plumbing, carpentry, and electrical shop, including display, repair, and sale of merchandise;
- (5) Restaurants, serving alcoholic beverages, including drive-thru's;
- (6) Building services and supplies, including lumberyards;
- (7) Truck stops;
- (8) Electronic sales and home appliance services;
- (9) Furniture sales;
- (10) Gift and novelty sales;
- (11) Printing and supplies;
- (12) Carry-outs;
- (13) Car dealership and/or vehicle repair;

- (14) Auto washing facilities;
- (15) Banks;
- (16) Bowling alleys or a similar form of indoor commercial recreation;
- (17) Video stores;
- (18) Private clubs, fraternal organizations, and lodge halls;
- (19) Accessory uses and other structures; and
- (20) Uses customarily incidental to the above permitted uses.

<u>SIC Code</u>	<u>(b) Industrial Uses Permitted:</u>
	(1) Food and kindred products:
201	A. Meat products;
202	B. Dairy products;
203	C. Preserved fruits and vegetables;
204	D. Grain mill products;
205	E. Bakery products;
206	F. Sugar and confectionery products;
207	G. Fats and oils;
209	H. Miscellaneous food and kindred products; and
	(2) Tobacco products:
211	A. Cigarettes;
213	B. Chewing and smoking tobacco;
214	C. Tobacco stemming and redrying; and
	(3) Lumber and wood products:
242	A. Sawmills and planing mills;
243	B. Millwork, plywood and structural members;
244	C. Wood containers;
245	D. Wood buildings and mobile homes;
249	E. Miscellaneous wood products; and
	(4) Furniture and fixtures:
251	A. Household furniture;
252	B. Office furniture;
253	C. Public building and related furniture;
254	D. Partitions and fixtures;
259	E. Miscellaneous furniture and fixtures; and
	(5) Paper and allied products:
265	A. Paperboard containers and boxes;
267	B. Miscellaneous converted paper products; and
	(6) Printing and publishing:
271	A. Newspapers;
272	B. Periodicals;
273	C. Books;
274	D. Miscellaneous publishing;
275	E. Commercial printing;
276	F. Manifold business forms;
277	G. Greeting cards;
278	H. Blankbooks and bookbinding;
279	I. Printing trade services; and



- 281 (7) Chemicals and allied products:  
 282 A. Industrial inorganic chemicals;  
 283 B. Plastics materials and synthetics;  
 284 C. Drugs;  
 285 D. Soap, cleaners, and toilet goods;  
 286 E. Paints and allied products;  
 287 F. Industrial organic chemicals;  
 289 G. Agricultural chemicals;  
 H. Miscellaneous chemical products; and
- 295 (8) Petroleum and coal products:  
 A. Asphalt paving and roofing materials; and
- 305 (9) Rubber and miscellaneous plastics products:  
 306 A. Hose and belting and gaskets and packing;  
 308 B. Fabricated rubber products, NEC;  
 C. Miscellaneous plastics products, NEC; and
- 331 (10) Primary metal industries:  
 332 A. Blast furnace and basic steel products;  
 333 B. Iron and steel foundries;  
 335 C. Primary nonferrous metals;  
 336 D. Nonferrous rolling and drawing;  
 339 E. Nonferrous foundries (casting);  
 F. Miscellaneous primary metal products; and
- 341 (11) Fabricated metal products;  
 342 A. Metal cans and shipping containers;  
 343 B. Cutlery, hand tools and hardware;  
 344 C. Plumbing and heating, except electric;  
 345 D. Fabricated structural metal products;  
 346 E. Screw machines products, bolts, etc.  
 347 F. Metal forgings and stampings;  
 349 G. Metal services, NEC;  
 H. Miscellaneous fabricated metal products; and
- 351 (12) Industrial machinery and equipment:  
 353 A. Engines and turbines;  
 354 B. Construction and related machinery;  
 355 C. Metalworking machinery;  
 356 D. Special industry machinery;  
 357 E. General industrial machinery;  
 358 F. Computer and office equipment;  
 359 G. Refrigeration and service machinery;  
 H. Industrial machinery, NEC; and
- 361 (13) Electronic and other electric equipment  
 362 A. Electric distribution equipment;  
 363 B. Electrical industrial apparatus;  
 364 C. Household appliances;  
 365 D. Electric lighting and wiring equipment;  
 366 E. Household audio and video equipment;  
 367 F. Communication equipment;  
 369 G. Electronic components and accessories;  
 H. Miscellaneous electrical equipment and supplies; and

- (14) Transportation equipment:
- 371 A. Motor vehicles and equipment;  
 372 B. Aircraft and parts;  
 373 C. Ship and boat building and repair;  
 374 D. Railroad equipment;  
 375 E. Motorcycles, bicycles and parts;  
 376 F. Guided missiles, space vehicles, parts;  
 379 G. Miscellaneous transportation equipment; and
- (15) Instruments and related products:
- 381 A. Search and navigation equipment;  
 382 B. Measuring and controlling devices;  
 384 C. Medical instruments and supplies;  
 385 D. Ophthalmic goods;  
 386 E. Photographic equipment and supplies;  
 387 F. Watches, clocks, watch cases and parts; and
- (16) Miscellaneous manufacturing industries:
- 395 A. Pens, pencils, office, and art supplies; and  
 399 B. Miscellaneous manufactures.

(c) No residential uses will be permitted in the Planned Industrial/Business Park.

(d) All commercial uses shall be located within 500 ft. of the main road abutting the industrial/business park.

(e) Agricultural uses in the district shall be encouraged and maintained until the land is developed. (Ord. 2011-15. Passed 9-28-11.)

### **1163.03 SITE PLANS.**

(a) A site plan shall be required for each proposed development or use. The following is a list of the elements that shall be addressed in the site plan.

- |   |                                      |
|---|--------------------------------------|
| (a) Storm Water.                        | (g) Fencing.                         |
| (b) Building Locations.                 | (h) Utilities.                       |
| (c) Parking and Vehicular Traffic Plan. | (i) Elevations.                      |
| (d) Landscaping.                        | (j) Access Points.                   |
| (e) Lighting.                           | (k) Preliminary Architectural Plans. |
| (f) Setbacks and rights of way.         | (l) Proposed Uses.                   |

(Ord. 2011-15. Passed 9-28-11.)

### **1163.04 SITE PLAN REVIEW.**

(a) A site plan shall be submitted to the Fayette Planning Commission showing all buildings, parking areas and landscaping at a scale sufficient to permit the study of all elements of the plan. In addition, the site plan shall show all adjacent properties, including existing buildings, located within two hundred (200) feet of the proposed development. The plans shall meet the minimum required standards and designs of this section and the Village of Fayette Zoning Ordinance. Such review is necessary to secure proper relationships between parking areas, access drives, abutting public thoroughfares, landscaping, building, siting and open space.

(b) Within 30 days following submittal of the site plan, the Fayette Planning Commission shall notify applicants of any additional information needed to complete the application. Upon receipt of all additional information required, the Zoning Inspector shall have 15 days to approve or disapprove the site plan. (Ord. 2011-15. Passed 9-28-11.)

#### **1163.05 ACCESS MANAGEMENT.**

Any application that involves access to the State Highway System shall be submitted, by the Village Administrator, to the Ohio Department of Transportation for conformance with state standards. Where the applicant requires access to the State Highway System and a subdivision or site plan review is required, development review shall be coordinated with the Ohio Department of Transportation, as follows:

- (a) An access management/site plan review committee that includes representatives of ODOT traffic operations, access permitting, and the local government shall review the application. The committee shall inform the developer of what information will be required for access review. Information required of the applicant may vary depending upon the size and timing of the development, but shall at a minimum meet the requirements of this section.
- (b) Upon review of the application, the access management review committee shall advise the Fayette Planning Commission whether to approve the access application, approve with conditions, or deny the application. (Ord. 2011-15. Passed 9-28-11.)

#### **1163.06 PERFORMANCE STANDARDS.**

(a) Refuse. No garbage, rubbish, waste matter, or empty containers shall be permitted outside any building unless contained in an approved refuse container.

(b) Liquid Waste Material. Liquid waste shall not be discharged into an open reservoir, stream or other open body of water or sewer, unless treated so that solids, alkalies, or other chemicals do not exceed the amount as permitted by the Ohio Environmental Protection Agency. If using the municipal sewer system for disposal of treated water, treated water must be discharged into a designated storm line.

(c) Emission of Pollutants. Emission of any atmospheric pollutant shall not exceed the level permitted by Federal or State of Ohio regulations.

(d) Glare. No direct or reflected glare which is visible from any property outside the district or from any public street, road, or highway is permitted.

(e) Erosion. No erosion, by either wind, or water, which carries objectionable substances onto neighboring properties shall be permitted.

(f) Noise. Objectionable noise due to volume, frequency or beat shall be muffled or otherwise controlled.

(g) Storage. The storage of production materials and equipment shall be screened or placed in a building. (Ord. 2011-15. Passed 9-28-11.)

**1163.07 LANDSCAPE BUFFERS.**

(a) Arterial Roadways. A planting strip at least 10 feet wide shall be required along arterial roadway frontage to separate parking from roadway:

At a minimum, one shrub or tree shall be planted for every 50 sq. ft. of buffer area, with the remaining area to be planted with a vegetative ground cover.

(b) State Highways. A planting strip of at least 20 feet wide shall be required along state highways:

At a minimum, one shrub or tree shall be planted for every 50 sq. ft. of buffer area, with the remaining area to be planted with a vegetative ground cover.

(c) Interior Parking (exceeding 5,000 sq. ft.) Landscape Islands. At least eight percent (8%) of the vehicular use area will be landscaped.

Each landscape island will be at least 100 sq. ft. in size with sides measuring at least five ft. in length. (Ord. 2011-15. Passed 9-28-11.)

**1163.08 SIGNAGE.**

(a) Signs shall be placed on the ground. No pole signs will be permitted. One sign is permitted per development or tenant, except on corner lots. Two signs will be permitted on corner lots, with one sign allowed on each corner side.

(b) Integrated Sign Design Scheme. Designs for new/replacement signs should reflect consideration of material, color, overall shape and proportion in relation to those on adjacent/nearby property.

(c) Sign Lighting Specifications.

(1) Maximum of one 150 watt light per side (up to 40 sq. ft. in size), and

(2) Maximum of two 150 watt lights per side (larger than 40 sq. ft. in size).

(d) Wall Signs. The maximum size shall be determined by street-side building frontage. One sq. ft. of wall-sign face area for each linear ft. of building frontage or tenant space, up to a maximum of 70 sq. ft. (Ord. 2011-15. Passed 9-28-11.)

**1163.09 AREA, HEIGHT, BULK, AND PLACEMENT.**

(a) The front yard setback requirements on all state designated highways shall be 100 feet from the road right-of-way. There shall be a 20 ft. landscaping strip from the road right-of-way.

Parking lots will not be included in the 20 ft. landscaped area.

(b) All other setbacks shall follow the "Area, Height, Bulk, and Placement" requirements in Chapter 1167 of the Zoning Code, unless otherwise specified in this section.

(c) No structures shall be located within 100 feet of existing residential property and shall be landscaped, abutting said residential property.

(d) Minimum Area, Height, Bulk, and Placement Requirements.

Area	43,560 Sq. Ft.
Width	100 Ft.
Maximum Height	150 Ft.
Front Yard Setback	40 Ft. (On Arterial Roads)
Front Yard Setback	100 Ft. (On State Highways)
Side Yard Setback	20 Ft.
Rear Yard Setback	20 Ft.
% Maximum Lot Coverage	50%
% Minimum Landscaped	20%

(Ord. 2011-15. Passed 9-28-11.)



**TITLE SEVEN - Additional Zoning Standards**

- Chap. 1167. Schedule of Regulations.
- Chap. 1169. Planned Unit Development.
- Chap. 1171. Nonconforming Lots and Uses.
- Chap. 1173. Home Occupations.
- Chap. 1175. Fences, Walls and Other Barriers.
- Chap. 1177. Signs and Outdoor Advertising.
- Chap. 1179. Off-Street Parking and Loading.
- Chap. 1181. Wind Turbines.
- Chap. 1183. Demolition of Property.

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**CHAPTER 1167**  
**Schedule of Regulations**

**1167.01 Schedule.**

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**1167.01 SCHEDULE.**

Zoning Districts	Minimum Lot Size	Minimum Lot Width	Maximum Percentage of Lot to be Occupied (Principal and Accessory Building)	Maximum Height (of Principal Building)		Minimum Yard Dimensions (in feet)			
				Stories	Feet	Front	Side Yard		Rear
							One Side Yard	Sum of Side Yards	
R-1 First Density Residential *(D), *(F)	12,500	90	30%	2	35	25	10	20	35
R-2 Second Density Residential *(F)	12,500	90	30%	2	35	25	10	20	35
R-3 Third Density Residential *(F)	*(A), *(B)	100	30%	2-1/2	40	25	*(C)	*(C)	25
C-1 General Business	-	-	-	-	30	-	-	-	20
C-2 Highway Commercial	21,780	75	40%	2	30	40	20	40	20
M-1 Light Industrial	-	75	40%	2	30	40	20	40	20
M-2 General Industrial	-	75	40%	5	75	40	20	40	20
M-3 Planned Industrial/ Business	43,560	100	50%	10	150	*(E)	20	40	20
O-S Open Space	-	-	30%	2	45	50	20	40	40

\* Refer to NOTES.



## NOTES:

- A. Minimum land area required for each multiple dwelling unit in the R-3 District shall be as follows:

	<u>Multiple Dwelling Unit</u>	<u>Row or Terrace Dwelling</u>
Efficiency or one (1) bedroom unit	2,800 sq. ft.	3,800 sq. ft.
Two (2) bedroom unit	3,500 sq. ft.	4,900 sq. ft.
Three (3) bedroom unit	5,000 sq. ft.	6,300 sq. ft.
Four (4) or more bedroom unit	6,300 sq. ft.	7,000 sq. ft.

- B. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be as follows:

	Multiple Dwelling Unit
Efficiency apartment	350 sq. ft.
One (1) bedroom apartment	600 sq. ft.
Two (2) bedroom apartment	800 sq. ft.
Three (3) bedroom apartment	1,000 sq. ft.

- C. Each side yard shall be a minimum of twelve (12) feet and this space shall be increased by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in over all dimension along the adjoining lot line. Maximum building length shall not exceed two hundred (200) feet.
- D. See Zero Lot Line regulations in an R-1 District for side yard requirements.
- E. The front yard setback on arterial roads shall be 40 ft. The front yard setback on state highways shall be 100 ft.
- F. The minimum required floor space per dwelling unit shall be 1,000 square feet, excluding the garage. The minimum width shall be 24 feet. This does not apply to Manufactured Home Districts.

(Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1169  
Planned Unit Development (PUD)**

<b>1169.01 Purpose.</b>	<b>1169.06 Standards.</b>
<b>1169.02 Description.</b>	<b>1169.07 Changes to approved plan.</b>
<b>1169.03 Zoning applications procedure.</b>	<b>1169.08 Expiration and extension of approval period.</b>
<b>1169.04 Additional information.</b>	
<b>1169.05 Public hearing process.</b>	

**CROSS REFERENCES**

Planned Industrial/Business Park - see P. & Z. Ch. 1163

**1169.01 PURPOSE.**

The purpose of the Planned Unit Development (PUD) is to provide a means of development that is flexible and innovative when development of a site by standard, more rigid, conventional zoning district regulations may produce less efficient use of the land and less amenities and benefits for the community and users of the development, and to conserve, create, and protect natural features. Development under planned unit development provisions provides a means of encouraging ingenuity, imagination and flexibility on the part of land owners, engineers, architects, site planners and developers in the planning and design of land areas. It is not the intent of the planned unit development provisions to allow applicants to circumvent the intent of this Zoning Code or to allow development of land not in conformance with the Land Use Plan of the Village. (Ord. 2011-15. Passed 9-28-11.)

**1169.02 DESCRIPTION.**

The Planned Unit Development may be exclusively residential, commercial, or industrial; or a combination of commercial/industrial uses. Each district shall have at a minimum the following net acreage: Residential - 2 acres, Commercial - 5 acres, Industrial - 25 acres, and a combination commercial/industrial- 30 acres. The Village of Fayette Planning Commission shall review and find that the combination of uses meet the standards set forth. (Ord. 2011-15. Passed 9-28-11.)

**1169.03 ZONING APPLICATIONS PROCEDURE.**

The Planned Unit Development shall be submitted to the Zoning Inspector and processed pursuant to Administration and Enforcement. The applicant shall submit a "Request for PUD Designation" application with five (5) copies of the development plan along with the required application fee of \$100.00, plus \$20.00 per lot. The application shall include the following:

- (a) General Information.
- (1) Name, address and phone number of the applicant;
  - (2) Name and address of registered surveyor, engineer and/or landscape architect who prepared the plan;
  - (3) Legal description of the property;
  - (4) Present use of the property;
  - (5) Conceptual overview of the development;
  - (6) Proposed provision of utilities;
  - (7) Proposed ownership and maintenance of common open space; and
  - (8) Anticipated timing and phasing of the development.
- (b) Development Plan Information.
- (1) A vicinity/project location map;
  - (2) Location, type and density of development types;
  - (3) Conceptual drainage plan;
  - (4) Location and amount of open space(s);
  - (5) Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated;
  - (6) Maximum site coverage (not required for detached single-family PUD's);
  - (7) Topography at two foot contour intervals;
  - (8) Existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses;
  - (9) Street layout and names;
  - (10) Existing buildings to remain or to be removed, and if the existing buildings remain, indicate proposed use;
  - (11) All proposed signs excluding street signs;
  - (12) Proposed method of street lighting;
  - (13) Landscape material to be used and proposed locations;
  - (14) Location, area, and dimensions of all lots, setbacks, and building envelopes; and
  - (15) Required number of parking spaces and number of spaces proposed.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1169.04 ADDITIONAL INFORMATION.**

The Village of Fayette Planning Commission, or Zoning Inspector may require additional information such as professionally prepared maps, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense for this information is the responsibility of the applicant.

(Ord. 2011-15. Passed 9-28-11.)

#### **1169.05 PUBLIC HEARING PROCESS.**

(a) Upon the submittal of a complete application and plans as determined by the Planning Commission for a Planned Unit Development, a public hearing shall be called and a 30 day notice shall be given. All adjoining property owners shall be notified by mail as to the public hearing date.

(b) Upon the approval of the PUD by the Village Planning Commission, the recommendation of the Planning Commission shall be forwarded to the Village of Fayette Council and may at its discretion, conduct a public hearing. If approved, the PUD designation shall be officially placed on the Village Zoning Map.

(Ord. 2011-15. Passed 9-28-11.)

**1169.06 STANDARDS.****(a) General Provisions.**

- (1) The development shall be in conformance with the goals and objectives of the Village of Fayette Comprehensive Plan, Zoning Ordinance and applicable Subdivision Regulations (and as amended).
- (2) The uses are compatible with the proposed and existing surrounding land uses.
- (3) The arrangement of land uses and buildings on the site integrate the topography, natural features, views, traffic access and the arrangement of usable common open space.

**(b) Specific - Residential.**

- (1) The maximum number of dwelling units (DU's) permitted per one gross site acreage (GSA) is listed in the districts below. An additional dwelling unit is permitted in each district subject to each additional half (1/2) acre provided within the PUD as common and consolidated open space (which may include recreation areas, storm water retention areas, and natural areas).

<u>R-1 District</u>	<u>R-2 District</u>	<u>R-3 District</u>
4 DU's/GSA	4 DU's/GSA	9 DU's/GSA

- (2) No more than fifty percent (50%) of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway pavement, and parking area pavement.
- (3) No less than fifteen percent (15%) of the gross site acreage, (five percent (5%) of which may be a storm water retention facility), none of which is part of any yard or perimeter open space, shall be allocated to usable, accessible and consolidated, common open space and may be allocated on a plat by plat basis.
- (4) An open space area void of buildings, structures, parking areas, or other above-ground improvement shall be maintained along all perimeter property lines of the PUD as follows:
  - A. When abutting an R-District, an open space perimeter area shall be provided that has a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district.
  - B. When a residential area of a PUD abuts a "C" or "M" District, an open space perimeter shall be provided that has a minimum depth of seventy-five feet (75'). Building height shall be in accordance with the underlying zoning.
- (5) There may be no minimum lot size, lot width, building or structure setback requirements except as noted in subsection (b)(4) hereof.
- (6) Telephone, electrical, cable, and other utilities shall be underground.

**(c) Specific - Commercial.**

- (1) Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Chapter 1179, Off-Street Parking and Loading Requirements, and the number of spaces required shall be determined by each specific use within the PUD.

- (2) An open space area void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be maintained on all perimeter property lines of the PUD:
    - A. A minimum open space depth of forty feet (40') shall be provided unless a greater setback is required as listed in the underlying zoning district.
    - B. A minimum open space distance of seventy-five feet (75') shall be provided when abutting an "R" District.
  - (3) No less than fifteen percent (15%) of the gross lot acreage (five percent (5%) of which may be a storm water retention area), none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated, common open space.
  - (4) No more than fifty percent (50%) of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.
  - (5) Landscaping or screening for parking shall be required.
  - (6) There may be no minimum lot size, lot width, building or structure setback requirements except as provided in subsection (c)(2) hereof.
  - (7) Telephone, electrical, cable, and other utilities shall be underground.
- (d) Specific - Industrial.
- (1) Industrial Planned Unit Development shall utilize natural features to screen lighting and parking.
  - (2) Landscaping or screening for parking pursuant to Chapter 1179.
  - (3) A minimum open space width of seventy-five feet (75') void of buildings, structures, parking areas, or other above-ground improvements except fencing shall be provided and maintained on all perimeter property lines of the PUD unless a greater setback is required by this Zoning Ordinance.
  - (4) No less than fifteen percent (15%) of the GSA, none of which shall be a part of any yard, shall be allocated to usable, accessible and consolidated, common open space.
  - (5) There shall be no minimum lot size, lot width, building or structure requirements except as provided in subsection (d)(3) hereof.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1169.07 CHANGES TO APPROVED PLAN.**

- (a) Changes or alterations to the development plan as approved by the Planning Commission or Village of Fayette Council may be administratively reviewed and approved by the Zoning Inspector, except in the following circumstances:
- (1) Change in the overall acreage of the PUD;
  - (2) Any change in use in the PUD;
  - (3) Substantial alteration to open space areas and their location(s);
  - (4) A significant change in street pattern;
  - (5) A significant change in the landscape plan;
  - (6) An increase in the number of buildings; and
  - (7) Changes in the building/building envelope location(s).

(b) The changes or alterations listed in subsection (a) hereof shall be approved by the Planning Commission.  
(Ord. 2011-15. Passed 9-28-11.)

**1169.08 EXPIRATION AND EXTENSION OF APPROVAL PERIOD.**

If construction of any phase of the approved PUD begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the PUD shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit may be approved by the Village of Fayette Planning Commission.  
(Ord. 2011-15. Passed 9-28-11.)





**CHAPTER 1171**  
**Nonconforming Lots and Uses**

<p><b>1171.01 Intent.</b></p> <p><b>1171.02 Nonconforming structures.</b></p> <p><b>1171.03 Nonconforming uses of land.</b></p> <p><b>1171.04 Nonconforming uses of structures.</b></p>	<p><b>1171.05 Nonconforming lots of record.</b></p> <p><b>1171.06 Repairs and maintenance.</b></p> <p><b>1171.07 Notification of nonconforming uses.</b></p>
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**CROSS REFERENCES**  
Nonconforming uses- see Ohio R.C. 713.15

**1171.01 INTENT.**

Within the districts established by this Ordinance there exist:

- (a) Lots;
- (b) Structures;
- (c) Uses of land and structures; and
- (d) Characteristics of use

which were lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment of a building or premises or the addition of signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.

(Ord. 2011-15. Passed 9-28-11.)

**1171.02 NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity unless otherwise specified by the Board of Zoning Appeals.

- (b) Should such nonconforming structure or nonconforming portion of structure be destroyed, the Zoning Ordinance shall provide for the restoration, reconstruction, or substitution of nonconforming uses. Termination of nonconforming use shall occur when it is voluntarily discontinued for two years or more. Zoning permit regulations shall be followed and required as stated in Chapter 1121.
- (c) Should such structure be moved for any reason whatever, it shall after conform to the regulations of the district in which it is located after it is moved.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1171.03 NONCONFORMING USES OF LAND.**

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by regulations imposed by this Ordinance, and where such use involves no individual structure with an assessed value exceeding five hundred dollars (\$500.00) the use may be continued so long as it remains otherwise lawful, provided:

- (a) No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (c) If any such nonconforming use of land is voluntarily discontinued for a period of two (2) years or more, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- (d) No additional structure shall be erected in connection with such nonconforming use of land. (Ord. 2011-15. Passed 9-28-11.)

#### **1171.04 NONCONFORMING USES OF STRUCTURES.**

If lawful use involving individual structures, existing at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, can be changed to another nonconforming use provided that the proposed use is equally appropriate to the district as is the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
- (d) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two (2) consecutive years, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

- (e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate a nonconforming status of land. Destruction for the purpose of this Section is defined as damaged to an extent of more than sixty percent (60%) of the replacement costs at the time of destruction.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1171.05 NONCONFORMING LOTS OF RECORD.**

(a) In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. These provisions shall apply though such lot fails to meet the requirements for area or width, or both, that are generally applicable to the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

(b) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are on record at the time of passage, or amendment to this Ordinance, and if all or parts of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance. (Ord. 2011-15. Passed 9-28-11.)

#### **1171.06 REPAIRS AND MAINTENANCE.**

(a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done and is encouraged on ordinary repairing, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing. The repairs shall not increase the nonconformance of the structure or use.

(b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located. (Ord. 2011-15. Passed 9-28-11.)

#### **1171.07 NOTIFICATION OF NONCONFORMING USES.**

After the adoption of this Ordinance, or any amendments thereto, the Zoning Inspector shall prepare a record of all known non-conforming uses and occupants of land, buildings, and structures, including mobile homes existing at the time of such Ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Village Zoning Inspector. (Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1173  
Home Occupations**

<b>1173.01</b>	<b>Statement of purpose.</b>	<b>1173.05</b>	<b>Permitted home occupations.</b>
<b>1173.02</b>	<b>Definitions.</b>	<b>1173.06</b>	<b>Home occupations not permitted.</b>
<b>1173.03</b>	<b>Necessary conditions.</b>	<b>1173.07</b>	<b>Home occupation permit.</b>
<b>1173.04</b>	<b>Nameplate allowed.</b>		

**1173.01 STATEMENT OF PURPOSE.**

It is the intent of this chapter to eliminate as home occupations all uses except those that conform to the standards set forth in this chapter. The standards for home occupations in this chapter are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determination of whether a proposed accessory use qualifies as a home occupation.

(Ord. 2011-15. Passed 9-28-11.)

**1173.02 DEFINITION.**

A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one (1) or more persons, all of whom reside within the dwelling unit, and where no persons are employed other than resident and domestic help. The use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind; and any indoor storage, construction, alteration, or electrical or mechanical equipment used shall not change the fire rating of the structure or the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. When a use is a home occupation, it means that the owner, lessee, or other person who has a legal right to the use of the dwelling unit also has the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions which are applied in this Zoning Ordinance.

(Ord. 2011-15. Passed 9-28-11.)

**1173.03 NECESSARY CONDITIONS.**

Home occupations are permitted accessory uses in residential zones only so long as the following conditions are observed:

- (a) Such occupation shall be conducted solely by resident occupants in their residence.
- (b) No more than one (1) room or twenty-five percent (25%) of the gross area of one (1) floor of said residence, whichever is less, shall be used for such purpose. Use of accessory buildings for these purposes is prohibited.
- (c) No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.
- (d) There shall be no outside storage of any kind.
- (e) The use may increase vehicular traffic flow and parking by no more than one (1) additional vehicle on site at a time.
- (f) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances where a home occupation exists. (Ord. 2011-15. Passed 9-28-11.)

**1173.04 NAMEPLATE ALLOWED.**

One (1) nameplate shall be allowed. It may display the names of the occupant and/or the name of the home occupation (e.g. John Jones, Realtor). It shall not exceed two (2) square feet in area, shall be non-illuminated, and attached flat to the main structure or visible through a window. The limitations to one (1) nameplate is intended to apply to all lots, including corner lots. (Ord. 2011-15. Passed 9-28-11.)

**1173.05 PERMITTED HOME OCCUPATIONS.**

Home occupations include, but are not necessarily limited to the following:

- (a) Artists and sculptors;
- (b) Authors and composers;
- (c) Dressmakers, seamstresses, and tailors;
- (d) Family day care home, limited to not more than six (6) children at one time;
- (e) Home crafts, such as model making, rug weaving, lapidary work, and cabinet making;
- (f) Office facility of a minister, rabbi, or priest;
- (g) Office facility of a salesman, sales representative, or manufacturers representative, provided that no retail or wholesale transactions are made on the premises;
- (h) Office facility of an architect, artist, broker, computer operator, dentist, physician, engineer, instruction in arts and crafts, insurance agent, land surveyor, lawyer, musician, or real estate agent;
- (i) The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient. (Ord. 2011-15. Passed 9-28-11.)

**1173.06 HOME OCCUPATIONS NOT PERMITTED.**

Permitted home occupations shall not in any event be deemed to include the following:

- (a) Antique shop, unless specifically allowed as a special exception use;
- (b) Barbershop or beauty shop, unless specifically allowed as a special exception use;
- (c) Funeral chapel or funeral home;
- (d) Gift shop;
- (e) Medical or dental clinic or hospital;
- (f) Animal hospitals;
- (g) Dancing schools;
- (h) Nursery schools;
- (i) Private clubs;
- (j) Repair shops or service establishments.

(Ord. 2011-15. Passed 9-28-11.)

**1173.07 HOME OCCUPATION PERMIT.**

The Zoning Inspector shall require a permit as set forth in Section 1121.02 and review all applications for appropriateness before a permit is issued.

- (a) The Zoning Administrator may establish other requirements as necessary under each individual proposed use.
  - (b) A change in said ownership shall nullify the Home Occupation Permit.
  - (c) If the Home Occupation is not listed as a permitted use in this section, the Planning Commission shall determine if such use would be permitted as a home occupation.
- (Ord. 2011-15. Passed 9-28-11.)





**CHAPTER 1175**  
**Fences, Walls and Other Barriers**

**1175.01 Residential districts.****1175.02 Industrial/commercial districts.****1175.01 RESIDENTIAL DISTRICTS.**

(a) Side and Rear Yard Fences. Fences constructed within a side or rear yard shall not be higher than six ( 6) feet, except as provided herein.

(b) Front Yard Fences. No fence, wall or hedge shall rise over four (4) feet in height on any required front yard. No fence, wall or hedge planting shall interfere with visibility from a driveway or alley. Open ornamental fences, such as (but not limited to) split rail or board on post, shall be permitted in front yards. Privacy fences are not permitted in the front yard.

(c) Fences shall not contain barbed wire or electric current.

(d) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with the recorded lots shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not obstruct vision to the extent greater than twenty-five percent (25%) of their total area. Fences enclosing junkyards shall be at a minimum, eight (8) feet in height.

(e) Corner Lots. Fence placement on a corner lot shall conform to the rules of the front yard.

(f) Through Lots. Fences erected within the rear yard area shall maintain the required front yard setback of a standard lot.

(g) Maintenance. All permitted fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any grounds between such fences and property lines shall be well maintained at all times. Any such fences permitted on the property line shall be designed, constructed and finished so that the support members thereof shall face the property of the owner of the fence.

(h) Location of Fence Relative to Property Line. No fence other than chain link or any decorative fence with open cross member construction such as split rail consisting of no more than three cross members may be located within eighteen (18) inches of a property line unless by written and recorded agreement in the nature of an easement between the property owners allowing ingress and egress onto adjacent property to maintain and repair such fence for so long as such fence exists.

(i) Proof of Property Line. It shall be the duty of each property owner to determine and identify to the satisfaction of the Zoning Inspector their property lines, to ascertain that the fence thus constructed does not deviate from the plans as approved by the Zoning Inspector issuing permits and that such fence does not encroach upon another lot or parcel of land.  
(Ord. 2011-15. Passed 9-28-11.)

**1175.02 INDUSTRIAL/COMMERCIAL DISTRICTS.**

(a) Fences shall be permitted in any required yard for security or screening purposes. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding eight (8) feet above the finished grade.

(b) Fences shall be subject to plan review by the Zoning Inspector, and may be subject to additional landscaping or buffer requirements as provided for in the commercial and industrial zoning districts. (Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1177**  
**Signs and Outdoor Advertising**

<b>1177.01 Purpose.</b>	<b>1177.07 Signs in agricultural, residential, or public/open space districts.</b>
<b>1177.02 Definitions.</b>	<b>1177.08 Signs in commercial or industrial districts.</b>
<b>1177.03 General provisions.</b>	
<b>1177.04 Prohibited signs.</b>	
<b>1177.05 Exemptions.</b>	
<b>1177.06 Off-premise signs.</b>	

**CROSS REFERENCES**

Unlawful traffic signs- see TRAF. Ch. 313

**1177.01 PURPOSE.**

This section provides standards for the time, place and circumstances in the use of signs. These standards are to provide for the public health and safety, pedestrian and traffic safety, and to control adverse effects of signs on public and private property; and (where legislatively permitted) to provide for the general welfare of the public.  
(Ord. 2011-15. Passed 9-28-11.)

**1177.02 DEFINITIONS.**

(a) **Abandoned Sign:** A sign or sign structure which no longer identifies or advertises a business, service, owner, product, or activity, or is in disrepair. Such sign and sign structure shall be removed within 30 days of notice to the property owner by the Zoning Inspector.

(b) **Animated Sign:** A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means of power. Such signs have lights or illuminations that change the visual image depicted, including visual images that may flash, move, rotate, flicker, depict action, or create a scene, blink, vary in intensity or color, or use intermittent electrical impulses, scrolling text, or a sign which has revolving, or rotating parts or other visible mechanical movements. An animated sign does not include a Changeable Copy Sign.

(c) **Area Identification Sign:** A sign, which identifies a subdivision or a grouping of buildings whether residential, commercial, or industrial.

(d) **Awning/Canopy Sign:** A sign attached to an awning covering a doorway, window, or face of the building. Awning/Canopy signs are considered wall signs.

- (e) **Banner:** A temporary display including a sign on a flag, strip of lightweight material, paper, cloth, or fabric which may be located on the ground or attached to a building, another sign, or any other structure.
- (f) **Billboard:** (see off-premise sign)
- (g) **Building Face Or Wall:** All window and wall area of a building in one plane or elevation.
- (h) **Building Frontage:** The length of the outside building wall along a right-of-way.
- (i) **Changeable Copy Sign:** A sign, or portion thereof with letters, numbers, or illustrations that can be periodically manually changed or rearranged without altering the underlying or supportive face of or surface of the sign.
- (j) **Clearance of Sign:** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including its framework extending over that grade.
- (k) **Commercial Message:** Any wording, logo, or other visual copy that directly or indirectly identifies, advertises, or calls attention to a business, product, service, or other commercial activity.
- (l) **Copy:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic (logo), or alphabetic form.
- (m) **Directional Sign:** An on-premise sign that is designed to facilitate traffic flow, does not contain any advertising and provides direction to an on-premise place or object.
- (n) **Double-Faced Sign:** A sign with two faces.
- (o) **Electronic Message Center:** A sign whose visual display includes alphabetic, numeric or symbolic content that can be changed or altered on a fixed display screen composed of electronically illuminated segments.
- (p) **"Embellishment":** The decorative or ornamental structure or frame that contains a sign. Embellishments are not included in the square footage of the sign's area calculation; embellishments shall not exceed twenty-five percent (25%) of the single face area and shall not exceed the sign's maximum permitted height or be located within required setbacks.
- (q) **Exempted Signs:** Exempted from sign permit requirements.
- (r) **Facade:** The entire building front including the parapet.
- (s) **Flag:** Any fabric displaying the name insignia, emblem, colors, patterns or symbols used as a message of a political subdivision or private entity.

(t) **Future Development/Construction Sign:** A temporary, freestanding sign located on the premises of a proposed development/construction project that indicates the future construction or development of a building or area which may identify the architect, financial institution, contractor, subcontractor, and/or material supplier participating in the construction on the property.

(u) **Height:** The vertical distance measure from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever vertical distance is less.

(v) **Low Profile/Monument Sign:** A sign placed directly on the ground, and independent from any building or other structure on the lot.

(w) **Message:** The wording or copy on a sign, flag or pennant.

(x) **Non-Conforming Sign:** A sign which was placed on the lot legally, but which does not comply with Section 21 of this Resolution.

(y) **Off-Premise Sign (billboard):** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished on the lot on which said sign is located.

(z) **Pennant:** Any lightweight plastic, fabric, or any other material, frequently in a series, whether or not containing a message of any kind, suspended from a rope, wire, or string, designed to move in the wind.

(aa) **Pole Sign:** Any sign supported by upright structure(s) or support(s) that are anchored in the ground and that are independent from any building or other structure on the lot.

(bb) **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to: signs designed to be transported by wheels; "A" or "T" frame signs; menu and sandwich board signs; umbrellas used for advertising; and signs and/or copy attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used regularly in the usual and customary operations of the business.

(cc) **Political Sign:** A temporary sign used in connection with a local, state, or national governmental election or ballot, with respect to an issue or office.

(dd) **Projecting Sign:** A sign that projects more than fifteen inches (15") from a building wall or other structure and not specifically and solely designed to support the sign.

(ee) **Real Estate Sign:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

(ff) **Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof and located within the vertical extension(s) of the building exterior wall(s).

(gg) **Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person, entity, product, service, establishment, activity or sale which communicate information of any kind.

(hh) **Sign Area:** Total area of all sign faces. (For one (1) sign structure)

(ii) **Sign Face:** Area of the sign upon which copy can be placed.

(jj) **Sign Structure:** Any structure, which supports, has supported, or is capable of supporting a sign, including a decorative cover.

(kk) **Temporary Sign:** Any type of portable sign, flag, pennant, banner, balloon, garage sale sign, searchlight, twirling light, sandwich board, inflatable figures, or public election and candidate sign that is used temporarily or is not permanently mounted.

(ll) **Wall Sign:** A sign attached to, painted on, or placed against a wall of a building, with the sign face parallel to the building wall and extending away from the building wall parallel to the adjacent grade not more than fifteen (15") inches there from, which copy advertises the use carried on within such building.

(mm) **Window Sign:** Any sign placed inside a window located in a building or structure or upon the building's interior window panes or glass or an opening recessed from the building face such that the window sign is visible from the exterior of the premises.  
(Ord. 2011-15. Passed 9-28-11.)

### 1177.03 GENERAL PROVISIONS.

(a) Unless otherwise provided by this Ordinance, all new signs shall require a zoning certificate prior to the sign's installation. An application for a zoning certificate shall be made to the Zoning Inspector. Fees shall be in accordance with the Permit Fee Schedule as may be adjusted from time to time. No zoning certificate is required for the maintenance of a sign or for a change of copy on painted, printed, changeable copy signs, or electronic message centers so long as the sign area or structure is not modified in any way for the existing business.

(b) An application for a zoning certificate shall include the following information:

- (1) Name and address of the owner of the sign.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) The type of sign or sign structure as defined in this Ordinance.
- (4) A site plan with dimensions showing the proposed location of the sign with vertical and horizontal measurements from all property lines and right-of-ways along with the location of all existing signs and buildings on the same premises.
- (5) A drawing/picture of the proposed sign showing the following specifications: Dimensions, height from grade, copy, illumination, and construction details (materials, structural supports, and electrical components.)
- (6) A list of the total number and the square footage of existing and proposed signs on the premises.

(c) No sign shall be placed or project into any right-of-way. No sign shall obstruct traffic visibility at the road or highway intersections.

(d) If a sign is installed, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify the property owner and the sign owner or lessee thereof to alter such sign so as to comply with this Ordinance. Any owner, lessee, or sign contractor who installs a sign without a zoning certificate may be subject to three (3) times the normal fee schedule at the discretion of the Zoning Inspector.

(e) All signs, marquees, and awnings shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint. Signs which provide time and/or temperature readings shall be maintained to reflect current readings.

(f) All directional signs shall not exceed four (4) square feet per face with a maximum height of forty-two (42") inches. Such signs shall not contain the business name or logo. Directional signs are not included in the sign area calculations; a zoning certificate is required.

(g) The following regulations shall apply to Electronic Message Centers:

- (1) No more than one (1) electronic message center attached to a permitted on-premise freestanding sign shall be allowed per property.
  - (2) Each message displayed on an electronic message center must be static and must be depicted for a minimum of eight (8) seconds. When a message is changed, the change shall occur within three (3) seconds. The continuous scrolling of messages is prohibited.
  - (3) All electronic message centers shall have a dimming device for day/night operation. The illumination shall not create excessive brightness and/or pose a safety hazard to the public.
  - (4) No freestanding electronic message center shall exceed fifty (50%) percent of the total allowable square footage for any on-premise freestanding sign.
  - (5) The addition of any electronic message center to any non-conforming freestanding sign is prohibited.
- (Ord. 2011-15. Passed 9-28-11.)

#### **1177.04 PROHIBITED SIGNS.**

The following types of signs are prohibited in all districts:

- (a) Abandoned signs
  - (b) Animated signs
  - (c) Temporary and Portable Signs (except as provided for in this chapter)
  - (d) Any sign or other object attracting attention to a business that interferes with the safety of the traveling public.
  - (e) Roof Signs that exceed the highest point of the roof that the sign is installed upon or that expose bracing and other mounting materials.
  - (f) Signs that resemble or conflict with traffic control signs or signals.
  - (g) Signs or devices that emit audible sound, smoke, gas and/or odor.
  - (h) Window signs occupying greater than thirty percent (30%) of the total window area.
  - (i) Any sign containing obscene matter.
  - (j) Any sign unlawfully installed, erected, or maintained.
- (Ord. 2011-15. Passed 9-28-11.)

**1177.05 EXEMPTIONS.**

The following signs do not require a zoning certificate:

- (a) Government signs erected by the Village, County, State, or the Federal government in furtherance of their governmental responsibility.
- (b) Any sign wholly inside a building which does not exceed thirty percent (30%) of the total window area.
- (c) Informational signs attached to a building which do not exceed three (3) square foot and are limited to business identification, hours of operation, address, and emergency information of the occupant(s) of the building. Such signs shall be permitted in addition to other permitted signs.
- (d) Non-illuminated real estate signs not exceeding six (6) square feet in sign area for residentially zoned property and thirty-two (32) square feet in sign area for all non-residential districts, which advertises the sale, rental, or lease of the premises upon which such sign is located.
- (e) An on-premise non-illuminated real estate sign not exceeding thirty-two (32) square feet per face in sign area and five (5) feet in height which advertise the sale or lease of a subdivision or undeveloped acreage of ten (10) acres or greater.
- (f) Future development signs and construction signs placed upon the lot under construction. These signs shall not exceed five (5) feet in height and thirty-two (32) square feet in sign area, shall be non-illuminated, and shall be removed upon completion of the project or within two (2) years of the signs erection, whichever occurs first.
- (g) Memorial signs or tablets, name of buildings and dates of construction, provided that such signs do not exceed two (2) square feet in sign area.
- (h) Garage/yard sale signs, public election and candidate signs. These signs shall be removed no later than five (5) days after completion of the election, event, or transaction.
- (i) Address numbers for dwellings shall not exceed two (2) square feet in area and address numbers for commercial or industrial buildings shall not exceed six (6) square feet in area unless the address number is an integral component of a sign for which a zoning certificate is required by this Ordinance.
- (j) Flags. All flags shall be displayed as follows:
  - (1) Maximum flag size forty (40) square feet.
  - (2) Maximum pole height thirty-five (35') feet or not more than ten feet above the roof line of the primary building, whichever is less.
  - (3) All flags shall be flown on a pole, with a maximum of three flags per lot with no more than one (1) flag other than that of a nation, state, or political subdivision.
  - (4) Flags may not be located in such a way as to intentionally attract the attention of the public for commercial purposes.
  - (5) The flag and flag pole shall be maintained in good condition.
  - (6) Flag pole(s) must be set back from all property boundaries a minimum of fifteen (15') feet or setback a distance which is at least equal to the height of the pole, whichever is greater.(Ord. 2011-15. Passed 9-28-11.)



**1177.06 OFF-PREMISE SIGN.**

A total of one (1) off-premise sign per parcel is permitted in non-residential districts and on lands used for agricultural purposes. Off-premise signs shall be setback a minimum distance of one hundred (100') feet from the nearest right-of way and one hundred (100') feet from any property line. Off-premise signs shall not exceed fifteen (15') feet in height and shall not exceed one hundred (100) square feet of sign area.

(Ord. 2011-15. Passed 9-28-11.)

**1177.07 SIGNS IN AGRICULTURAL, RESIDENTIAL, OR PUBLIC/OPEN SPACE DISTRICTS.**

(a) One (1) low profile or one (1) wall sign shall be allowed for each lot which contains a non-residential main building permitted in the district. Low-profile signs in residential districts shall not exceed sixty (60") inches in height and thirty-two (32) square feet per face (maximum of two (2) faces) and shall be setback a minimum distance of fifteen (15') feet from the nearest right-of-way line and setback a minimum of ten (10') feet to any adjacent lot. Wall signs in residential districts shall not exceed twenty-four (24) square feet of sign area.

(b) Home occupation signs shall not exceed two (2) square feet in sign area and shall be a wall sign.

(c) At any entrance to a residential subdivision or multi-family development there may be a maximum of two area identification signs identifying such subdivision or development. The signs shall be setback from the nearest right-of-way a minimum distance of ten (10') feet and not closer than ten (10') feet to any adjacent lot. Such sign(s) shall not exceed thirty-two (32) square feet per face (maximum of two (2) faces), and the sign(s) shall contain only the name of the subdivision or development. These signs shall not exceed five (5') feet in height. Any subdivision area/identification sign proposed to be located within the center of a boulevard entrance shall be located in a manner so as not to create a traffic hazard.

(d) A church or school allowed by this Zoning Ordinance may locate two (2) signs on the lot; one sign shall be a wall sign; the face of which shall not exceed twenty-four (24) square feet in area, and a second sign, which shall be a free-standing low profile sign not to exceed thirty two (32) square feet per face (maximum of two (2) faces) and shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and setback a minimum distance of ten (10') feet to any adjacent lot. Low profile signs shall not exceed five (5') feet in height.

(e) No sign of any type shall be permitted in a Residential District, other than as specifically permitted in this Section.

(Ord. 2011-15. Passed 9-28-11.)

**1177.08 SIGNS IN COMMERCIAL OR INDUSTRIAL DISTRICTS.**

(a) The following signs as listed below may be permitted on a lot in the Commercial or Industrial Zoning Districts as follows:

ZONING DISTRICT	TYPE OF SIGN PERMITTED	MAXIMUM ALLOWED SQ. FOOTAGE Pole Sign (1)(5)	MAXIMUM ALLOWED SQ. FOOTAGE Wall Sign (2)(4)	MAXIMUM ALLOWED SQ. FOOTAGE Low-Profile/Monument Sign (1)(3)(5)	MAXIMUM ALLOWED SQ. FOOTAGE Projecting Sign (1)(3)
C1	Wall, Low Profile, Projecting	Not Permitted	1.5 feet per Linear Foot of Building Frontage Maximum 120 total	60 per face	30 per face
C2	Wall, Low Profile, Projecting, Pole	60 per face	1.5 feet per Linear Foot of Building Frontage Maximum 180 total	80 per face	30 per face
M1	Wall, Low Profile	Not Permitted	1.5 feet per Linear Foot of Building Frontage Maximum 180 total	60 per face	Not Permitted
M2/M3	Wall, Low Profile	Not Permitted	1.5 feet per Linear Foot of Building Frontage Maximum 180 total	60 per face	Not Permitted

- (1) There shall be a maximum of two (2) faces for low-profile/monument, pole, and projecting signs.
- (2) Awning and canopy signs are wall signs for the purposes of this table.
- (3) No low profile/monument sign or projecting sign is permitted when a pole sign is located on the lot.
- (4) For multi-tenant buildings, the total square footage permitted shall be based on each occupant's linear building frontage.
- (5) One pole, or one low profile/monument sign, or one projecting sign may be used in combination with a wall sign.

(b) Pole Signs and Low-profile/ Monument Signs on Double Frontage Lots. If a lot is bordered by two streets that do not intersect at the lot's boundaries (double frontage lot), then the lot may (subject to total sign area limitation in this Section) have a pole or low profile/monument sign on each street.

(c) Location and Height of Pole Signs. All pole signs shall be located a minimum distance of twenty (20') feet from the nearest right-of-way line, a minimum of twenty (20') feet from any adjacent lot line, and shall not exceed a height of twenty (20') feet.

(d) Wall Signs. The square footage for a wall sign is calculated on the wall area facing the right of way. On corner lots, only one building frontage may be used in the size calculation. Multiple wall signs are permitted provided the combined sign area is less than the total wall sign size limit set forth in this Section. Awning/Canopy Signs are allowed and are calculated as part of the overall square footage. Awning/Canopy Signs shall not be lower than eight feet (8') above curb grade and Awning/ Canopy Signs shall not project vertically above the surface of the canopy or awning.

(e) Low-profile/ Monument Signs. Shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and shall be setback a minimum of ten (10') feet to any adjacent lot line, and not exceed five feet (5') in height.

(f) Projecting Signs. One projecting sign is allowed per business. The maximum projection length beyond the building face shall be four (4') feet. A projecting sign must have its lower edge a minimum of eight (8') feet above the surrounding grade. Projecting signs shall not exceed the height of the wall that they are attached on.

(g) Special Event Signs.

- (1) For the opening of a new businesses or re-opening of a seasonal business located in a commercial or industrial district, a temporary, on-site sign advertising the grand opening may be permitted for a total period of thirty (30) continuous days, and shall have a zoning certificate.
- (2) For existing businesses, temporary, on-site signs advertising a special event may be permitted for two (2) two (2) week continuous periods per calendar year. Each special event sign requires a zoning certificate. The sign shall be removed on or before the end of the two week period. These signs shall not exceed thirty-two (32) square foot in size and shall be located on the wall of the building where the special event is taking place.  
(Ord. 2011-15. Passed 9-28-11.)



**CHAPTER 1179**  
**Off-Street Parking and Loading Requirements**

<p><b>1179.01</b> Parking requirements.</p> <p><b>1179.02</b> Table of off-street parking requirements.</p> <p><b>1179.03</b> Off-street parking space layout, standards, construction and maintenance.</p> <p><b>1179.04</b> Off-street loading requirements.</p>	<p><b>1179.05</b> Off-street parking construction and operation.</p> <p><b>1179.06</b> Use of box trailers, semi-trailers and tandem trailers for storage.</p>
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**CROSS REFERENCES**

Off-street parking facilities- see Ohio R.C. 717.05 et seq.

**1179.01 PARKING REQUIREMENTS.**

In all zoned districts, off-street parking facilities for the storage and parking of self propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- (a) Area of Parking Space. For the purpose of this section, one hundred eighty (180) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that egress for any alley or street may also be deemed a parking space.
- (b) Fractional Requirements. When units or measurements determining number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half (1/2) be disregarded, and fractions over one-half (1/2) require one (1) parking space.
- (c) Location of Parking Space for One and Two Family Dwellings. The off-street parking facilities required for one (1) and two (2) family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron and/or garage.

- (d) Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses, including apartments in the C-1 District, shall be located on the lot of record within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. Property owners in the C-1 District are permitted to contract for residential parking spaces. In the Multiple Family and Industrial Districts, the front setback area shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials, or vehicle access drives, except as otherwise provided.
- (e) Seating Capacity of Seats. As used in this chapter for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except where specifications and plans filed with the Zoning Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- (f) Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- (g) Protective Screening. Whenever off-street parking facilities abut a residential district, an appropriate screening of not less than five (5) feet in height and not more than six (6) feet in height may be required by the Planning Commission.
- (h) Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
- (i) Collective Provision. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Table of Off-Street Parking Requirements.
- (j) General Use Condition. Except when land is used as storage space in connection with the business of a repair or service garage or airport, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intentions of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the street, but such requirement is not designated to or intended to provide the storage or parking on such open land of wrecked or junk cars, or for creating a junkyard or a nuisance in such area. This shall preclude the use of a rented parking space in a public lot for residential purposes.
- (k) Parking and Storage of Certain Vehicles in Residential Areas. Motor vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in an enclosed garage or other accessory building. However, one (1) boat and one (1) travel trailer may be stored in the rear yard, if they have a current license.

The parking and keeping of any unlicensed or disabled motor vehicle in a residential district for a period of more than fourteen (14) days, whether or not consecutive, is prohibited, unless said vehicle is stored in an enclosed garage or other accessory building or the property owner has obtained a vehicle restoration permit.

- (1) **Joint Use.** Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums, and other places of public assembly, stores, office buildings, and industrial establishments lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty percent (50%) of the off-street parking requirements for a church.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1179.02 TABLE OF OFF- STREET PARKING REQUIREMENTS.**

The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this chapter.

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
<b>(a) Residential.</b>	
(1) Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
(2) Residential, Multi-Family	Two (2) for each dwelling unit.
(3) Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
<b>(b) Institutional.</b>	
(1) Churches or Temples	One (1) for each five (5) seats.
(2) Hospitals	One (1) for each one (1) bed.
(3) Homes for the Aged and Convalescent Homes	One (1) for each two (2) beds.
(4) Elementary and Junior High Schools	One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium.
(5) Senior High Schools	One (1) for each one (1) teacher and administrator, and one (1) for each ten (10) students, in addition to the requirements for the auditorium.
(6) Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established local, county or state fire, building or health codes.

(7)	Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	One (1) for each two (2) member families or individuals.
(8)	Golf Courses Open to General public, Except Miniature or "Par 3" Course	Six (6) for each one (1) golf hole and one for each one (1) employee.
(9)	Fraternities and Cooperatives	1.5 parking spaces for every two (2) persons based upon the capacity of the house.
(10)	Sororities	One (1) parking space for every two (2) persons, based upon the capacity of the house.
(11)	Stadium, Sports Arena, or Similar Place of Outdoor or Indoor Assembly	One (1) per three (3) seats, and one (1) per two (2) employees.
(c)	<u>Business and Commercial.</u>	
(1)	Planned Commercial or Shopping Center Located in any "C" District	One (1) for each one hundred (100) sq. ft. of usable floor area.
(2)	Auto Wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five percent (25%) of the hourly rate of capacity.
(3)	Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
(4)	Bowling Alleys	One (1) for each three (3) persons.
(5)	Dance Halls, Pool or Billiard Parlor, Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls without Fixed Seats	One (1) for each three (3) persons.
(6)	Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One (1) for each sixty (60) square feet of usable floor space.



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| (7)                    | Furniture and Appliance, Household Equipment Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair, and Other Similar Uses | One (1) for each eight hundred (800) square feet of usable floor area. For the floor area used in processing, one (1) additional space shall be provided for each two persons employed therein.              |
| (8)                    | Automobile Service Stations  | Two (2) for each lubrication stall, rack or pit, and one (1) for each gasoline pump.   |
| (9)                    | Laundromats and Coin Operating Dry Cleaners  | One (1) for each two (2) washing machines.   |
| (10)                   | Miniature or "Par 3" Golf Courses  | One (1) per hole plus one (1) for each one (1) employee.   |
| (11)                   | Mortuary Establishments  | One (1) for each fifty (50) sq. ft. of usable floor space.   |
| (12)                   | Motel, Hotel or Other Commercial Lodging Establishments  | One (1) for each one (1) occupancy unit plus one (1) for each employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms.   |
| (13)                   | Motor Vehicle Sales and Service Establishments   | One (1) for each two hundred (200) sq. ft. of usable floor space or sales room and one (1) auto services stall in the service room.  |
| (14)                   | Retail stores, except as otherwise specified herein  | One (1) for each one hundred and fifty (150) sq. ft. of usable floor space.  |
| (d) <u>Offices.</u>    |  |  |
| (1)                    | Banks  | One (1) for each one hundred fifty (150) sq. ft. of usable floor space.  |
| (2)                    | Business Offices or Professional Offices, except as indicated in the following item (3)  | One (1) for each three hundred (300) sq. ft. of usable floor space.  |
| (3)                    | Professional Offices of Doctors, Dentists or Similar Professionals   | One (1) for each one hundred (100) feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use area.   |
| (e) <u>Industrial.</u> |  |  |
| (1)                    | Industrial or Research Establishments  | Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. One (1) space site shall also be provided for all construction workers during period of plant construction. |

- (2) Wholesale Establishments Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) sq. ft. of usable floor space, whichever is greater.

(Ord. 2011-15. Passed 9-28-11.)

**1179.03 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.**

Whenever the off-street parking requirements require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (a) No parking lot shall be constructed unless and until a permit therefor is issued by the Zoning Inspector. Applications for a permit shall be submitted to the Zoning Inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (b) Plans for the layout of the off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tier of Spaces Plus Maneuvering Lane
0° Parallel Parking	12 ft.	9 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	14 ft.	12 ft.	19 ft.	32 ft.	52 ft.
54° to 74°	18 ft.	10 ft.	19 ft.	36 ft.	58 ft.
75° to 90°	24 ft.	9 ft.	19 ft.	45 ft.	65 ft.

(Ord. 2011-15. Passed 9-28-11.)

**1179.04 OFF-STREET LOADING REQUIREMENTS.**

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, display, department stores, wholesale, market, hotel, hospital, convalescent homes, mortuary, laundry, dry cleaning, or other uses similarly involved, the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, according to the following schedule:

<u>Gross Floor Area In Square Feet</u>	<u>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor</u>
0 to 2,000	None
2,000 to 20,000	One (1) space
20,000 to 100,000	One (1) space for each 20,000 sq. ft.
100,000 to 500,000	Five (5) spaces plus one (1) space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

(Ord. 2011-15. Passed 9-28-11.)

**1179.05 OFF-STREET PARKING CONSTRUCTION AND OPERATION.**

(a) The construction of any parking lot shall be in accordance with the requirements and provisions of this Ordinance and such construction shall be completed and approved by the Zoning Inspector and the Village appointed Engineer before actual use of the property as a parking lot. Plans for the development of any parking lot must be submitted to the Zoning Inspector, prepared at a scale of not less than fifty (50) feet equal to one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by a person or persons competent in such work.

(b) All such parking lots shall be asphalt or concrete paved and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property, except through public storm sewers.

(c) All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow for reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen ( 13) feet above the parking lot surface.

(d) Side yards shall be maintained for a space of not less than ten (10) feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential areas as it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles.

(e) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

(f) Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line. (Ord. 2011-15. Passed 9-28-11.)

**1179.06 USE OF BOX TRAILERS, SEMI-TRAILERS AND TANDEM TRAILERS FOR STORAGE.**

(a) This section shall apply to box trailers designed for installation upon truck chassis and unlicensed semi-trailers and tandem trailers.

(b) As authorized in this section, box trailers, unlicensed semi-trailers and tandem trailers may be used for storage in the following zoning districts: C-2, M-1, and M-2. Each box trailer, unlicensed semi-trailer or tandem trailer used for storage as authorized by this section, shall be placed in compliance with all setback, side yard or rear yard setbacks required of buildings for the applicable zoning district.

(c) Any person desiring to use a box trailer, unlicensed semi-trailer or tandem trailer for storage, shall apply for an annual permit from the Zoning Inspector. The permit may be renewed annually, thereafter upon application, prior to expiration and after inspection by the Zoning Inspector; to ensure continuing compliance with this section.

- (1) To qualify for a permit, the exterior of each box trailer, unlicensed semitrailer or tandem trailer shall be in good condition, be painted or have an aluminum exterior and have closable doors. The box trailer, unlicensed semi-trailer or tandem trailer shall be mounted on fully inflated tires, which are properly affixed to either the semi-trailer or tandem trailer axles, or shall be placed on a secure foundation. Failure to maintain the exterior surface of a box trailer, semi-trailer or tandem trailer in good condition, shall result in denial of a permit, or of renewal of a permit.
- (2) If the Zoning Inspector denies a permit or renewal application, he shall notify the applicant in writing, by certified mail, of the reason for denial. Any person who is denied a permit or a renewal of a permit, may appeal that denial by written notice, filed within thirty (30) days, following receipt of notice of denial with the Board of Zoning Appeals. The Board of Zoning Appeals shall determine the appeal in the manner authorized by Chapter 1123. (Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1181  
Wind Turbines**

**1181.01 Conditional use permit.**

**1181.02 Height and acreage.**

**1181.03 Setbacks.**

**1181.04 Decibel levels.**

**1181.01 CONDITIONAL USE PERMIT.**

(a) A Conditional Use Permit shall be required in all zoning districts before construction of an individual wind turbine system. The applicant shall inquire with the Fulton County Regional Planning Commission as to whether or not additional height restrictions are applicable due to the turbine's location in relation to the airport's helicopter flight patterns. The FAA is required to receive notification of any construction or alteration of an object that is more than 200 feet in height above the ground level at the site or if the object is located within 10,000 feet of an airport per FAA, Title 14, Section 77.13.

(b) The following items and/or information shall be provided when applying for a Conditional Use Permit:

- (1) Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine.
- (2) Only freestanding towers will be permitted (no guy wires).
- (3) An engineering report that shows:
  - A. The total size and height of the unit.
  - B. The total size and depth of the unit's concrete mounting pad.
  - C. An average decibel rating for that particular model.
  - D. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, ground devices, and lightning protection.
  - E. Data specifying the kilowatt size and generating capacity of the particular unit.
- (4) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public rights of way, and neighboring properties.

- (5) Evidence of a "clear fall zone" with manufacturers recommendations must be attached to the engineering report.
- (6) Color of the unit as well as the location and size of the manufacturers identifying logos shall be included in the plan.
- (7) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
- (8) The small wind turbine wire shall be placed underground to any structures.
- (9) The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and shall be removed within 30 days of ceasing operations.
- (10) No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.  
(Ord. 2011-15. Passed 9-28-11.)

#### **1181.02 HEIGHT AND ACREAGE.**

The maximum height of any turbine shall be 100 feet, which includes the tower and the maximum vertical height of the turbine's blades. Maximum height shall be calculated by measuring the length of a prop at a maximum vertical rotation to the base of the tower. A height limitation does not apply to parcels five acres and larger, unless height restrictions are imposed by the F.A.A. (Ord. 2011-15. Passed 9-28-11.)

#### **1181.03 SETBACKS.**

A free standing wind turbine system erected on a parcel of land must establish a "clear fall zone" from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A wind turbine must be erected and placed in such a manner that if it were to fall, the entire system would be contained solely on the property where the turbine was installed, and would not strike any structures including the primary dwelling and any accessory buildings or uses. (Ord. 2011-15. Passed 9-28-11.)

#### **1181.04 DECIBEL LEVELS.**

Decibel levels for the system shall not exceed 60 decibels (dBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms. (Ord. 2011-15. Passed 9-28-11.)

**CHAPTER 1183**  
**Demolition of Property**

**1183.01 Demolition of a structure.**

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**1183.01 DEMOLITION OF A STRUCTURE.**

A Demolition Permit shall be required in all zoning districts before any structure can be dismantled or removed from a property within the Village of Fayette.  
(Ord. 2011-15. Passed 9-28-11.)