VILLAGE OF MADISON,

LAKE COUNTY, OHIO

CODIFIED ZONING ORDINANCE

November 2013 Replacement

Enacted 11/18/2013 via Ordinance 30-2013

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ARTICLE 1 TITLE AND OBJECTIVES

Section 1.1 Title.

These rules, regulations, procedures and maps shall be known and cited as the Codified Ordinances of Madison Village, Ohio, Part Seven - Planning and Zoning, (hereinafter, sometimes the "Zoning Code" or "Code").

Section 1.2 Objectives.

For the purpose of promoting the public health, safety, morals, comfort and general welfare of Madison Village and its residents the provisions of these Codified Ordinances shall be applied as follows:

(i) to protect the character and values of the residential, business, service, industrial, agricultural, institutional and public uses and to assure their orderly and beneficial development; (ii) to improve the public safety and to lessen congestion by locating buildings and uses in relation to streets so as to cause the least interference with and the least damage by traffic movements; (iii) to provide for public facilities and utilities such as water supply, a sewer system and transportation systems as well as developments for recreation, schools, and other public facilities; and (iv) to encourage the most appropriate uses of the land and guide the future development of the Village in accordance with a Comprehensive Plan.

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ARTICLE 2 DEFINITIONS

Section 2.1 Intent.

(a) Words and phrases not specifically defined in this Code shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning shall be construed accordingly.

(b) Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is mandatory and not directive; the word "may" is permissive.

Section 2.2 Definitions.

(a) The word "Village" shall mean the Village of Madison, Ohio; the term "Commission" shall mean the Planning and Zoning Commission of said Village; the term "Board" shall mean the Board of Zoning Appeals of said Village; and, the term "Council" shall mean the Council of said Village.

(b) For the purpose of this Zoning Code the following terms and phrases shall have, throughout this text, the meaning given herein.

(1) "Accessory dwelling unit" is a dwelling unit located within, attached to, or upon the same parcel as a principal dwelling which is accessory, supplementary, and secondary to the principal dwelling unit. Such an accessory dwelling unit is sometimes referred to as an "in-law suite," "servant's quarters," or as an "apartment."

(2) "Accessory building" means a building customarily incidental to and located on the same lot as the main use or building.

(3) "Adult day care" means providing care for the elderly and/or functionally impaired adults in a protected setting for a portion of a 24-hour day.

(4) "Adult family home" is a residence or facility licensed pursuant to Chapter 3722 of the Ohio Revised Code that provides accommodations and supervision to three to five unrelated adults, at least three of whom require personal care services.

(5) "Adult group home" means a residence or facility licensed pursuant to Chapter 3722 of the Ohio Revised Code that provides accommodations and supervision to six to sixteen unrelated adults, at least three of whom require personal care services.

(6) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement.

(7) "Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

(8) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. Ambulatory care facility does not include the private office of a physician or dentist, whether the office is for an individual or group practice.

(9) "Amusement device" is a generic term that applies to a wide variety of machines or devices which, typically upon insertion of currency, a token, or other form of consideration, permit a person or operator to utilize the device as a game, contest of skill or chance, for amusement, or for recreation.

(10) "Antenna" is any apparatus designed for the transmitting and/or receiving of electromagnetic waves for telephonic, radio, or television communications. This includes omni-directional (whip) antennas, sectorized (panel) antennas, microwave dish antennas, multibay or single bay (frequency modulation and television), or parabolic (dish) antennas, but does not include satellite earth stations.

(11) "Arcade" means any place of business at which three or more amusement devices are located for the use of persons patronizing the business. Billiards / pool halls are excluded from this definition and are specifically referenced in the zones in which they may be permitted, if any.

(12) "Assembly plant, major" is a facility with over 20,000 square feet in production floor area where assembly or construction of products from their component parts occurs in a production line or similar system. The floor area of space devoted to office and administrative use, warehouse or similar storage areas, and other non-production areas are excluded from the computation of "production floor area" provided that they are separated from the production floor area by walls. Manufacturing or fabrication may only occur if those uses are otherwise permitted or conditionally permitted in the district and in accord with all legal requirements.

(13) "Assembly plant, minor" is a facility with 20,000 square feet in production floor area or less where assembly or construction of products from their component parts occurs in a production line or similar system. The floor area of space devoted to office and administrative use, warehouse or similar storage areas, and other non-production areas are excluded from the computation of "production floor area" provided that they are separated from the production floor area by walls. Manufacturing or fabrication may only occur if those uses are otherwise permitted or conditionally permitted in the district and in accord with all legal requirements.

(14) "Automated teller machine (ATM)" means any vending machine which handles financial transactions including, but not necessarily limited to, dispensing of currency or receipt of deposits.

(15) "Bed and breakfast" means an owner-occupied single-family detached residential structure with less than six sleeping rooms that is kept, used, maintained,

advertised, or held out to the public as a place where, for any form of compensation, sleeping rooms are offered on a transient basis only, and, which further provides common space for the use and enjoyment of its guests.

(16) "Billiards / pool hall" is any establishment containing three or more billiard and/or pool tables.

(17) "Boarding and rooming house" is a structure other than a hotel or bed-and-breakfast where lodging is provided for definite periods for any form of compensation.

(18) "Building" means a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property. For the purpose of this definition, "roof" shall include an awning or other similar coverings, whether or not they are permanent in nature.

(19) "Building elevation" is the view of any building or other structure from any one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

(20) "Building footprint" means the outline of the total area covered by a building's perimeter at the ground level.

(21) "Building height" means the vertical distance from the average existing grade around the foundation to the highest point of the coping of a flat roof, or mansard roof, or to the top of the highest ridge line of gable, hip or gambrel roofs.

(22) "Building setback line" means the line beyond which no building or parts thereof shall project, except as may otherwise be permitted by this ordinance.

(23) "Build-to line" means an alignment established at a certain distance from and parallel to the curb line along which the building shall be built.

(24) "Bulk" means large quantities of a material, article, or goods not broken down into small saleable lots, parcels, or pieces.

(25) "Bulk plant" means a facility where flammable or combustible liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and which are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

(26) "Business park" means a master planned development with a common theme and name intended to be used primarily for office, showroom, service, and/or distribution purposes.

(27) "Business services" means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, equipment servicing and repair, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, and photo finishing.

(28) "Canopy" means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground. Any roof overhang extending more than two feet from the face of a building shall be considered a canopy.

(29) "Carport" means a permanent roofed structure permanently open on at least two sides, designed for or occupied by vehicles.

(30) "Catering food service operation" means a food service operation where food is prepared for serving at a function or event held at an off-premises site, for a charge determined on a per-function or per-event basis.

(31) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home.

(32) "Child care, type A home" means a permanent residence of the administrator in which child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. A child day camp is not included in this definition.

(33) "Child care, type B home" means a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. A child day camp is not included in this definition.

(34) "Child day-care center" means any place in which child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. A child day camp is not included in this definition.

(35) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous

weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day. For purposes of this division, the maximum seven hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(36) "Club" means a corporation or association of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, which is the owner, tenant, or occupant of a building, premises, or part thereof operated solely for those purposes where membership entails use of the place so operated.

(37) "Coffee house" is a type of food service operation principally devoted to service of brewed coffee and tea beverages, all non-alcoholic, for on and off-premises consumption with only incidental service of other food items.

(38) "Collection box" means a container of any type, construction or material designed for the collection and storage of articles donated to a recognized charitable, educational or similar organization.

(39) "Co-location" means the use of wireless communications facilities by more than one communications provider.

(40) "Commercial driveway approach" means a driveway approach that provides access to property which is not zoned for residential use.

(41) "Commercial parking structure" means a structure, inclusive of those below grade, used for the temporary storage of motor vehicles.

(42) "Consumer repair services" means a business offering repair services for small consumer products as opposed to commercial equipment, large durable goods, appliances, vehicles, lawn and garden equipment, or anything else not capable of hand-held transport. Examples include the repair of shoes, watches and jewelry, clocks, and personal computers.

(43) "Convenience food store" is a retail food store offering a limited variety of primarily packaged and prepared food with only minimal, if any, unprocessed fruits, vegetables, meats, or dairy products typical of a full-service indoor food store (grocery) and is further characterized by a small retail floor area.

(44) "County home" and "district home" mean a county home or district home operated under Chapter 5155 of the Ohio Revised Code.

(45) "Court" means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or groups of buildings, which is enclosed on three or more sides.

(46) "Crop production, commercial" means the cultivation of crops, horticulture, floriculture and viticulture including fruit trees and nursery stock for commercial purposes.

(47) "Crop production, domestic" means the cultivation of crops, horticulture, floriculture and viticulture including fruit trees solely for non-commercial, domestic household consumption.

(48) "Deck" means a horizontal platform supported by any combination of posts, beams, foundations, and/or joists with or without handrails, steps or terraces. Terrace in this definition means a portion of a deck stepping up or down with the grade and used in lieu of, or in combination with, more traditional steps.

(49) "Demolition business" means a business that demolishes structures, including houses and other buildings, in order to salvage building materials, and that stores those materials before disposing of them.

(50) "Detached" means (1) a use, room, space, building or assembly of buildings that is completely surrounded on all sides by open space; (2) a use, room, space, building or assembly of accessory buildings that is not attached or connected to a principally permitted use or building.

(51) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, buildings or structures, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(52) "Development cover" means the sum of the area occupied by building cover, driveways, parking cover, decks, sidewalks, patios, swimming pools, basketball courts, other athletic courts and other forms of impervious cover on a given lot or in a given area.

(53) "Drive-through facility" means any area that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, to obtain goods, or to be entertained while remaining in their vehicles.

(54) "Driveway approach" means a way or place, including paving and curb returns, between the street travel lanes and private property, which provides vehicular access between the roadway and such private property.

(55) "Duplex residential structure" means a residential structure where two dwelling units occupy a single freestanding structure divided by a common wall.

(56) "Dwelling" or "dwelling unit" means one or more rooms providing living facilities, including kitchen facilities or equipment for cooking or provisions for same, and including a room or multiple rooms for living, sleeping, bathing, sanitation and eating.

(57) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(58) "Essential services" means the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety and welfare, but not including buildings other than structures for the purpose of housing the essential services named herein.

(59) "Exotic species" means (1) any animal of a species that is not a common domesticated animal historically kept or raised in the Northeast Ohio region, or (2) any animal of a species that is not native to the Northeast Ohio region.

(60) "Fabrication" means the stamping, cutting, or otherwise shaping of processed materials into useful objects, but excludes the refining or other initial processing of basic raw materials, such as metal ores, lumber, or rubber.

(61) "Façade" is the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

(62) "Family" is one or more persons occupying a dwelling unit in a shared living arrangement as a common household.

(63) "Fence / wall" means an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

(64) "Fill" is a deposit of earth material placed by artificial means.

(65) "Finished grade level" means the final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface.

(66) "Floor area" is the sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures. This shall include the area of roofed porches having more than one wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

(67) "Floor area of the establishment which is open to patrons" is to be computed exclusive of employee-only areas and also any restrooms for patrons, waiting and reception areas, and halls leading to such areas.

(68) "Food" means any raw, cooked, or processed edible substance used or intended for use in whole or in part for human consumption. "Food" includes ice, water or any other beverage, and food ingredients.

(69) "Food delivery sales operation" means a type of food service operation from which individual portions of food are ordered by a customer, prepared at another food service operation or a retail food establishment, and delivered to the customer by a person other than an employee of the food service operation or retail food establishment that prepared the food.

(70) "Food service operation" means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this definition, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation, and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

(71) "Frontage" means the boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. Where a lot abuts more than one street, frontage for purposes of this ordinance shall be determined as follows: (1) if one of the streets is a main highway or route and the other a local street, the side of the lot abutting the highway or route shall be the lot's frontage for purposes of this Code, (2) if both of the streets are either main highways, routes, or local streets, then, the side of the lot with the greatest width abutting one of those public streets shall be the lot's frontage for purposes of this Code. Frontage is measured by the width of a lot at the official building setback lines, measured in a straight line between the points of intersection of such line, or the projection thereof with the side lot lines.

(72) "Full-service indoor food store (grocery)" means a retail food store offering a wide variety of packaged and prepared foods, baked goods, as well as a wide variety of unprocessed fruits, vegetables, meats and dairy products and is further characterized by a medium to large-sized retail floor area.

(73) "Game room" means any establishment offering non-arcade games of skill or chance for any form of consideration including, but not necessarily limited to, bingo, card games, sweepstakes, and internet or other such electronically-based games.

(74) "Garage" is a structure, or part of a building, designed or used for storage of motor vehicles.

(75) "Gazebo" means an accessory building consisting of a detached, covered, freestanding, open-air structure.

(76) "Green space" is land shown on a site plan that may be improved or maintained in a natural state and that is reserved for preservation, recreation, or landscaping.

(77) "Head shop" means any retail store having a substantial or significant portion of its stock in trade in, or which has as its main purpose the offering for sale of, paraphernalia or items designed or marketed for use with illegal cannabis or drugs.

(78) "Health care practitioner" means an individual licensed by the state including, but not necessarily limited to, a dentist, optometrist, optician, physician, psychologist, chiropractor, hearing aid dealer or fitter, speech-language pathologist or audiologist, occupational therapist, physical therapist, professional clinical counselor, professional counselor, social worker, and dietitian.

(79) "Home for the aging" means a state-licensed facility that provides services as a residential care facility and a nursing home, except that the facility provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment.

(80) "Home occupation" means an occupation, trade, profession or business carried on in a residential structure by a non-transient resident of that same structure, where no commodity is sold on the premises and no mechanical equipment is used except that of a type that is similar in character to that normally used for purely domestic or household purposes; and provided that no display will indicate from the exterior of the structure or land that it is being utilized in part for any purpose other than that of a dwelling except as may otherwise be permitted by the Zoning Code.

(81) "Home sale" means a sale of personal property to the general public conducted in or on any property within a residential zoning district, to include without limitation, garage sales, patio sales, yard sales, porch sales, driveway sales, motor vehicle sales, and the sales of boats, trailers, motorcycles, motor homes, and the like.

(82) "Hospice care, inpatient" means a state-licensed facility which provides care and services to hospice patients as authorized by Chapter 3712 of the Ohio Revised Code.

(83) "Hospital" includes public health centers and general, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home facilities, extended care facilities, self-care units, and central service facilities operated in connection with hospitals, and also includes education and training facilities for health professions personnel operated as an integral part of a hospital, but does not include any hospital furnishing primarily domiciliary care.

(84) "Hot tub" means an artificial container or water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or re-circulating device.

(85) "Hotel, extended stay" means any structure consisting of one or more buildings, with more than five dwelling units, and to which the following apply: (i) the dwelling units in the structure are constructed, kept, used, maintained, advertised, or held out to the public to be a place where temporary residence is offered for any form of consideration to persons and (ii) the dwelling units have features for non-transient residence purposes.

(86) "Hotel, other" includes any structure consisting of one or more buildings containing any combination of more than five guestrooms that are each approved as meeting the requirements for transient sleeping rooms or extended stay temporary

residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is constructed, kept, used, maintained, advertised, or held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for any form of consideration to persons, but such structure does not otherwise meet the definition of an extended stay hotel, residential hotel, or transient hotel as defined in this ordinance.

(87) "Hotel, residential" means any structure or structures consisting of one or more buildings, with more than five dwelling units, that are constructed as having both dwelling unit features for non-transient residence purposes and all of the transient residential occupancy features of a transient hotel and that are kept, used, maintained, advertised, operated as, or held out to the public to be a place where non-transient dwelling units are offered for pay to persons for a minimum stay of more than thirty days.

(88) "Hotel, transient" means any structure consisting of one or more buildings, with more than five sleeping rooms, that is constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for any form of consideration to transient guests for a period of thirty days or less, including, but not limited to, a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.

(89) "Junk" means any worn-out, cast-off, or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. This does not include any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

(90) "Junkyard" means any premises where junk, articles, or materials, including junked, wrecked, or inoperable vehicles, which are ready for destruction or that have been collected are stored for salvage or conversion to some use. Also known as a "salvage yard."

(91) "Keeping" as used in relation to animals, means activities such as feeding, housing, or otherwise caring for an animal in any manner. Feeding or housing of wild birds with bird feeders and small, unsecured bird houses is not included in this definition.

(92) "Kennel" means any place where four or more dogs, cats, or other household pets over three months of age are kept, raised, or boarded. Fish are excluded from this definition.

(93) "Kiosk" is a small free-standing structure, which may be permanent or temporary in design and construction, is designed or used with no interior space for customers, and provides walk-up or drive-up service to customers.

(94) "Laboratory" is a building or part of a building devoted to the testing and analysis of any product or animal. No manufacturing is conducted on the premises except for experimental or testing purposes.

(95) "Live/work unit" is a dwelling unit with additional work space for a resident to conduct a professional business or artistic endeavor and is not open to members of the general public. The predominant use of the unit must be residential and commercial activity is a secondary use. Ground-floor residential units shall not be permitted. Walk-in trade is not permitted. Some limited appointment-based clients/patrons may be permitted, and, a limited numbers of employees, but all subject to the terms of a conditional use permit. Dwelling and work spaces must be separate and distinct from one another and otherwise comply with all pertinent code requirements. The space must be designed to ensure the quiet enjoyment expectations of neighbors within the building and adjacent buildings.

(96) "Livestock" means a generally accepted outdoor farm animal or grazing animal and shall include, but not necessarily be limited to: chickens, roosters, cocks, hens, pullets, chicks, capons or other barnyard fowl; ducks, geese or other waterfowl/wildfowl; cattle or other animals of the bovine species; horses, mules, burros, asses or other animals of the equine species; goats or other animals of the caprine species; swine or other animals of the porcine species; sheep or other animals of the ovine species. The term livestock shall not include dogs, cats, or other household pets.

(97) "Lot" means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded plat and which is recognized as a separate legal entity for purposes of transfer of title.

(98) "Lot area" means the computed area contained within the lot lines. In cases where the lot lines incorporate public rights-of-way, only the area outside the public rights-of-way shall be considered for purposes of this ordinance.

(99) "Manufactured home" means a permanently sited residential structure that was fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," as amended. A mobile home is not a manufactured home for purposes of the Zoning Code. "Residential design," as used in reference to a manufactured home, means that the form, composition, architectural treatment, and finish materials of the exterior of the structure are indistinguishable from, and architecturally compatible with, residential structures constructed on-site.

(100) "Manufacturing" means operations required in the mechanical, biological, or chemical transformation of materials or substances into new products, and may include the assembling of component parts and the blending of materials such as lubricating oils, plastics, or resins. Manufacturing includes all mechanical, biological, or chemical transformations whether the new product is finished or semi-finished as raw materials in some other process.

(101) "Manufacturing plant, major" is a facility with over 20,000 square feet in production floor area where manufacturing activity occurs. The floor area of space devoted to office and administrative use, warehouse or similar storage areas, and other non-manufacturing areas are excluded from the computation of "production floor area"

provided that they are separated from the production floor area by walls. Non-manufacturing activities may only occur if those uses are otherwise permitted or conditionally permitted in the district and in accord with all legal requirements.

(102) "Manufacturing plant, minor" is a facility with 20,000 square feet in production floor area or less where manufacturing activity occurs. The floor area of space devoted to office and administrative use, warehouse or similar storage areas, and other non-manufacturing areas are excluded from the computation of "production floor area" provided that they are separated from the production floor area by walls. Non-manufacturing activities may only occur if those uses are otherwise permitted or conditionally permitted in the district and in accord with all legal requirements.

(103) "Microbrewery" means the accessory use of a table service restaurant or tavern, which has been issued a license by the State permitting it to manufacture beer at its premises and the sale of same to its customers, where the manufacture of beer is only incidental to the business's principal use as a either a table service restaurant or a tavern.

(104) "Micro-distillery" means the accessory use of a table service restaurant or tavern, which has been issued a license by the State permitting it to manufacture spirituous liquor at its premises and the sale of same to its customers, where the manufacture of spirituous liquor is only incidental to the business's principal use as a either a table service restaurant or a tavern.

(105) "Micro-winery" means the accessory use of a table service restaurant or tavern, which has been issued a license by the State permitting it to manufacture wine at its premises and the sale of same to its customers, where the manufacture of wine is only incidental to the business's principal use as a either a table service restaurant or a tavern.

(106) "Mini-warehouse" means a storage enterprise dealing with the reception of goods of residential or commercial orientation that lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units. Portable storage units are included within this definition.

(107) "Mobile food service operation" means a type of food service operation that is operated from a movable vehicle, portable structure, or watercraft capable of changing locations.

(108) "Mobile home" means a dwelling unit or assembly of closed construction that is fabricated in an off-site facility and is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home.

(109) "Mobile home park" means any tract of land upon which mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park.

(110) "Mobile retail store" means a retail store that is operated from a movable vehicle or other portable structure, and that routinely changes, or is capable of changing, location.

(111) "Mobile retail food store" means a retail food store that is operated from a movable vehicle or other portable structure, and that routinely changes, or is capable of changing, location.

(112) "Monopole" is a style of free-standing, antenna supporting structure, which is composed of a single shaft that is attached to a ground foundation (or a building's roof) with no above ground (or above roof line) lateral support from secondary structural members in either tension or compression.

(113) "Mound" means an artificial rise or elevation above the natural grade of the surrounding ground created with earth, rock or other material.

(114) "Multi-family residential structure" or "apartment building" means a residential structure containing three or more dwelling units.

(115) "Non-licensed commercial skin, hair, and other personal care treatment" means activities and businesses other than hair salons/barbershops or manicure/pedicure services which offer non-state licensed health, hygiene, or beauty care treatments or other services which purport to have beneficial effects of any nature.

(116) "Nursery" means land or greenhouses used to raise flowers, shrubs, trees, grass, and other plants for eventual sale.

(117) "Nursing home" means a facility licensed pursuant to Chapter 3721 of the Ohio Revised Code used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care.

(118) "Office, general" means the business premises of professional service providers in such fields as accounting, architecture, design, engineering, financial services, information technology, insurance, law, real estate, and substantially similar disciplines and where no part of the business premises are devoted to any form of retail trade, storage or housing of goods, or other such non-office uses.

(119) "Office, medical" means the business premises of a health care practitioner where the premises are devoted to office use, consultation and diagnosis, and non-invasive treatments.

(120) "Off-street loading space" means a space for parking one commercial vehicle for pickups and deliveries, which space has minimum dimensions of 12 feet in width and, 50 feet in length and 15 feet in vertical height, which is located in a building or in the open on the same lot as the use such space is intended to serve, which has access to a public street, and which is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation drive or off-street parking space.

(121) "Off-street parking space" means an area for parking one or more motor vehicles, which is located in a building or in the open, which has access to a public street, and which is exclusive of the right-of-way of any public or private street or any driveway, aisle, circulation drive or off-street loading space.

(122) "Open space" means the land remaining after all development cover has been constructed upon a given lot or in a given area. Open space for public use, such as parks, should not be confused with open spaces provided to separate buildings, parking, roads and miscellaneous pavement as part of an overall project design.

(123) "Operator" means the individual, partnership, legal entity, or combination thereof that manages the day-to-day operations of the business.

(124) "Outdoor" means any area not fully roofed and enclosed by walls on all sides.

(125) "Owner" means the individual, partnership, legal entity, or combination thereof that holds controlling legal or equitable interest in the business.

(126) "Parking cover" means that portion of a lot covered by surface parking lots and/or parking garages.

(127) "Parking space" means a permanently surfaced area of not less than 162 square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

(128) "Passenger transit station" is any building, structure, or area designed and located on a bus way or a light rail line, used for the picking up and/or dropping off of passengers, embarking, or changing transportation modes. Facilities and improvements may include shelters, benches, signs, structures, and other improvements that provide security, weather protection, and access to nearby services.

(129) "Pawnshop" means a business that lends money on the security of pledged goods. The business may also purchase merchandise for resale from dealers and traders.

(130) "Performance standard" means a criterion established in the interest of protecting the public health and safety for the control of vibration, noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

(131) "Personal care services" has the same meaning as set forth in §3721.01 of the Ohio Revised Code.

(132) "Pet services" refers to an establishment offering on-site supportive services for household pets, including training and related facilities, day care, or other such similar services.

(133) "Porch" means a covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

(134) "Portable storage unit" means any portable enclosed unit of any type of construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site.

(135) "Power generating facility (private)" refers to any power-generating facility, device, or combination of facilities and/or devices and all appurtenant equipment which is not under the jurisdiction of the Ohio Public Utilities Commission and which, through any means, generates electricity, heat, steam, or other usable power. A solar energy conversion system and wind energy conversion system are included within this definition. Not included in this definition are integral component parts of a building's internal mechanical systems, such as HVAC units and tanks for the storage of fuels powering a building's internal mechanical systems. Also not included in this definition are portable generators when used solely on a temporary basis in response to emergency circumstances or permitted construction activity.

(136) "Principal" or "principally" mean the primary and main use as distinguished from a secondary or accessory use.

(137) "Principal structure" means a structure, or group of structures, in which is conducted the primary use of the lot on which the structure is located. As regulated in zoning districts, the principal structure contains the principally permitted use.

(138) "Principal use" means the primary use and chief purpose of the lot or structure. As regulated in zoning districts, the use of a lot which is permitted within the district.

(139) "Principally devoted to alcoholic beverage service" means that, during any hours of operation, alcoholic beverages are available for on-premises consumption and at any time during those hours of operation (i) a full service menu for meals is not also available for on-premises consumption and (ii) a minimum of seventy percent (70%) of the floor area of the establishment which is open to patrons is not furnished with tables, chairs, and/or booths which are principally devoted to meal service and consumption.

(140) "Process plant" is a facility which performs processing of raw materials in order to separate out key components and prepare them for shipment.

(141) "Processing warehouse" means the storage of materials in a warehouse or terminal and where such materials may be combined, broken down, or aggregated for transshipment or storage purposes where the original material is not chemically or physically changed.

(142) "Public health center" means a publicly owned facility for the housing of the public health services of a community and one which makes available equipment to aid physicians in the prevention, diagnosis, and treatment of disease.

(143) "Push-cart" is a form of mobile food service operation consisting of a non-automated cart which may be on wheels and is readily transportable.

(144) "Quarry" means a tract of land used primarily for the extraction of limestone or other similar materials for processing, sale, or use for any purpose. This definition does not include exploration, excavation, or extraction of oil or natural gas, or excavation or grading necessary for the development of a lot or tract.

(145) "Recreational vehicle park" means any tract of land used for parking two or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation, or business purposes.

(146) "Recycling business" means a business that is: (1) primarily engaged in converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value; or (2) using raw material products of that kind in the production of new products; or obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by subsections (1) or (2), above.

(147) "Refining" is the initial processing of basic raw materials such as metal ores, lumber, or rubber by any means, inclusive of heat, pressure, and chemical processing.

(148) "Residential care facility" is a facility licensed pursuant to Chapter 3721 of the Ohio Revised Code that provides either of the following:

(A) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;

(B) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing care authorized by the Ohio Revised Code.

(149) "Residential facility (Ch. 5119)" is a publicly or privately operated home or facility licensed pursuant to Chapter 5119 of the Ohio Revised Code that provides one of the following:

(A) Room and board, personal care services, and community mental health services to one or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner;

(B) Room and board and personal care services to one or two persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner;

(C) Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.

(150) "Residential facility (Ch. 5123)" is a home or facility licensed pursuant to Chapter 5123 of the Ohio Revised Code in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under §5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

(151) "Residential facility (Ch. 5123), major" is a "residential facility (Ch. 5123)" that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen persons with mental retardation or a developmental disability.

(152) "Residential facility (Ch. 5123), minor" is a "residential facility (Ch. 5123)" that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight persons with mental retardation or a developmental disability.

(153) "Residential structure" means a structure designed as a dwelling that is, or may be used as, a place for non-transient habitation.

(154) "Residential use" means the use of a place or structure for non-transient habitation.

(155) "Restaurant, Cafeteria" means a type of Table Service Restaurant which is distinguished from that use because the ordering of a meal is not required of customers and pre-prepared entrees are instead selected and assembled by the customer into a complete meal before payment.

(156) "Restaurant, Carry-Out" means a type of food service operation where food is prepared and served for off-premises consumption, either by delivery by the business to the customer or pick-up by the customer at the business premises. A Carry-Out Restaurant which has seating for on-premises consumption of food for less than forty (40) customers shall remain classified as a Carry-Out Restaurant for purposes of the Zoning Code.

(157) "Restaurant, Drive-In" means a type of food service operation where food is prepared and served in a form ready for consumption where all or a significant portion of the consumption takes place or is designed to take place outside the interior premises of the business and where ordering, pick-up or service of food takes place from a vehicle.

(158) "Restaurant, Fast-Food" means a type of Table Service Restaurant which is distinguished from that use because the ordering and service of most food occurs at a centralized counter or in a vehicle in packages prepared to leave the premises or able to be taken to a table or counter to be consumed.

(159) "Restaurant, Table Service" means a type of food service operation where food is prepared, served, and consumed primarily or exclusively for on-premises consumption and is distinguished by the minimum following standards:

(A) At least seventy percent (70%) of the floor area of the establishment which is open to patrons is devoted to a dining room or area designated and used for customer seating and meal consumption with at least forty (40) seats provided therein at all times;

(B) No company-owned or sanctioned vehicles are used to deliver ready to consume food to off-site customers;

(C) Payment for food consumed is received after consumption by the customer, except for cafeterias;

(D) Food orders are taken at the table by employees of the business, except for cafeterias; and

(E) If licensed to serve alcoholic beverages for on-premises consumption, then, alcoholic beverage service is incidental to the primary business of meal service and the business does not otherwise fall within another use classification as defined by the Zoning Code.

(160) "Retail food store" means premises or part of premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for traditional retail sale.

(161) "Retail store, major" means a store with traditional retail activity whose premises are greater than 3,000 square feet of floor area, per story.

(162) "Retail store, minor" means a store with traditional retail activity whose premises are equal to or less than 3,000 square feet of floor area, per story.

(163) "Retail, traditional" means the act of selling by small quantities, in broken lots or parcels, not in bulk, direct to the consumer at business premises open at any time to the consumer for any reason related to the sale.

(164) "Retail, non-traditional" means the act of selling by small quantities, in broken lots or parcels, not in bulk, direct to the consumer where the premises of the business is never open to any consumer for any reason related to the sale including, but not limited to, viewing merchandise, discussion concerning sale and purchase, arranging for payment, or pick-up of merchandise. Examples of non-traditional retail businesses include internet and catalogue-based retailers.

(165) "Retaining wall" means a wall or similar structure or device used at grade changes to hold the soil on the up-hillside from slumping, sliding or falling.

(166) "Sand or gravel pit" means a tract of land used for the extraction of soil, sand, gravel, clay, and other similar materials, other than oil and natural gas, which are processed and sold or used for commercial purposes. This does not include excavation or grading necessary for the development of a lot or tract.

(167) "Sanitary landfill" means a controlled area of land upon which solid waste is disposed of in accordance with standards, rules, or orders established by the state.

(168) "Satellite earth station" means any device or antenna, and including associated mounting devices or antenna supporting structures, which is used to transmit or receive signals from an orbiting satellite, including television broadcast signals; direct broadcast satellite services; multichannel, multipoint distribution services; fixed wireless communications signals; and any designated operations indicated in the FCC's allocations for satellite services promulgated in accordance with the Telecommunication Act of 1996, as amended.

(169) "School (trade and specialized instruction)" means a business organized to operate for profit offering instruction and training in a trade, a service, or an art.

(170) "Seasonal food service operation" means a food service operation, other than a mobile food service operation, that is operated for not more than six months in a licensing period.

(171) "Seasonal retail food store" means a retail food store, other than a mobile retail food store, that is operated for not more than six months in a licensing period. A "roadside fruit / vegetable stand" is included within this definition.

(172) "Self-storage facility" means any building or group of buildings that is composed of contiguous individual rooms, which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant. Portable storage units are included within this definition.

(173) "Senior assisted and semi-independent living structure and use" means a multi-family residential structure whose occupancy is limited to senior citizens (and in conformity with all applicable state and federal fair housing laws) and which provides a combination of daily services to the occupants, inclusive of meals, laundry, housekeeping, and such other routine daily life activities which do not otherwise require the operator to be licensed by the state.

(174) "Setback" is the distance between a building and the street line nearest the building. Establishes the minimum required yard and governs the placement of structures and uses on the lot.

(175) "Setback line" is the distance from which a building or structure is separated from a designated reference point, such as a property line.

(176) "Shop" means a use devoted primarily to the sale of a service or a product or products.

(177) "Shopping mall" means an integrated grouping of commercial activity, primarily of a retail and personal service nature, in a single building complex having the individual establishments joined by a common pedestrian mall.

(178) "Sidewalk café" means that part of the premises of a food service operation comprised of an outdoor dining area that is located on a sidewalk adjacent to the interior premises of the business and a public or private right-of-way and that contains removable tables, chairs, planters, and related appurtenances.

(179) "Single-family attached residential structure" means two or more residential structures with common walls between the units.

(180) "Single-family detached residential structure" means a residential structure that contains only one single-family dwelling that is not attached to any other dwelling or structure by any means and is surrounded by open space or yards on all sides.

(181) "Single-family dwelling" means a dwelling designed for and occupied exclusively by not more than one family.

(182) "Single room occupancy (SRO) basis" means one occupant per room.

(183) "Single room occupancy (SRO) facility" means a facility with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a single room occupancy (SRO) basis and that is intended for use as a primary residence for residential guests for a period of more than thirty days.

(184) "Skilled nursing care" has the same meaning as set forth in §3721.01 of the Ohio Revised Code.

(185) "Solar energy conversion system, freestanding" means any device, together with appurtenant equipment such as battery banks, controlling, wiring, meters and switching devices, which converts solar energy into electricity, heat, or other use, and, (i) which is erected upon the ground, or, if mounted on a building, (ii) does not fully comply with the standards enumerated for a "solar energy conversion system, roof-mounted."

(186) "Solar energy conversion system, roof-mounted" means any device, together with appurtenant equipment such as battery banks, controlling, wiring, meters and switching devices, which converts solar energy into electricity, heat, or other use, and mounted as follows:

(A) To the pitched roof of a building, provided that the system is fully flush-mounted to the pitched roof and, further, the system does not exceed 75% of the area of the side of the roof upon which it is mounted, or

(B) To the flat roof of a building, provided that the system is either horizontally mounted and not visible at ground level, or, if not so mounted it is screened by a parapet wall or other substantially similar architectural element so that it is not visible at ground level.

(187) "Solid waste" means garbage; refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Does not include: solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by development approval issued pursuant to applicable state code; soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or waste materials that result from activities associated with the exploration, development, or production of oil or gas.

(188) "Solid waste facility" means all continuous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations thereof).

(189) "Solid waste transfer station" is a place or facility where waste materials are taken from smaller collection vehicles (e.g., compactor trucks) and placed in larger transportation vehicles (e.g., over-the-road tractors utilizing trailers that are top-loaded) for movement to designated disposal areas (usually landfills).

(190) "Special event" means an occasion or activity lasting for not more than five consecutive days which is open to the general public and conducted for educational, cultural or recreational purposes.

(191) "Special event food service operation" means a food service operation that is operated in conjunction with and accessory to a special event and lasting for not more than five consecutive days.

(192) "Special event retail" means retail activity that is operated in conjunction with and accessory to a special event and lasting for not more than five consecutive days.

(193) "Stable" means a building in which horses, ponies, mules or donkeys are sheltered.

(194) "Stealth wireless communication facility" means a wireless communication facility which is either:

(A) Virtually invisible to the casual observer, such as an antenna behind louvers on a building, inside a steeple, spire, clock tower, cupola, light standard, or similar structure, or

(B) Camouflaged with stealth design so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna.

(195) "Storage" means the placement of anything for safekeeping for a period of time greater than twenty-four hours.

(196) "Storage shed" means a detached building not exceeding 100 square feet in floor area which is designed and constructed for the storage of seasonal tools and other implements necessary for the care and upkeep of a dwelling and its lot.

(197) "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location upon the ground.

(198) "Structure, air supported" means an item constructed of any single diaphragm light weight flexible material which derives its primary support and stability from inflation pressure together with anchorage attached to its base, which shall be considered a structure and regulated as such.

(199) "Subdivision" and "subdivide" means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development, whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. It includes the division or development of residential and nonresidential zoned land, whether by deed, metes-and-bounds description, devise, intestacy, lease, map, plat, or other recorded instrument, re-subdivision approval of antiquated plats, and condominium creation or conversion. Any land, vacant or improved, which is divided, or proposed to be divided, into two or more lots, parcels, sites, units, condominium units, tracts, plots, or interests for the purpose of offer, sale, lease, or development, whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, partition, devise, intestacy, lease, map, plat, or any other recorded instrument. Subdivision includes re-subdivision, approval of antiquated plats, condominium, cooperative, or time-share creation or conversion, judicial partition, or division into lots, parcels, or unit through probate, equitable proceedings, or any other judicial proceeding.

(200) "Swimming pool" means a structure, whether above or below grade level, designed to hold water more than 24 inches deep to be used for recreational purposes.

(201) "Tank farm" is an area used for the storage of liquid chemicals in large tanks or by such similar structures or means.

(202) "Tavern" means a business, or a part of a business's premises, which is principally devoted to alcoholic beverage service for on-premises consumption with only incidental, if any, service of non-alcoholic beverages or other food items. A tavern is sometimes referred to as a "bar," "lounge," "pub," or other such designations.

(203) "Teen club" is a place of business which, during any of its hours of operation, limits admission exclusively to persons less than 21 years of age.

(204) "Temporary residence" means a dwelling unit accommodation room within a hotel that is used by its occupants but is not used as the permanent or principal residence of its occupants.

(205) "Terminal facility" means a structure or area designed and used to transfer cargo from one means of conveyance to another by any means, inclusive of manpower or equipment.

(206) "Throat width" means the edge-to-edge linear width of any residential or non-residential driveway measured at the right-of-way line.

(207) "Townhouse" means a series of single-family attached residential structures aligned in a row as a single building on adjoining lots, each separated from the adjoining unit or units by a fire wall (sometimes referred to as a party wall) along the dividing lot lines.

(208) "Tradesman" is a generic term applied to a variety of specialized labor service providers in fields such as carpentry, electrical contracting, HVAC, janitorial services, masonry and concrete, plumbing, roofing, upholstery, and substantially similar fields of work.

(209) "Transient" means not more than thirty days.

(210) "Underground storage tank" means any one or a combination of underground storage tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10 percent or more below grade.

(211) "Underground storage tank system" means an underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary and tertiary containment equipment (as applicable), and all other related systems and equipment.

(212) "Unprocessed," when used with respect to fruits and vegetables, means that the fruits and vegetables are not processed beyond merely rough trimming and rinsing.

(213) "Use" means the purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or building or structure is, or may be, occupied or maintained.

(214) "Use, accessory" means a subordinate use customarily incidental to and located on the same lot as the principal use.

(215) "Use, conditional" means a use which is permitted in a district only if expressly authorized by the schedule of district regulations and upon the prior issuance of a conditional use permit by the Planning and Zoning Commission in accordance with Article 15 of the Zoning Code.

(216) "Use, permitted" means a use which is permitted outright in a district, but only if expressly authorized by the schedule of district regulations, and for which a zoning certificate may be issued by the Zoning Inspector in accordance with Article 17 of the Zoning Code.

(217) "Vehicle repair, major" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

(218) "Vehicle repair, minor" means incidental body or fender work, or other minor repairs, touch-up painting not involving a spray booth, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation under "vehicle repair, major" or any other activity similar thereto.

(219) "Vending machine" means a self-service device that automatically dispenses, upon the insertion of currency, tokens, credit and debit cards, or such similar means, a predetermined unit of goods or services, either in bulk or in package, without having to be replenished after each use. An automated teller machine (ATM) is a type of vending machine for purposes of the Zoning Code.

(220) "Veterans' home" means a facility approved by the Veterans Administration under the "Veterans Health Care Amendments of 1983," as amended, and used exclusively for the placement and care of veterans.

(221) "Warehouse" means a storage facility for the reception of goods and articles of any character that will lie dormant over extended periods of time.

(222) "Wholesale trade" is an establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or to those acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

(223) "Wind energy conversion system" means any combination of equipment, machinery, and structures which are used to convert kinetic wind energy into electricity or other use and includes a "small wind farm," as defined by §713.081(A) of the Ohio Revised Code. A wind farm of five megawatts or greater capacity which falls under the exclusive jurisdiction of the power siting board as an "economically significant wind farm" pursuant to §4906.13 of the Ohio Revised Code is not subject to regulation by this Zoning Code.

(224) "Wireless communication facility" is an all-encompassing term that includes towers, poles, antennas and other facilities intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions. This definition does not include over-the-air reception devices which deliver television broadcast signals, direct broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services, all as defined by 47 C.F.R. 1.4000, as amended, which are included in the definition of "satellite earth station."

(225) "Yard" means the open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise permitted herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the building shall be used.

(226) "Yard, front" means a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the right of way line and the building or any projections thereof. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

(227) "Yard, rear" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the building or any projections thereof.

(228) "Yard, side" means a yard between the building and the side lot line and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the building or any projections thereof.

(229) "Zero lot line and row house" means a residential structure located on a lot such that one or more of the structure's sides rests directly on or immediately adjacent to the lot line. A zero lot line or row house is contrasted from a townhouse in that zero lot line and row houses are not constructed as a single building.

ARTICLE 3 DISTRICTS AND GENERAL PROVISIONS

Section 3.1 Districts.

The incorporated area of the Village of Madison, Ohio, is hereby divided into districts, known as:

A-1	Agricultural District
S-1	Special District
R-1	Single Family Residence District
R-2	Single Family Residence District
R-3	Multiple Family Residence District
B-1	General Business District
B-2	Highway Business District
B-3	Planned Commercial Development District
B-4	Interstate Business District
B-5	Interstate Business-Industrial District
M-1	Limited Industry District
M-2	General Industry District
SC-1	Senior Citizens Residence District

Section 3.2 District Map.

(a) The boundaries of the districts are shown upon the map which is made a part of this Code, which map is designated as the "Zoning District Map". The district map and all the notations, references and other information shown thereon are a part of this Code and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested to and is on file with the Fiscal Officer.

(b) No amendment to this Code which involves matters portrayed on the Official Zoning District Map shall become effective until after such change and entry has been made on said map, at the direction of Council.

(c) No changes of any nature shall be made on the Official Zoning District Map or matters shown thereon except in conformity with the procedures set forth in this Code.

(d) Regardless of the existence of purported copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map, which shall be located in the office of the Fiscal Officer, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures.

(e) In the event that the Official Zoning District Map becomes damaged, destroyed or lost, the Council may, by resolution, adopt a new Official Zoning District Map which shall supersede the prior Official Zoning District Map. The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such corrections shall have the effect of amending the original Code or subsequent amendments thereof unless the procedures for amendment prescribed herein shall have been followed.

Section 3.3 District Boundaries.

(a) The district boundary lines on said map are intended to follow either streets or alleys or lot lines; and, where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the dimensions appearing on the Zoning District Map or the district boundary shall follow property lines.

(b) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located on the right-of-way line of said railroad line.

(c) Whenever any street, alley or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such area vacated, and all such area shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 3.4 Compliance with Regulations.

The regulations set by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

(a) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(b) No building or other structure shall hereafter be erected or altered:

(1) to exceed the height;
(2) to accommodate or house a greater number of families;
(3) to occupy a greater percentage of lot area; or
(4) to have narrower or smaller rear yards, front yards, side yards or other open spaces; than herein required or in any other manner contrary to the provisions of this Code.

(c) No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

(d) No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

Section 3.5 Nonconforming Uses.

(a) Any lawful use of any dwelling, building, structure or land existing at the effective date of this Code may be continued, even though such use does not conform to the provisions hereof. A non-conforming use of a building may only be changed to a conforming use.

(b) Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Code.

(c) Whenever the use of a building or land shall become non-conforming through a change in the Zoning Code or in the district boundaries, such use may be continued.

(d) A non-conforming use of a building or land or portions thereof which are hereafter voluntarily discontinued for a continuous period of one (1) year shall not again be used except in conformity with the regulations of the district in which such building or land is located.

(e) Any building arranged, intended or designed for a non-conforming use, the construction of which has been started at the time of the passage of this Code, but not completed, may be completed and put into such non-conforming use, provided it is done within one (1) year after this Code takes effect.

(f) A non-conforming building which has been damaged by fire, explosion, act of God or the public enemy may be restored to its prior non-conforming use and condition, provided such repairs or reconstruction are completed within one (1) year of the date of such damage.

Section 3.6 Traffic Visibility Across Corner Lots.

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" of intersecting right-of-way lines at a height of more than three (3) feet above curb or street grade or so as to interfere with traffic visibility across the corner. No fence, structure or planting shall be erected or maintained within the public right-of-way.

Section 3.7 Pending Application for Building Permits.

Nothing set forth herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of this Code, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Code and completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion, except for reasons beyond the builder's control.

ARTICLE 4 USE REGULATIONS

Section 4.1 General.

The permitted and conditional uses and structures for each district are shown in the Land Use Matrix of §4.3(f). Uses and structures not specifically listed (or interpreted by the Board of Zoning Appeals to be included) under this Article shall not be permitted except by amendment to the Zoning Code.

Section 4.2 Rules of Construction.

(a) Specific Provisions Shall Prevail Over General Provisions.

Uses and/or types of structures set forth in this Zoning Code and the Land Use Matrix may be identified by general classification, however, specific types of uses and/or structures falling within those general classifications may also be identified.

By way of illustration only: "retail" use may be permitted within a district, however, a specific type of retail use may be identified as not permitted within that same district. Likewise, while a "commercial" structure may generally be permitted within a district, a specific type of commercial structure may not be permitted.

In all instances where a specific type of use and/or structure is identified, the provisions of this Code pertaining to that specific use and/or structure shall prevail over any general classifications.

(b) Ambiguities Shall Be Resolved By Most Restrictive Interpretation.

In the event that application of any provisions of this Code results in actual or apparent ambiguity that a use and/or structure is permitted within a district, then, such ambiguity shall be resolved by application of the most restrictive interpretation such that the use and/or structure is not permitted.

Section 4.3 Use Regulations and the Land Use Matrix.

(a) General.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved and maintained, in whole and in part, in all zoning districts only for the uses set forth in the Land Use Matrix and regulations of this Code.

(b) Permitted Uses.

The permitted uses and permitted structures set forth in §4.3(f), Land Use Matrix, shall be permitted as of right as the principal use of a lot, and/or structure upon a lot, only within a district in which it is specifically indicated. These uses and structures are designated by the letter "P" within the Land Use Matrix.

(c) Accessory Uses.

The accessory uses and accessory structures set forth in §4.3(f), Land Use Matrix, shall be permitted as of right but only as accessory to an active permitted use of a lot and/or the existence of a principal structure upon the lot, as applicable, and, only within a district in which it is specifically indicated. These uses and structures are designated by the letter "A" within the Land Use Matrix.

(d) Conditional Uses.

Conditional uses and structures and conditional accessory uses and accessory structures set forth in §4.3(f), Land Use Matrix, shall not be permitted as of right. These uses and structures are only permitted upon the prior issuance of a conditional use permit (CUP) pursuant to Article 15 of the Zoning Code and only within a district in which it is specifically indicated.

When a CUP issues for a conditional use or structure, it is permitted to be the principal use of the lot or to be the principal structure upon the lot. Conditionally permitted uses and structures are designated by the letter "C" within the Land Use Matrix.

When a CUP issues for an accessory use or accessory structure, it shall not be the principal use of the lot or the principal structure upon the lot but shall only be accessory to an active permitted use of the lot and/or the existence of a principal structure upon the lot, as applicable. Conditionally permitted accessory uses and accessory structures are designated by the letters "CA" within the Land Use Matrix.

(e) Land Use Matrix Guidelines.

Description and Use. The Land Use Matrix is a table divided into columns and rows with intersecting cells wherein each cell indicates whether a use or structure is permitted, accessory, conditional, or conditional accessory within the district. Each column extends through the entire length of the table. Each row extends across the entire width of the table. Uses and structures are identified in the column labeled "USE / ACTIVITY / STRUCTURE" and are each separately numbered. Each district is identified by its shorthand designation (for example: "A-1") as set forth in §3.1 of the Zoning Code.

General Headings. The uses and structures are grouped under various general classification headings that appear in capital letters within breaks in the table (for example: "PERSONAL SERVICES"). These general classification headings are included solely to aid in the organization of the Land Use Matrix in order to make it more user-friendly. The general classification headings are therefore non-substantive. The user is cautioned to review the entirety of the Land Use Matrix before arriving at any conclusion regarding a specific use or structure within a district.

Dashes or Blank Cells. Cells may have a dash (to wit: "--") contained therein or may be blank. A dash or blank cell means that the use or structure is not permitted or conditionally permitted in the district.

Cross-References. The column labeled "CROSS REFERENCES" is included in the Land Use Matrix solely as a convenience for users and is non-substantive. It is not intended nor should it be construed as limiting in any manner other laws and regulations which may be

applicable to a use or structure within a district. The user is cautioned to review the entirety of the Zoning Code and all applicable laws before arriving at any conclusion regarding a specific use or structure within a district.

Colors and Shading. Columns may be color-coded or shaded. Color-coding or shading is solely intended as a visual aid to make the Land Use Matrix more user-friendly and are non-substantive.

An Example for Users. The following example is provided solely as an illustration of how to use the Land Use Matrix:

A business desires to locate in the B-1, General Business District. The business will sell at retail dogs and cats, pet supplies, and offer grooming services. It will occupy 2,000 square feet of floor area. The business also desires to display merchandise outdoors on the front sidewalk during business hours.

In order to ascertain which of these uses is permitted in the B-1 district, the column labeled "B-1" should be reviewed in its entirety. The general use of "(84) retail, traditional" is permitted of right ("P") in the B-1 district. Further, a retail store of 2,000 square feet of area is permitted of right ("P") in the B-1 district as a "(83) retail store, minor." The business should next review the Land Use Matrix to ascertain whether the specific goods it intends to sell are specifically identified.

In regard to pet supplies, the Land Use Matrix contains no additional specific regulation and, therefore, pet supplies may be sold at retail as of right within the B-1. In regard to the sale of dogs and cats, "(200) animal sales, pet shop" is specifically identified in the Land Use Matrix as only conditionally permitted ("C"). Specific provisions control over general provisions pursuant to §4.2(a), therefore, a conditional use permit must first be obtained prior to the sale of dogs and cats.

The business also desires to offer grooming services. The Land Use Matrix indicates that "(198) animal grooming, commercial" is a conditionally permitted use ("C") in the B-1 district. The business will have to obtain a conditional use permit prior to offering grooming services.

Finally, the business desires to display merchandise outdoors on the front sidewalk during business hours. The Land Use Matrix indicates that "(44) outdoor storage or display of goods, products, or materials" is not permitted ("--") in a B-1 district. The business is therefore prohibited from engaging in this activity.

(This space intentionally left blank.)

Section 4.3(f) Land Use Matrix

USE / ACTIVITY / STRUCTURE:	A-1	B-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
RESIDENTIAL USES AND STRUCTURES														
(1) accessory dwelling unit	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(1) (def.)
(2) adult family home	--	--	P	P	P	--	--	--	--	--	--	--	P	§2.2(b)(4) (def.)
(3) adult group home	--	--	--	--	P	--	--	--	--	--	--	--	P	§2.2(b)(5) (def.)
(4) county and district home	--	--	P	P	P	--	--	--	--	--	--	--	P	§2.2(b)(44) (def.)
(5) duplex residential structure and use	--	--	--	C	P	--	--	--	--	--	--	--	--	§2.2(b)(55) (def.)
(6) home for the aging	--	--	--	--	P	--	--	--	P	--	--	--	P	§2.2(b)(79) (def.)
(7) live/work unit	--	--	--	--	--	CA	--	--	--	--	--	--	--	§2.2(b)(95) (def.)
(8) manufactured home, residential design	A	--	P	P	P	--	--	--	--	--	--	--	--	§2.2(b)(99) (def.)
(9) manufactured home, other design	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(99) (def.)
(10) mobile home	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(108) (def.)
(11) mobile home park	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(109) (def.)
(12) multi-family residential structure (apartment building)	--	--	--	--	P	--	--	--	--	--	--	--	P	§2.2(b)(114) (def.)
(13) nursing home	--	--	--	C	C	--	--	--	P	--	--	--	--	§2.2(b)(117) (def.)
(14) residential care facility	--	--	--	C	P	--	--	--	P	--	--	--	P	§2.2(b)(148) (def.)
(15) residential facility (Ch. 5119)	--	--	--	--	--	--	--	--	P	--	--	--	--	§2.2(b)(149) (def.)
(16) residential facility (Ch. 5123), major	--	--	--	--	P	--	--	--	--	--	--	--	--	§2.2(b)(150) (def.) §2.2(b)(151) (def.)
(17) residential facility (Ch. 5123), minor	--	--	P	P	P	--	--	--	--	--	--	--	--	§2.2(b)(150) (def.) §2.2(b)(152) (def.)
(18) residential use	A	--	P	P	P	CA	--	--	--	--	--	--	P	§2.2(b)(154) (def.)
(19) senior assisted and semi-independent living structure and use	--	--	--	--	P	--	--	--	--	--	--	--	P	§2.2(b)(173) (def.)
(20) single-family attached residential structure	--	--	--	--	P	--	--	--	--	--	--	--	--	§2.2(b)(179) (def.)
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	F-1	R-2	R-3	E-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
RESIDENTIAL USES AND STRUCTURES, CONT.														
(21) single-family detached residential structure	A	--	P	P	P	--	--	--	--	--	--	--	--	§2.2(b)(180) (def.)
(22) student dormitory	--	CA	--	CA	--	CA	CA	CA	CA	--	--	--	--	
(23) temporary structure, tent, and other such means of shelter	--	--	--	--	--	--	--	--	--	--	--	--	--	
(24) townhouse	--	--	--	--	P	--	--	--	--	--	--	--	--	§2.2(b)(207) (def.)
(25) veterans' home	--	--	P	P	P	--	--	--	--	--	--	--	P	§2.2(b)(220) (def.)
(26) zero lot line and row house	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(229) (def.)
HOTELS, CAMPS, AND OTHER ACCOMMODATION STRUCTURES AND USES														
(27) agricultural labor camp	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(6) (def.)
(28) bed-and-breakfast	CA	--	--	C	C	C	--	--	--	--	--	--	--	§2.2(b)(15) (def.)
(29) boarding and rooming house	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(17) (def.)
(30) camp ground	--	--	--	--	--	--	--	--	--	--	--	--	--	
(31) hotel, extended stay	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(85) (def.)
(32) hotel, other	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(86) (def.)
(33) hotel, residential	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(87) (def.)
(34) hotel, transient	--	--	--	--	--	C	C	--	P	P	--	--	--	§2.2(b)(88) (def.)
(35) recreational vehicle park	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(145) (def.)
(36) single-room occupancy (SRO) facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(183) (def.)
COMMERCIAL STRUCTURES AND IMPROVEMENTS, GENERAL														
(37) commercial driveway approach	--	--	--	--	--	P	P	P	P	P	P	P	--	§2.2(b)(40) (def.)
(38) commercial or public parking	--	A	--	--	--	P	P	P	P	P	P	P	--	Article 7 (parking)
(39) commercial parking structure	--	CA	--	--	--	CA	CA	CA	CA	CA	CA	CA	--	§2.2(b)(41) (def.)
(40) commercial structure	--	P	--	--	C	P	P	P	P	P	P	P	--	
(41) drive-through facility	--	--	--	--	--	CA	CA	CA	CA	CA	--	--	--	§2.2(b)(53) (def.)
(42) kiosk	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(93) (def.)
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
COMMERCIAL STRUCTURES AND IMPROVEMENTS, GENERAL, CONT.														
(43) outdoor automated teller machine (ATM)	--	--	--	--	--	CA	CA	CA	CA	CA	--	--	--	§2.2(b)(14) (def.)
(44) outdoor storage or display of goods, products, or materials	--	--	--	--	--	--	--	CA	--	CA	CA	CA	--	
(45) outdoor vending machine	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(219) (def.)
FOOD AND BEVERAGE SERVICE														
(46) catering food service operation	--	--	--	--	--	P	P	P	--	--	--	--	--	§2.2(b)(30) (def.)
(47) coffee house	--	--	--	--	--	P	P	P	A	--	--	--	--	§2.2(b)(37) (def.)
(48) food delivery sales operation	--	--	--	--	--	P	P	P	--	--	--	--	--	§2.2(b)(69) (def.)
(49) microbrewery	--	--	--	--	--	CA	CA	CA	CA	CA	--	--	--	§2.2(b)(103) (def.)
(50) micro-distillery	--	--	--	--	--	CA	CA	CA	CA	CA	--	--	--	§2.2(b)(104) (def.)
(51) micro-winery	--	--	--	--	--	CA	CA	CA	CA	CA	--	--	--	§2.2(b)(105) (def.)
(52) mobile food service operation	--	--	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(107) (def.)
(53) outdoor food service	--	--	--	--	--	CA	CA	CA	CA	CA	--	--	--	§2.2(b)(70) (def.)
(54) push-cart	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(143) (def.)
(55) restaurant, cafeteria	--	--	--	--	--	--	--	--	CA	CA	CA	CA	--	§2.2(b)(155) (def.)
(56) restaurant, carry-out	--	--	--	--	--	C	C	C	C	--	--	--	--	§2.2(b)(156) (def.)
(57) restaurant, drive-in	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(157) (def.)
(58) restaurant, fast-food	--	--	--	--	--	--	--	C	P	--	--	--	--	§2.2(b)(158) (def.)
(59) restaurant, table service	--	--	--	--	--	P	P	P	P	P	--	--	--	§2.2(b)(159) (def.)
(60) seasonal food service operation	--	--	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(170) (def.)
(61) sidewalk café	--	--	--	--	--	CA	--	--	--	--	--	--	--	§2.2(b)(178) (def.)
(62) special event food service operation	--	C	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(191) (def.)
(63) tavern	--	--	--	--	--	C	C	C	CA	CA	--	--	--	§2.2(b)(202) (def.)
[Reserved]														
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
RETAIL AND RELATED USES														
(56) antique and collectibles shops	--	--	--	--	--	P	P	P	--	--	--	--	--	
(57) art gallery and artisans' studios	--	--	--	--	--	P	P	P	--	--	--	--	--	
(58) bookstore	--	--	--	--	--	P	P	P	--	--	--	--	--	
(59) consignment store	--	--	--	--	--	C	C	P	--	--	--	--	--	
(60) convenience food store	--	--	--	--	--	P	P	P	CA	--	--	--	--	§2.2(b)(43) (def.)
(61) full-service indoor food store (grocery)	--	--	--	--	--	P	P	P	--	--	--	--	--	§2.2(b)(72) (def.)
(62) head shop	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(77) (def.)
(63) lawn and yard care equipment sales, leasing, rental, and service	--	--	--	--	--	--	P	--	--	--	P	--	--	
(64) lawn and yard care products, goods and services	--	--	--	--	--	--	P	P	--	--	--	--	--	
(65) lumberyard and building materials	--	--	--	--	--	--	--	--	--	P	P	P	--	
(66) mobile retail store	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(110) (def.)
(67) mobile retail food store	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(111) (def.)
(68) outdoor food market	--	--	--	--	--	C	C	C	--	--	--	--	--	
(69) outdoor market	--	--	--	--	--	C	C	C	--	--	--	--	--	
(70) pawnshop	--	--	--	--	--	--	P	P	--	--	--	--	--	§2.2(b)(129) (def.)
(71) precious metals dealer	--	--	--	--	--	--	P	P	--	--	--	--	--	
(72) retail beer or wine store (off-premises consumption)	--	--	--	--	--	P	P	P	--	--	--	--	--	
(73) retail liquor store (off-premises consumption)	--	--	--	--	--	--	P	P	--	--	--	--	--	
(74) retail store, major	--	--	--	--	--	--	P	P	--	--	--	--	--	§2.2(b)(161) (def.)
(75) retail store, minor	--	--	--	--	--	P	P	P	--	--	--	--	--	§2.2(b)(162) (def.)
(76) retail, traditional	--	--	--	--	--	P	P	P	--	--	--	--	--	§2.2(b)(163) (def.)
(77) retail, non-traditional	--	--	--	--	--	A	A	A	P	P	P	P	--	§2.2(b)(164) (def.)
(78) roadside fruit / vegetable stand	A	--	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(171) (def.)

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
RETAIL AND RELATED USES, CONT.														
(97) stand-alone retail bakery	--	--	--	--	--	P	P	P	--	--	--	--	--	
(98) stand-alone retail butcher shop	--	--	--	--	--	P	P	P	--	--	--	--	--	
(99) stand-alone retail food store, not otherwise enumerated	--	--	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(160) (def.)
(100) special event retail	--	C	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(192) (def.)
(101) tobacco / cigarette shop	--	--	--	--	--	C	P	P	--	--	--	--	--	
(102) warehouse discount store / superstore	--	--	--	--	--	--	P	P	--	--	--	--	--	
PERSONAL SERVICES														
(103) adult day care	--	--	CA	CA	CA	P	P	P	P	--	--	--	CA	§2.2(b)(3) (def.)
(104) child care, type A home	--	--	C	C	C	--	--	--	--	--	--	--	--	§2.2(b)(32) (def.)
(105) child care, type B home	P	--	P	P	P	--	--	--	--	--	--	--	P	§2.2(b)(33) (def.)
(106) child day-care center	--	CA	--	--	--	--	--	--	P	--	--	--	--	§2.2(b)(34) (def.)
(107) child day camp	--	CA	--	--	--	--	--	--	P	--	--	--	--	§2.2(b)(35) (def.)
(108) consumer repair services	--	--	--	--	--	P	P	P	--	--	--	--	--	§2.2(b)(42) (def.)
(109) crematory	--	--	--	--	--	--	--	--	--	--	P	P	--	
(110) day spa	--	--	--	--	--	P	P	P	C	--	--	--	--	
(111) funeral home	--	--	--	--	--	P	P	--	--	--	--	--	--	
(112) hair salon / barbershop	--	--	--	--	--	P	P	P	--	--	--	--	--	
(113) laundry / dry cleaner	--	--	--	--	--	C	C	P	--	--	--	--	--	
(114) manicure / pedicure services	--	--	--	--	--	P	P	P	--	--	--	--	--	
(115) non-licensed commercial massage	--	--	--	--	--	--	--	--	--	--	--	--	--	
(116) non-licensed commercial skin, hair, other personal care treatment	--	--	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(115) (def.)
(117) photographic studio	--	--	--	--	--	P	P	P	--	--	--	--	--	
(118) tailor / seamstress services	--	--	--	--	--	P	P	P	--	--	--	--	--	
(119) tattoo and body piercing	--	--	--	--	--	--	P	P	--	--	--	--	--	
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
PROFESSIONAL OFFICE, MEDICAL AND RELATED SERVICES														
(112) ambulatory care facility	--	--	--	--	--	--	--	--	P	P	--	--	--	§2.2(b)(8) (def.)
(111) ambulatory surgical center	--	--	--	--	--	--	--	--	P	P	--	--	--	
(113) ambulance service (private)	--	--	--	--	--	--	--	--	--	P	P	P	--	
(113) auction house	--	--	--	--	--	--	--	--	--	C	C	C	--	
(114) bank / credit union	--	--	--	--	--	P	P	P	P	P	--	--	--	
(115) birthing center	--	--	--	--	--	--	--	--	P	P	--	--	--	
(116) business park	--	--	--	--	--	--	--	--	P	P	P	P	--	§2.2(b)(26) (def.)
(117) business services	--	--	--	--	--	--	--	--	--	P	P	P	--	§2.2(b)(27) (def.)
(118) cardiac catheterization center	--	--	--	--	--	--	--	--	P	P	--	--	--	
(119) diagnostic imaging center	--	--	--	--	--	--	--	--	P	P	--	--	--	
(120) dialysis center	--	--	--	--	--	--	--	--	P	P	--	--	--	
(121) emergency facility	--	--	--	--	--	--	--	--	P	P	--	--	--	§2.2(b)(57) (def.)
(122) home health agency	--	--	--	--	--	P	P	P	P	P	--	--	--	
(123) hospice care, inpatient	--	--	--	--	--	--	--	--	P	P	--	--	--	§2.2(b)(82) (def.)
(124) hospital	--	--	--	--	--	--	--	--	P	P	--	--	--	§2.2(b)(83) (def.)
(125) medical building	--	--	--	--	--	P	P	P	P	P	--	--	--	
(126) medical clinic / dental clinic	--	--	--	--	--	P	P	P	P	P	--	--	--	
(127) mental health facility	--	--	--	--	--	--	--	--	P	P	--	--	--	
(128) office building	--	--	--	--	--	P	P	P	P	P	P	P	--	
(129) office, general	--	--	--	--	--	P	P	P	P	P	P	P	--	§2.2(b)(118) (def.)
(130) office, medical	--	--	--	--	--	P	P	P	P	P	--	--	--	§2.2(b)(119) (def.)
(131) pharmacy	--	--	--	--	--	C	P	P	A	A	--	--	--	
(132) physical therapy center	--	--	--	--	--	C	P	P	P	P	--	--	--	
(133) plasmapheresis center	--	--	--	--	--	--	--	--	P	P	--	--	--	
(134) public health center	--	--	--	--	--	--	--	--	P	P	--	--	--	§2.2(b)(142) (def.)
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
PROFESSIONAL OFFICE, MEDICAL AND RELATED SERVICES, CONT.														
(136) radiation therapy center	--	--	--	--	--	--	--	--	P	P	--	--	--	
(136) rehabilitation center, inpatient	--	--	--	--	--	--	--	--	P	P	--	--	--	
(137) rehabilitation center, outpatient	--	--	--	--	--	C	C	C	P	P	--	--	--	
(138) state-licensed therapeutic massage	--	--	--	--	--	--	C	C	A	A	--	--	--	
(139) urgent care center	--	--	--	--	--	--	P	P	P	P	--	--	--	
VEHICLE-RELATED ACTIVITIES AND SERVICES														
(140) airport / airstrip	--	--	--	--	--	--	--	--	--	--	--	--	--	
(141) bicycle sales / rental	--	--	--	--	--	P	P	P	--	--	--	--	--	
(142) boat and marine craft sales / leasing / rental (new and used)	--	--	--	--	--	--	--	--	P	P	P	--	--	
(143) bus, truck, mobile home, trailer, recreational vehicle, and other large vehicle sales / leasing / rental (new and used)	--	--	--	--	--	--	--	--	P	P	P	--	--	
(144) car wash	--	--	--	--	--	--	--	--	A	A	--	--	--	
(145) construction equipment sales / leasing / rental (new and used)	--	--	--	--	--	--	--	--	--	--	P	P	--	
(146) gasoline / diesel and other vehicle fuel sales	--	--	--	--	--	C	--	--	P	P	--	--	--	
(147) heliport / helistop	--	--	--	--	--	--	--	--	CA	CA	CA	CA	--	
(148) motorcycle, scooter, all-terrain vehicle sales (new and used)	--	--	--	--	--	--	--	--	P	P	P	--	--	
(149) new passenger vehicle sales / leasing	--	--	--	--	--	--	--	--	P	P	P	--	--	
(150) oil change service facility	--	--	--	--	--	C	C	C	--	--	--	--	--	
(151) passenger vehicle rental	--	--	--	--	--	C	C	--	A	A	A	--	--	
(152) towing service	--	--	--	--	--	--	--	--	--	--	P	--	--	
(153) used passenger vehicle sales / leasing	--	--	--	--	--	--	--	--	A	A	A	--	--	SE.P
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
VEHICLE-RELATED ACTIVITIES AND SERVICES, CONT.														
(164) vehicle parts / accessories / tire sales	--	--	--	--	--	--	C	C	A	A	A	--	--	
(165) vehicle repair, major	--	--	--	--	--	--	--	--	--	P	P	P	--	§2.2(b)(217) (def.)
(166) vehicle repair, minor	--	--	--	--	--	--	C	C	A	P	P	--	--	§2.2(b)(218) (def.)
(167) vehicle storage lot	--	--	--	--	--	--	--	--	--	--	C	C	--	
PLACES OF ASSEMBLY, ENTERTAINMENT AND RECREATION														
(168) active open space: athletic field / golf course / driving range	--	P	C	C	--	P	--	--	--	--	--	--	--	
(169) amphitheater	--	C	--	--	--	--	--	--	--	--	--	--	--	
(170) amusement and theme park	--	--	--	--	--	--	--	--	--	--	--	--	--	
(171) amusement, sports, and recreation establishment and facilities (not otherwise specified)	--	C	--	--	--	C	C	C	--	--	--	--	--	
(172) arcade	--	--	--	--	--	--	C	C	--	--	--	--	--	§2.2(b)(11) (def.)
(173) basketball court, outdoor	--	A	A	A	A	--	--	--	--	--	--	--	--	
(174) batting cage, outdoor	--	A	--	--	--	--	C	C	--	--	--	--	--	
(175) bicycle and skateboard ramps, tracks, and other similar facilities and structures	--	C	--	--	--	--	--	--	--	--	--	--	--	
(176) billiards / pool hall	--	--	--	--	--	--	C	C	--	--	--	--	--	§2.2(b)(16) (def.)
(177) bowling alley	--	--	--	--	--	--	C	C	--	--	--	--	--	
(178) club	--	--	--	--	--	C	C	C	--	--	--	--	--	§2.2(b)(36) (def.)
(179) commercial boxing, wrestling, martial arts, and other combat sports	--	--	--	--	--	--	--	--	--	--	--	--	--	
(180) concert hall	--	P	--	--	--	C	--	--	--	--	--	--	--	
(181) dance studio	--	--	--	--	--	C	P	P	--	--	--	--	--	
(182) drive-in theater	--	--	--	--	--	--	--	--	--	--	--	--	--	
(183) exhibition, convention, or conference structure, facility and use	--	P	--	--	--	--	--	--	P	P	--	--	--	
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
PLACES OF ASSEMBLY, ENTERTAINMENT AND RECREATION, CONT.														
(174) fitness center, gym, and athletic club, indoor	--	P	--	--	--	C	C	C	A	A	--	--	--	
(175) game room	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(73) (def.)
(176) gymnastics facility	--	P	--	--	--	C	C	C	P	--	--	--	--	
(177) house of worship and related facilities	--	P	--	C	--	P	C	C	--	--	--	--	--	
(178) indoor athletic field	--	P	--	--	--	--	--	--	--	--	--	--	--	
(179) indoor firing or archery range and similar use	--	A	--	--	--	--	--	--	--	--	C	C	--	
(180) miniature golf establishment	--	C	--	--	--	--	--	--	--	--	--	--	--	
(181) motorcycle and other recreational vehicle jump ramp, race course or track, and similar facility and structure	--	--	--	--	--	--	--	--	--	--	--	--	--	
(182) movie theater	--	--	--	--	--	C	P	P	--	--	--	--	--	
(183) off-road vehicle track	--	--	--	--	--	--	--	--	--	--	--	--	--	
(184) outdoor firing or archery range and similar use	--	--	--	--	--	--	--	--	--	--	--	--	--	
(185) party center	--	C	--	--	--	C	--	--	P	C	--	--	--	
(186) passive recreational open space	P	P	P	P	P	P	P	P	P	P	P	P	P	
(187) performance theater	--	P	--	--	--	P	--	--	C	--	--	--	--	
(188) racetrack	--	--	--	--	--	--	--	--	--	--	--	--	--	
(189) sexually oriented business	--	--	--	--	--	--	--	--	--	--	--	P	--	§8.7
(190) skating rink	--	P	--	--	--	--	--	--	--	--	--	--	--	
(191) special event	--	C	--	--	--	C	C	C	C	--	--	--	--	§2.2(b)(190) (def.)
(192) sports stadium or arena	--	C	--	--	--	--	--	--	C	C	--	--	--	
(193) swimming pool	--	A	A	A	A	CA	--	--	A	A	--	--	A	§2.2(b)(200) (def.) Article 12
(194) teen club	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(203) (def.)
(195) tennis court	--	A	A	A	A	--	--	--	--	--	--	--	--	
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
ANIMALS														
(196) animal breeding	P	--	--	--	--	--	--	--	--	--	--	--	--	
(197) animal burial, cemetery, interment, and crematory	--	--	--	--	--	--	--	--	--	--	--	--	--	
(198) animal grooming, commercial	--	--	--	--	--	C	C	C	--	--	--	--	--	
(199) animal sales, other	A	--	--	--	--	--	--	--	--	--	--	--	--	
(200) animal sales, pet shop	--	--	--	--	--	C	C	C	--	--	--	--	--	
(201) apiculture	A	--	CA	CA	--	--	--	--	--	--	--	--	--	
(202) commercial hatchery and poultry house	C	--	--	--	--	--	--	--	--	--	--	--	--	
(203) fish hatchery	C	--	--	--	--	--	--	--	--	--	--	--	--	
(204) game preserve and retreat	--	--	--	--	--	--	--	--	--	--	--	--	--	
(205) keeping of domesticated animals: common household pets and service animals	A	--	A	A	A	--	--	--	--	--	--	--	A	
(206) keeping of domesticated animals: horses	A	--	CA	CA	CA	--	--	--	--	--	--	--	--	
(207) keeping of domesticated animals: livestock	A	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(98) (def.)
(208) keeping of domesticated animals: poultry	A	--	--	CA	--	--	--	--	--	--	--	--	--	
(209) keeping of domesticated animals: other	CA	--	--	--	--	--	--	--	--	--	--	--	--	
(210) keeping of exotic species	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(59) (def.)
(211) keeping of non-domesticated native animals	--	--	--	--	--	--	--	--	--	--	--	--	--	
(212) kennel and other canine / feline / pet boarding facility	--	--	--	--	--	--	C	C	--	--	--	--	--	§2.2(b)(92) (def.)
(213) livestock and poultry slaughter	--	--	--	--	--	--	--	--	--	--	--	--	--	
(214) livestock pen or hog house	C	--	--	--	--	--	--	--	--	--	--	--	--	
(215) pet services	CA	--	--	--	--	--	C	C	--	--	--	--	--	§2.2(b)(132) (def.)
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
ANIMALS, CONT.														
(210) stable and equine-related facilities	A	--	CA	CA	CA	--	--	--	--	--	--	--	--	§2.2(b)(193) (def.)
(211) veterinary office, hospital, and clinic	--	--	--	--	--	C	C	C	P	P	--	--	--	
(212) zoo / petting zoo	--	--	--	--	--	--	--	--	--	--	--	--	--	
AGRICULTURE AND FORESTRY														
(219) crop production, commercial	P	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(46) (def.)
(220) crop production, domestic use	P	C	A	A	A	--	--	--	--	--	--	--	A	§2.2(b)(47) (def.)
(221) grain silos and other storage structures for agricultural products	CA	--	--	--	--	--	--	--	--	--	--	--	--	
(222) greenhouse, commercial	P	--	--	--	--	--	--	--	--	--	--	--	--	
(223) nursery	P	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(116) (def.)
(224) winery	P	--	--	--	--	--	--	--	--	--	--	--	--	
INDUSTRIAL BUILDINGS, STRUCTURES AND USES														
(225) assembly plant, major	--	--	--	--	--	--	--	--	--	--	C	P	--	§2.2(b)(12) (def.)
(226) assembly plant, minor	--	--	--	--	--	--	--	--	--	P	P	P	--	§2.2(b)(13) (def.)
(227) automotive wrecking and graveyard, salvage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	
(228) bottling plants	--	--	--	--	--	--	--	--	--	--	--	C	--	
(229) brewery / distillery	--	--	--	--	--	--	--	--	--	--	C	C	--	
(230) bulk plant	--	--	--	--	--	--	--	--	--	--	C	C	--	§2.2(b)(25) (def.)
(231) chemical storage (bulk)	CA	--	--	--	--	--	--	--	--	CA	CA	CA	--	
(232) construction-related business	--	--	--	--	--	--	--	--	--	--	C	P	--	
(233) demolition business	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(49) (def.)
(234) fabrication	--	--	--	--	--	--	--	--	--	P	P	P	--	§2.2(b)(60) (def.)
(235) fuel storage (commercial bulk)	--	--	--	--	--	--	--	--	--	CA	CA	CA	--	
(236) industrial parks	--	--	--	--	--	--	--	--	--	--	P	P	--	
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
INDUSTRIAL BUILDINGS, STRUCTURES AND USES, CONT.														
(237) industrial structures, facilities, and uses not otherwise enumerated	--	--	--	--	--	--	--	--	--	C	C	C	--	
(238) junkyard	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(90) (def.)
(239) laboratory	--	--	--	--	--	--	--	--	--	P	P	P	--	§2.2(b)(94) (def.)
(240) machining	--	--	--	--	--	--	--	--	--	P	P	P	--	
(241) manufacturing plant, major	--	--	--	--	--	--	--	--	--	--	C	P	--	§2.2(b)(101) (def.)
(242) manufacturing plant, minor	--	--	--	--	--	--	--	--	--	P	P	P	--	§2.2(b)(102) (def.)
(243) mini-warehouse	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(108) (def.)
(244) photographic processing and blueprinting facility	--	--	--	--	--	--	--	--	--	P	P	P	--	
(245) printing and publishing facility	--	--	--	--	--	--	--	--	--	P	P	P	--	
(246) process plant	--	--	--	--	--	--	--	--	--	--	C	C	--	§2.2(b)(140) (def.)
(247) processing warehouse	--	--	--	--	--	--	--	--	--	--	C	C	--	§2.2(b)(141) (def.)
(248) produce warehouse	--	--	--	--	--	--	--	--	--	--	C	C	--	
(249) quarry	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(144) (def.)
(250) recycling business	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(146) (def.)
(251) refining	--	--	--	--	--	--	--	--	--	--	C	C	--	§2.2(b)(147) (def.)
(252) refrigerated warehouse or cold storage	--	--	--	--	--	--	--	--	--	--	C	P	--	
(253) research and development services (scientific, medical, and technology)	--	--	--	--	--	--	--	--	A	P	P	P	--	
(254) sand or gravel pit	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(166) (def.)
(255) self-storage facility	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(172) (def.)
(256) tank farm	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(201) (def.)
(257) terminal facility for motor freight	--	--	--	--	--	--	--	--	--	--	C	P	--	§2.2(b)(205) (def.)
(258) terminal facility for rail freight	--	--	--	--	--	--	--	--	--	--	C	P	--	§2.2(b)(205) (def.)
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES:
INDUSTRIAL BUILDINGS, STRUCTURES AND USES, CONT.														
(260) topsoil and mulch processing and storage	--	--	--	--	--	--	--	--	--	CA	CA	CA	--	
(261) tradesman's shop	--	--	--	--	--	--	--	--	--	P	P	P	--	§2.2(b)(208) (def.)
(261) warehouse	--	--	--	--	--	--	--	--	--	A	A	A	--	§2.2(b)(221) (def.)
(262) welding shop	--	--	--	--	--	--	--	--	--	P	P	P	--	
(263) wholesale trade: durable goods	--	--	--	--	--	--	--	--	--	C	P	P	--	§2.2(b)(222) (def.)
(264) wholesale trade: nondurable goods	--	--	--	--	--	--	--	--	--	C	P	P	--	§2.2(b)(222) (def.)
PUBLIC USES, UTILITY AND OTHER INFRASTRUCTURE														
(265) bus shelter	--	P	--	--	--	P	P	P	P	P	P	P	P	
(266) cemetery, mausoleum, columbarium, and other places of interment	--	P	--	--	--	--	--	--	--	--	--	--	--	
(267) college / university	--	P	--	--	--	--	--	--	P	P	--	--	--	
(268) composting facility	C	--	--	--	--	--	--	--	--	--	--	--	--	
(269) essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	§2.2(b)(58) (def.)
(270) hazardous waste collection	--	--	--	--	--	--	--	--	--	--	--	C	--	
(271) hazardous waste storage	--	--	--	--	--	--	--	--	--	--	--	CA	--	
(272) library	--	P	--	--	--	P	P	P	P	--	--	--	--	
(273) museum	--	P	--	--	--	P	P	P	P	--	--	--	--	
(274) passenger transit station	--	--	--	--	--	--	--	--	C	C	--	--	--	§2.2(b)(128) (def.)
(275) power generating facility (private)	CA	CA	--	--	--	--	--	--	CA	CA	CA	CA	--	§2.2(b)(135) (def.)
(276) public administration facility	--	P	--	--	--	P	P	P	P	P	P	P	--	
(277) public safety services facility	P	P	P	P	P	P	P	P	P	P	P	P	P	
(278) sanitary landfill	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(167) (def.)
(279) school (elementary / middle / high school)	--	P	--	C	--	--	--	--	--	--	--	--	--	
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES
PUBLIC USES, UTILITY AND OTHER INFRASTRUCTURE, CONT.														
(280) school (pre-school / nursery)	--	P	--	C	--	--	--	--	--	--	--	--	--	
(281) school (trade and specialized instruction)	--	C	--	--	--	C	C	C	C	--	--	--	--	§2.2(b)(189) (def.)
(282) sewage treatment plant	--	P	--	--	--	--	--	--	--	--	--	--	--	
(283) solar energy conversion system, freestanding	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	§2.2(b)(185) (def.)
(284) solar energy conversion system, roof-mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	§2.2(b)(186) (def.)
(285) solid waste facility	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(188) (def.)
(286) solid waste transfer station	--	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(189) (def.)
(287) solid waste combustor or incinerator	--	--	--	--	--	--	--	--	--	--	--	--	--	
(288) water storage tank, basin, reservoir	CA	CA	CA	CA	CA	--	--	--	CA	CA	CA	CA	--	
(289) wind energy conversion system	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	§2.2(b)(223) (def.)
(290) wireless communication facility	C	C	C	C	C	C	C	C	C	C	C	C	C	§2.2(b)(224) (def.)
ACCESSORY STRUCTURES AND USES														
(291) barn	A	--	CA	CA	--	--	--	--	--	--	--	--	--	
(292) carport	A	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(29) (def.)
(293) child playhouse	--	--	A	A	A	--	--	--	--	--	--	--	--	
(294) collection box	--	CA	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(38) (def.)
(295) deck	A	A	A	A	A	CA	CA	CA	CA	CA	--	--	A	§2.2(b)(48) (def.)
(296) detached garage	A	CA	A	A	A	--	--	--	--	A	A	A	A	§2.2(b)(74) (def.)
(297) gazebo	--	A	A	A	A	--	--	--	--	--	--	--	A	§2.2(b)(75) (def.)
(298) greenhouse, non-commercial	A	A	A	A	A	--	--	--	--	--	--	--	A	
(299) home occupation	--	--	A	A	A	--	--	--	--	--	--	--	--	§2.2(b)(80) (def.)
(300) home sale	A	--	A	A	A	--	--	--	--	--	--	--	A	§2.2(b)(81) (def.)
[Reserved]														
[Reserved]														

USE / ACTIVITY / STRUCTURE:	A-1	S-1	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	M-1	M-2	SC-1	CROSS-REFERENCES
ACCESSORY STRUCTURES AND USES, CONT.														
(301) hot tub, outdoor	A	--	A	A	A	--	--	--	--	--	--	--	--	§2.2(b)(84) (def.) Article 12
(302) outbuilding, not otherwise specified	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	
(303) patio	A	A	A	A	A	CA	CA	CA	CA	CA	--	--	A	
(304) playground equipment	--	A	A	A	A	--	--	--	CA	--	--	--	--	
(305) satellite earth station	A	A	A	A	A	A	A	A	A	A	A	A	A	§2.2(b)(168) (def.) Article 11
(306) storage shed	A	A	A	A	A	--	--	--	--	--	--	--	A	§2.2(b)(196) (def.)
(307) structure, air supported	CA	--	--	--	--	--	--	--	--	--	--	--	--	§2.2(b)(198) (def.)

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ARTICLE 5 HEIGHT, LOT AREA, FLOOR AREA AND MISCELLANEOUS REQUIREMENTS

Section 5.1 General.

The height, lot area and floor area requirements for the location and erection of buildings on any lot or tract of land are established and set forth in §5.2.

Section 5.2 Height, Lot Area and Floor Area Requirements for Agricultural and Residential Uses.

DISTRICT SYMBOL:	A-1	R-1	R-2	R-3 Single Family	R-3 Two Family
(1) Maximum height of buildings (in stories)	2.5	2.5	2.5	2.5	2.5
(2) Maximum height of buildings (in feet)	35	35	35	35	35
(3) Minimum depth of front yard from right-of-way (in feet) (except, see fn. 1)	75	40	40	40	40
(4) Minimum width of either side yard (in feet)	50	15	15	15	15
(5) Minimum depth of rear yard (in feet)	50	40	45	40	40
(6) Minimum lot area per dwelling unit (in square feet)	43,560	20,000	20,000	20,000	12,350
(7) Minimum lot frontage (in feet)	175	100	100	100	100
(8) Minimum residential floor area, one (1) level building only (in square feet)	1,500	1,700	1,700	1,400	N/A
(9) Minimum residential floor area, more than one (1) level, but no more than three (3) (in square feet)	1,800	1,900	1,900	1,600	N/A
(10) Minimum residential floor area, per dwelling (in square feet)	N/A	N/A	N/A	1,400	1,400
(11) Minimum distance between buildings (in feet)	N/A	N/A	N/A	30	30

fn. 1. A front yard of a minimum 75-foot depth shall be required for all lots fronting on Federal or State highways.

Section 5.3 Height and Lot Area Requirements for Special, Business and Industrial Uses.

DISTRICT SYMBOL:	S-1	B-1	B-2	B-4	B-5	M-1	M-2
(1) Maximum height of buildings (in stories)	2	2	2	N/A	N/A	2	2
(2) Maximum height of buildings (in feet)	35	60	45	35	35	60	60
(3) Minimum depth of front yard (in feet) (r-o-w)	50	50	50	50	80	100	100
(4) Minimum width of either side yard (in feet)	20	20	20	20	20	20 (fn. 3)	20 (fn. 3)
(5) Minimum depth of rear yard (in feet)	40	40	40	40	40	50 (fn. 2)	50 (fn. 2)
(6) Maximum percentage of lot coverage	25%	None	40%	40%	40%	40%	40%

fn. 2. A rear yard depth of not less than 50 feet in a "B-1" District and not less than 50 feet in a "B-2" District and not less than 100 feet in an "M-1" District is required where a lot abuts upon a residential district. See, Article 6 for exceptions.

fn. 3. A side yard width of not less than 100 feet is required where a lot adjoins a residential district. See, Article 6 for exceptions.

Section 5.4 Height and Lot Area Requirements for "B-3" Shopping Center Uses.

Maximum height of buildings:	2.5 stories above grade
Minimum depth of building set back from right of way:	100 feet
Minimum depth of paved area set back:	50 feet
Minimum width of building set back, on either side:	50 feet
Minimum depth of building set back, at rear:	50 feet
Minimum feet between buildings:	100 feet
Minimum lot area:	2.5 acres
Minimum street frontage on a street or highway:	200 feet
Minimum floor area for first phase of a new development, grade level:	7,500 square feet

Section 5.5 Height, Lot Area, Design and Development Requirements for "SC-1" Senior Citizens Residence District.

The following height, lot area, design and development criteria are hereby established to control the development and use of land and buildings in a Senior Citizens Residence District:

(a) Ancillary Facilities. All buildings designed for senior citizens in a Senior Citizens Residence District with ten (10) or less dwelling units may contain a multi purpose community center, health center, counseling offices, craft and meeting rooms, a lounge area, areas for passive and active recreation, and any and all other requirements for buildings qualifying for housing assistance for the elderly in new construction designed for the elderly as set forth in the regulations promulgated by the Federal Department of Housing and Urban Development.

All buildings designed for senior citizens in a Senior Citizens Residence District with more than ten (10) dwelling units shall contain a multi-purpose community center, and may contain a health center, counseling offices, craft and meeting rooms, a lounge area, areas for passive and active recreation, and any and all other requirements for buildings qualifying for housing assistance for the elderly in new construction designed for the elderly as set forth in the regulations promulgated by the Federal Department of Housing and Urban Development.

(b) Special Safety and Convenience Features. All buildings designed for senior citizens in a Senior Citizens Residence District shall have smoke detectors and/or sprinkler systems and shall include any and all special safety and convenience features required in buildings qualifying for housing assistance for the elderly in new construction designed for the elderly as set forth in the regulations promulgated by the Federal Department of Housing and Urban Development.

(c) Area and Yard Regulations. In a Senior Citizens Residence District, all buildings and land shall be used, designed, erected, altered, moved or maintained, in whole or in part, only in accordance with the following regulations:

(1) Minimum width of lot at street right-of-way: 40 ft.

(2) Minimum front yard depth: 50 ft.

(3) Minimum side yard depth: 20 ft.

(4) Minimum rear yard depth: 40 ft.

(5) Minimum distance between main walls of separate buildings: 30 ft.

(6) Minimum distance between main walls of buildings and lot line: 20 ft.

(d) Maximum Dwelling Units Per Acre. There shall be a maximum of seven (7) dwelling units per acre in a Senior Citizens Residence District.

(e) Maximum Land Coverage. The ground floor area of all main and accessory buildings shall not exceed twenty percent (20%) of the area of the zoned lot in a Senior Citizens Residence District.

(f) Height Regulation. The maximum height of any main or accessory building in a Senior Citizens Residence District shall not exceed one (1) story or eighteen feet (18') exclusive of an elevator penthouse, chimney, a radio tower or other permitted appurtenance located upon or constituted as an integral part of a main building.

(g) Dwelling Unit Size. The minimum area of each dwelling unit in a Senior Citizens Residence District shall not be less than:

(1) No bedroom unit: 390 sq. ft.
(2) One bedroom unit: 500 sq. ft.
(3) Two bedroom unit: 650 sq. ft.

(h) Building Wall. The maximum length of any building wall shall be one hundred feet (100') provided, however, that building length may extend a maximum of two hundred feet (200') if the walls are offset or aligned at angles as approved by the Planning Commission.

(i) Dwelling Units. In order to enhance privacy and encourage attractive building arrangements, the alignment of attached dwelling units shall be varied and the facades of not more than every two (2) dwelling units shall be offset by a least sixteen inches (16"). No more than eight (8) dwelling units shall be located in one (1) building.

(j) Design. Attractive variations in such building elements as facade, width, color, exterior materials and roof lines shall be deemed desirable. Parallel arrangements of buildings shall be avoided. However, uniformity in design is not expressly prohibited.

(k) Landscape. The development shall be designed to complement the topography of the land in order to utilize natural contours, economize the construction of utilities, reduce required grading and maximize the conservation of trees, water course and other natural features. Natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the arrangements of residences, open spaces and accessory uses.

(l) Open Space. There shall be a minimum of five hundred square feet (500 sq.ft.) of open lot area per dwelling unit in a Senior Citizens Residence District.

(m) Pedestrian Circulation. There shall be a comprehensive walkway system adequately separated from vehicular traffic connecting residential buildings, parking areas, recreation areas and health center buildings in a Senior Citizens Residence District.

(n) Lighting. Exterior lighting shall be provided in a Senior Citizens Residence District for the safety and convenience of residents, their guests and employees, but shall not have excessive brightness and shall be placed in such a way so as not to cause annoying glare or reflections on neighboring premises or public streets.

(o) Parking. Parking in a Senior Citizens Residence District shall be subject to the following regulations:

(1) There shall be a minimum of one (1) parking space per dwelling unit.

(2) There shall be a minimum of one (1) parking space for each employee.

(3) Parking spaces shall be located not less than twenty feet (20') from any building on the premises.

(p) Screening. The Planning Commission may require that a wall, solid fence and/or hedge or trees, at least five and one-half feet (5-1/2') high, shall be constructed or planted in a Senior Citizens Residence District along a lot line adjoining a Single Family Residence District.

(q) Utility Equipment. All utility lines serving a Senior Citizens Residence District shall be located underground. All rooftop mechanical equipment shall be enclosed in a manner which compliments the architectural style of the building on which it is located.

(r) Mail Boxes. There shall be no rural mail boxes. All mail boxes shall conform to federal laws and regulations, shall be approved by the United States Postal office and shall have a lock and access panel.

(s) Variation from Regulations. With respect to properties of irregular shape, unusual topography or limited size, the Planning Commission may modify requirements regarding areas, yards, buffers, and distances between uses if compliance with these requirements is either clearly not feasible or contrary to compliance with the design regulations of this Zoning Code. However, the maximum permitted density and height shall not be increased by reason of this section.

(t) Submittal of Development Plans. Site development plan application, review and approval shall be required pursuant to the provisions of Article 19 and all other applicable Code sections.

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ARTICLE 6 EXCEPTIONS AND MODIFICATIONS

Section 6.1 General.

Requirements and regulations specified in this Code shall be subject to the exceptions, modifications, and interpretations set forth in this Article.

Section 6.2 Existing Lots of Record.

In any district where dwellings are permitted, a single-family detached dwelling may be erected on any lot of official record as of the effective date of this Code, irrespective of its area or width, provided the owner of such lot does not own any adjoining property, except that no lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements, and provided further:

(a) The sum of the side yard widths on any such lot shall not be less than twenty (20) percent of the width of the lot, but in no case shall the width of any side yard be less than ten (10) percent of the width of the lot or less than eight (8) feet, whichever is greater.

(b) On a corner lot the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is greater and shall not project beyond the average building line so established.

(c) The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.

(d) Where three (3) or more contiguous unimproved lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require replatting to fewer lots to permit compliance with minimum yard requirements.

(e) For the purpose of computing lot area per dwelling, a depth of only two (2) times the lot width shall be used.

Section 6.3 Height.

(a) The height regulations prescribed herein shall not apply to television and radio towers so long as they do not exceed thirty-five feet (35') in height unless authorized by Art. 8, §8.6, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, and conveyors except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public commercial and private aircraft at an established airport.

(b) Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.

Section 6.4 Front Yards.

(a) When fifty (50) percent or more of the frontage on one side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established, provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.

(b) On lots between two streets having double frontage, the required front yard shall be provided on both streets.

(c) Gasoline service station pumps and pump islands may be located within a required yard, provided they are not less than fifteen (15) feet from any right-of-way line and not less than one hundred (100) feet from the boundary of any residence and residential district.

(d) Off-street parking facilities may be located within the required front yard of any "B" District or "M" District but shall not be nearer than fifty (50) feet to any "A" or "R" District.

Section 6.5 Side Yards.

(a) On a corner lot, the width of the yard along the side street shall not be less than one-half of any required front yard on such street, provided that the buildable width of a lot of record shall not be reduced to less than forty (40) feet.

(b) No accessory building shall project beyond a required yard line along any street or be closer than six (6) feet to any side lot line.

(c) A canopy may project into a required side yard provided every part of such canopy is unenclosed and not less than seven (7) feet from any side lot line.

(d) For the purpose of side yard regulation, a two-family dwelling or multiple-family dwelling shall be considered as one building occupying one lot.

(e) An owner of a dwelling erected prior to the effective date of this Code shall be permitted to enlarge or structurally alter such dwelling to provide additional closed space for living or garage purposes, provided that no side yard shall be reduced to less than fifteen (15) percent of the lot width.

Section 6.6 Rear Yards.

(a) An accessory building, not exceeding twenty (20) feet in height, may not occupy more than twenty (20) percent of the area of a required rear yard. Unenclosed parking spaces may not occupy more than twenty (20) percent of the area of a required rear yard. No accessory building shall be closer than fifteen (15) feet to the main building nor closer than six (6) feet to any rear lot line.

(b) The ordinary projections of sills, belt courses, cornices and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.

(c) Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Zoning Inspector for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.

Section 6.7 Setback from Publicly Established Drainage Ditches.

In all districts a setback of forty (40) feet from the center line of a publicly established drainage ditch shall be provided for all buildings or structures erected along such ditch.

Section 6.8 Landscaping and Screening Provisions.

For business and industrial uses abutting "A," "S," or "R" Districts, screening shall be required. For agricultural uses abutting "A," "S," or "R" Districts, screening may be required with approval of the Planning Commission after public notice to adjoining property owners. The screening shall be composed of a masonry or solid fence six (6) feet to eight (8) feet in height, maintained in good condition and free of all advertising or other signs, landscaping that shall consist of a strip of land not less than fifteen (15) feet in width and all located between the fence and property boundary, maintaining the original trees and topography, and planted with an additional evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height.

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ARTICLE 7 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 7.1 Off-Street Parking Space Requirements.

(a) General Requirements. Except as provided in § 7.8, in all districts there shall be provided at the time any building or structure is erected, enlarged, increased in capacity or structurally altered, and/or, at the time a use is established, altered, enlarged, or increased in capacity, off-street parking spaces for motor vehicles in accordance with the requirements of this Article and all other applicable Code provisions.

(b) Dimensions. Each off-street parking space intended for private passenger motor vehicles shall have an area of 9' x 18' with the exception of accessible parking spaces. Land uses requiring one hundred (100) parking spaces or more may be permitted to have ten (10%) percent of the total parking spaces to be designated as compact car spaces with an area of 9' x 16'. Signage shall be installed to delineate the compact car spaces.

(c) Access Drives and Parking Aisles. There shall be adequate provision for ingress and egress to all parking spaces. No curb cuts or access drives may be constructed without prior Village approval.

(1) General. Curb cuts / access drives shall be onto improved public streets and shall be located on the same lot with the building or use they are intended to serve. Access drives shall not be extended beyond the property line; except, an easement for a shared access drive may be granted with an adjoining lot fronting on the public street. Curb cuts / access drives shall be permitted only as approved by the Village. Individual properties shall be limited to one curb cut / access drive to an improved public street. Additional curb cut(s) / access drive(s) may be approved as part of a development plan when demonstrated necessary for public safety and not merely for convenience.

(2) Single Family / Duplex Residential. Access drives shall be located such that they are a maximum distance possible from street intersections. Residential drive apron access shall be onto improved public streets.

The width of the access drive outside of the right-of-way shall not be wider than required to access any structured parking. Within the right-of-way, the access drive shall be limited to a maximum width of twenty-four (24) feet, however, apron turnouts shall flare out three (3) feet in width to the public street, or, as approved by the Village, however, they shall not encroach on an extension of the property line at the curb unless approved as part of a development plan. All drive aprons shall be paved to conform to the requirements of this Code.

An additional off-driveway parking area is permitted provided that (i) it shall be approximately parallel to the right-of-way, (ii) it is not greater in width than 20 feet nor greater in depth than 10 feet, and (iii) maintains a minimum side yard setback of 5 feet and front yard setback of twenty (20) feet from the closest right-of-way edge line.

(3) Commercial / Industrial / Institutional / Multi-Family.

(A) Drive apron and access drive design geometries including width shall be approved per development plan by the Village. Drive apron access shall be improved to conform to O.D.O.T. Location and Design Manual. All drive aprons shall be paved to conform to the requirements of this Code. Access drives shall be designed to accommodate emergency vehicles with an inside turning radius of twenty-five (25) feet and an outside turning radius of fifty (50) feet.

(B) Shared access drives may be permitted as approved by the Village.

(C) Required widths for access drives and parking aisles for off-street parking areas are as follows. Access drive widths may be modified as part of a development plan approval. A twenty-eight (28) feet minimum two-way access width is established for land use establishments requiring truck deliveries in order to provide adequate maneuvering width for ingress and egress into the parking lot from the street right-of-way.

Type:	Required Width:
Two-way access drives (truck delivery):	28'
Two-way access drives:	24'
One-way access drives:	20'
Two-way parking aisles:	22'
One-way parking aisles (parking angle):	
90°	22'
60°	20'
45°	18'
30°	18'

(d) Accessible Parking Requirements. Standards for permanent improvements made to accessible parking spaces shall be based upon the Ohio Building Code, as amended, and the currently adopted referenced standards for accessible design, known as the International Code Council / ANSI Standard (ICC A117.1-2009), and as amended.

(1) Accessible Route. Accessible parking spaces shall be located on the shortest accessible route of travel from parking to an accessible entrance.

(2) Number of Accessible Parking Spaces. The minimum number of accessible spaces required for a parking facility (parking lot or parking structure) shall be per the following table:

ACCESSIBLE PARKING SPACES

Total Parking Spaces Provided:	Total Minimum Number of Accessible Spaces:	Required Minimum Number of Van Accessible Spaces:
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1

101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2% of total provided	⅛ of accessible spaces
1,001 and over	20 + 1 for each 100 spaces (or fraction thereof) over 1,000 spaces	⅛ of accessible spaces

(3) No person shall install, modify, alter and/or reduce the number of accessible spaces unless they shall have first verified with the Zoning Inspector the requirements of the Ohio Building Code and the currently adopted Standards for Accessible Design.

(e) Minimum Distances and Setbacks.

(1) Adjacent Residential and Institutional Uses. No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to the lot line of any parcel where a dwelling, school, hospital or other institution for human care is sited.

(2) In all districts, sufficient space shall be provided in parking areas so that vehicles do not overhang onto a sidewalk or extend into the public right-of way unless additional width is so provided. Car stops or curbs with a minimum depth of six (6) inches shall be provided on spaces adjacent to the street right-of-way, buildings and recessed drainage facilities. Areas located within the right-of-way (between the edge of pavement and the sidewalk) shall be kept free of obstructions and/or debris. Gravel, stones, boulders and fencing shall not be permitted within the public right-of-way.

(3) In commercial and industrial districts, a minimum setback of ten (10) feet shall be maintained between the right-of-way and parking area, including parking aisles.

(f) Number of Spaces Required.

(1) All parking spaces required herein shall be located on the same lot as the building or use served; except, (i) where an increase in the number of spaces is required by a change or enlargement of use, or, (ii) where spaces are to be used jointly by two (2) or more buildings or establishments, a permanent easement or shared parking arrangement in conformity with § 7.7 may be used to satisfy the required number of spaces.

(2) Notwithstanding § 7.1(f)(7), the parking requirements for any land use may be decreased, increased and/or land-banked by determination of the Planning Commission based upon evidence provided by the applicant from an acceptable industry research-based publication (for example, the Institute of Transportation Engineers, Urban Land Institute, American Planning Association) and/or by a parking generation study prepared by a qualified professional evidencing the parking requirements for said land use.

(3) Parking requirements based upon building size shall be calculated using gross square footage of building floor area (designated as "ft^2" in § 7.1(f)(7)).

(4) Any use not specifically set forth herein shall have such parking facilities as the Planning Commission may determine consistent with the facilities permitted for similar uses. It shall be the intent of this Code to provide spaces at least sufficient for the vehicles of the employees and patrons of any business.

(5) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(6) Whenever a building or use constructed or established after the effective date of this Code is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10%) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(7) Except as provided in § 7.8 and/or § 7.1(f)(2) hereof, minimum and maximum off-street parking spaces for the following land uses shall be provided in accordance with the following schedule:

RESIDENTIAL USE	MINIMUM RATE	MAXIMUM RATE
Adult Family Home[1]	2.0 / dwelling unit	4.0 / dwelling unit
Adult Group Home	0.35 / bed	0.5 / bed
County and District Home	0.4 / bed	0.5 / bed
Duplex[1]	2.0 / dwelling unit	2.5 / dwelling unit
Home for the Aging	0.35 / bed	0.5 / bed
Multi-Family Residential Structure	1.2 / dwelling unit	2.0 / dwelling unit
Nursing Home	0.35 / bed	0.5 / bed
Residential Care Facility / Residential Facility (Ch. 5119) / Residential Facility (Ch. 5123 (major)	0.35 / bed	0.5 / bed
Residential Facility (Ch 5123) (minor)[1]	2.0 / dwelling unit	4.0 / dwelling unit
Senior Assisted and Semi-Independent	0.45 / dwelling unit	0.55 / dwelling unit
Single Family[2] (attached)	1.5 / dwelling unit	2.5 / dwelling unit
Single Family[1] (detached)	2.0 / dwelling unit	4.0 / dwelling unit

[1] This requirement applies to surface parking spaces and shall be in addition to any structured parking. Private driveways that accommodate parking shall be included in the computation of available spaces.

[2] Structured parking shall be included in this computation.

HOTELS AND ACCOMMODATIONS	MINIMUM RATE	MAXIMUM RATE
Hotel[1]	0.75 / guest room	1.5 / guest room
Bed-and-Breakfast[2]	1.0 / guest room	1.0 / guest room + 2.0 spaces

[1] The maximum rate shall apply to a hotel with a full range of supporting uses including, but not necessarily limited to, onsite restaurant, tavern, and conference facility. The minimum rate shall apply to hotels with no such supporting uses.

[2] Structured parking and private driveways that accommodate parking shall be included in the computation of available spaces.

FOOD AND BEVERAGE SERVICE	MINIMUM RATE	MAXIMUM RATE
Coffee / Donut Shop no drive-through with drive-through	1.0 / 80 ft^2 1.0 / 100 ft^2	1.0 / 60 ft^2 1.0 / 80 ft^2
Restaurant, Carry-Out	1.0 / 75 ft^2	1.0 / 50 ft^2
Restaurant, Drive-In	established by development plan	established by development plan
Restaurant, Fast Food no drive-through with drive-through	1.0 / 80 ft^2 1.0 / 100 ft^2	1.0 / 75 ft^2 1.0 / 70 ft^2
Restaurant, Table Service	1.0 / 75 ft^2	1.0 / 50 ft^2
Tavern	1.0 / 60 ft^2	1.0 / 50 ft^2

RETAIL USES	MINIMUM RATE	MAXIMUM RATE
Convenience Food Store	4.0 / 1,000 ft^2	5.5 / 1,000 ft^2
Full-Service Indoor Food Store (Grocery)	4.0 / 1,000 ft^2	5.0 / 1,000 ft^2
Lumberyard / Building Materials Store	1.5 / 1,000 ft^2	2.0 / 1,000 ft^2
Furniture / Carpet Store	1.2 / 1,000 ft^2	1.5 / 1,000 ft^2
Pharmacy no drive-through with drive-through	3.0 / 1,000 ft^2 2.5 / 1,000 ft^2	3.75 / 1,000 ft^2 3.0 / 1,000 ft^2
Retail Store / Retail Shopping Center (less than 20,000 ft^2)	3.0 / 1,000 ft^2	4.0 / 1,000 ft^2
Retail Store / Retail Shopping Center (20,000 ft^2 or greater)	4.5 / 1,000 ft^2	5.5 / 1,000 ft^2
Warehouse Discount Store / Superstore	4.5 / 1,000 ft^2	5.5 / 1,000 ft^2

PERSONAL SERVICES	MINIMUM RATE	MAXIMUM RATE
Adult and Child Day Care Centers	3.0 / 1,000 ft^2	4.0 / 1,000 ft^2
Funeral Home	0.25 / total seating capacity	0.35 / total seating capacity
Laundry / Dry Cleaner	1.5 / 1,000 ft^2	2.5 / 1,000 ft^2
Hair Salon / Barbershop / Manicure & Pedicure Services / Day Spa	3.3 / 1,000 ft^2	4.0 / 1,000 ft^2

OFFICE AND MEDICAL USES	MINIMUM RATE	MAXIMUM RATE
Office Building	3.5 / 1,000 ft^2	4.0 / 1,000 ft^2
Bank / Credit Union no drive-through with drive-through	 4.0 / 1,000 ft^2 3.5 / 1,000 ft^2	 5.5 / 1,000 ft^2 5.0 / 1,000 ft^2
Medical / Dental Office	3.0 spaces / 1,000 ft^2	4.5 spaces / 1,000 ft^2
Clinic	5.0 spaces / 1,000 ft^2	5.5 spaces / 1,000 ft^2
Hospital	3.0 spaces / 1,000 ft^2	3.5 spaces / 1,000 ft^2

VEHICLE RELATED USES	MINIMUM RATE	MAXIMUM RATE
Gasoline and Other Vehicle Related Fuel Sales Stores, with Convenience Store	3.0 spaces / 1,000 ft^2	3.0 spaces / 1,000 ft^2
Vehicle Parts / Accessories / Tire Stores	3.0 spaces / 1,000 ft^2	4.0 spaces / 1,000 ft^2
Vehicle Repair Shop	4.0 spaces / 1,000 ft^2	5.0 spaces / 1,000 ft^2
Vehicle Sales (customer parking only based upon area of interior showroom)	2.0 spaces / 1,000 ft^2	3.0 spaces / 1,000 ft^2

PLACES OF ASSEMBLY, ENTERTAINMENT AND RECREATION	MINIMUM RATE	MAXIMUM RATE
House of Worship / Places of Assembly	0.25 / total seating capacity	0.35 / total seating capacity
Bowling Alley	4.0 / lane	5.5 / lane
Movie Theater	0.35 / total seating capacity	0.4 / total seating capacity
Fitness Center / Gym / Athletic Club	5.0 / 1,000 ft^2	8.5 / 1,000 ft^2

ANIMAL USES	MINIMUM RATE	MAXIMUM RATE
Animal Grooming / Pet Services	3.5 / 1,000 ft^2	4.0 / 1,000 ft^2
Kennel and Pet Boarding Facilities	3.3 / 1,000 ft^2	4.0 / 1,000 ft^2
Veterinary Office / Hospital / Clinic	4.0 / 1,000 ft^2	5.5 / 1,000 ft^2

INDUSTRIAL USES	MINIMUM RATE	MAXIMUM RATE
Assembly Plant	0.75 / 1,000 ft^2	1.25 / 1,000 ft^2
Bottling Plant	0.75 / 1,000 ft^2	1.25 / 1,000 ft^2
Brewery / Distillery	0.75 / 1,000 ft^2	1.0 / 1,000 ft^2
Bulk Plant	0.75 / 1,000 ft^2	1.25 / 1,000 ft^2
Construction-Related Business	0.75 / onsite employee	1.0 / onsite employee
Fabrication	1.0 / 1,000 ft^2	1.2 / 1,000 ft^2
Industrial Park	1.25 / 1,000 ft^2	2.0 / 1,000 ft^2
Manufacturing Plant	1.0 / 1,000 ft^2	1.2 / 1,000 ft^2
Tradesman's Shop	0.75 / 1,000 ft^2	1.25 / 1,000 ft^2
Warehouse (principal use)	0.5 / 1,000 ft^2	0.8 / 1,000 ft^2

PUBLIC USES	MINIMUM RATE	MAXIMUM RATE
Cemetery / Mausoleum / Columbarium and Other Places of Internment	established by development plan	established by development plan
College / University	0.2 / total student population	0.4 / total student population
Library	2.5 / 1,000 ft^2	4.0 / 1,000 ft^2
Museum	2.0 / 1,000 ft^2	10.0 / 1,000 ft^2
Public Administration / Safety Services Facility	4.0 / 1,000 ft^2	6.0 / 1,000 ft^2
School (elementary / pre-school / nursery)	0.15 / student	0.2 / student
School (middle / junior high)	0.1 / student	0.15 / student
School (high school)	0.2 / student	0.3 / student
School (trade and specialized instruction)	0.15 / student	0.2 / student

Section 7.2 Special Parking Provisions – Residential Districts.

(a) Structured Parking Required.

(1) For all single family dwellings of 1,700 square feet or greater and for each unit of all duplexes at least one of the required parking spaces shall be in a completely enclosed garage.

(2) For multi-family dwellings, at least one space shall be provided, per unit, in a completely enclosed garage.

(b) Parking on Approved Surfaces. All motor and recreational vehicles, boats, and trailers including single and dual axle trailers of any kind shall be parked on an approved surface which shall be constructed of stone, concrete, asphalt or permeable type pavers and shall be maintained free of excessive weeds and grass intrusion.

(c) Recreational Vehicles, Boats, Trailers.

(1) Recreational vehicles, boats, and single and dual axle trailers of any kind shall not be parked:

(A) Less than twenty (20) feet from the closest edge line of any right-of-way.

(B) Less than five (5) feet from any side lot line.

(2) Boats and watercraft able to accommodate more than two occupants shall be housed on trailers when stored outside.

(d) No licensed vehicle having a net curb weight of greater than 10,000 pounds shall be parked on a residential property. No construction equipment / vehicle (including, but not limited to, backhoes, bulldozers, and trenchers) shall be parked in any residential district except as needed during an active and properly permitted construction project.

Section 7.3 Surfacing.

Every parcel of land hereafter used as a public, commercial or private parking area shall be developed and maintained in accordance with the following requirements:

(a) Commercial / Industrial Zones. All parking surfaces including access drives and parking aisles shall be improved with an asphalt or concrete surface or permeable type pavers approved by the Village. Parking areas shall be graded to drain and minimize standing water, provide positive drainage away from buildings, and to prevent runoff onto public roadways and adjacent properties. Every parking lot designed for storage of vehicles shall have pavement markings to delineate the spaces. Additional traffic control as necessary shall be designed and maintained in conformance with the current edition of The Ohio Manual of Uniform Traffic Control Devices.

(b) Residential Zones. Driveways and parking surfaces for one and two family homes shall be improved with a 4 inch (minimum) depth of asphalt or concrete or permeable type pavers approved by the Village. Asphalt and concrete driveways and parking surfaces shall have a 4 inch (minimum) aggregate base or an existing clean sand base approved by the Village. Driveways and parking surfaces for multi-family developments shall be surfaced with a 4 inch (minimum) depth of asphalt or concrete with a 4 inch (minimum) aggregate base or an existing clean sand base as approved. Concrete driveways and parking surfaces shall be constructed of portland cement concrete in conformance with O.D.O.T. specifications, § 499, Class C with 5% to 7% air entrainment. Driveways and parking surfaces shall be graded to drain and minimize standing water, provide positive drainage away from buildings, and to prevent runoff onto adjacent properties.

Stone driveways and parking areas in residential districts existing at the time of the Code's enactment may be maintained.

(c) Commercial Agricultural Exemption. The surfacing provisions set forth in sections (a) and (b) herein above may be waived as applicable by the Zoning Inspector for commercial agricultural uses where required parking is of a transient and seasonal nature and not intended or used for normal business operations.

Section 7.4 Screening and Landscape Requirements.

(a) Screening. Off-street parking areas situated in any "B" District or "M" District shall be effectively screened on each side which adjoins premises situated in any "R" District by a solid board-on-board fence or masonry wall, as approved by the Planning Commission. Such fence or wall shall not be less than six (6) feet in height and may be required to be higher where changes in grade and/or a specific use (for example, parking for commercial vehicles) would diminish the intended purposes of (i) screening views, (ii) eliminating light trespass from headlights, and (iii) mitigating sound trespass.

In addition, a landscaped buffer of no less than 15 feet in depth shall be maintained between the property line and edge of the parking area which shall be landscaped with grass,

hardy shrubs, or evergreen ground cover and maintained in good condition. In accordance with the purposes set forth herein above, the Planning Commission may require additional plant material be installed and maintained to provide for, at maturity, greater effective year-round and/or seasonal screening, light, and noise mitigation, inclusive of evergreen and/or or deciduous trees in such numbers, locations, and spacing as will accomplish these purposes.

(b) Interior Landscaping.

(1) Any parking lot of twenty (20) or more parking spaces shall be provided with interior landscaping.

(2) The area of interior landscaping shall equal a minimum five (5%) percent of the parking lot area. "Parking lot area" means the total area of a parcel devoted to surface parking and other vehicle areas and includes access aisles, driveways, and loading areas; but is exclusive of the area of any sidewalks, ring roads and the public right-of-way.

(3) No more than fifteen (15) parking spaces are permitted in a continuous row.

(4) Small, dispersed landscape areas, commonly known as planting islands, shall be the primary method of distributing the landscape area throughout the interior of the parking lot and for interrupting any continuous rows of parking spaces.

(5) The landscaped area shall be reasonably dispersed throughout the parking lot. Planting islands shall be a minimum nine (9) feet in width and a minimum length of eighteen (18) feet and shall contain one shade tree for each eighteen (18) feet of length plus an additional shade tree for any remaining length of less than eighteen (18) feet. "Shade tree" means a hardwood tree that reaches a minimum height of thirty (30) feet at maturity. A shade tree must be a minimum of two (2) inches caliper measured at a point six (6) inches above ground at the time of planting.

(6) Shrubs and other live planting material may be used to complement the shade trees. Smaller material shall not be placed where it would be subject to damage by car overhangs, the opening of car doors, and from snow removal.

(7) Planting islands which have light poles for lighting the parking lot area may substitute ornamental / understory trees for the required shade trees.

(8) Planting islands and strips may be depressed below the normal pavement elevation for the purposes of storm water management and bio-retention as long as storm water conveyance facilities are available.

(9) Where compliance with this section would result in a deficiency in the number of parking spaces required by § 7.1(f), in such circumstance, the required number of parking spaces may be reduced as necessary for compliance with this section.

(c) Parking Lot Peripheral Landscaping.

(1) All main access drives and ring roads within a parking lot shall be delineated with landscape islands.

(2) A landscape strip a minimum of ten (10) feet in width, which shall not include a sidewalk or trail, shall be located between the parking lot area and the right-of-way. At least one (1) tree for every forty (40) feet of adjacent right-of-way shall be planted in the landscape strip; however, this shall not be construed as requiring the planting of trees on forty (40) foot centers.

(3) Smaller material shall not be placed where it would be subject to damage by car overhangs, the opening of car doors and from snow removal.

Section 7.5 Lighting.

(a) Any parking lot with ten (10) or more spaces intended to be used during non-daylight hours shall be illuminated in accordance with requirements of this Code.

(b) All outdoor parking lot and service area light fixtures shall comply with the requirements of this Code.

(c) A permit shall be obtained from the Zoning Inspector prior to installation, including replacement, of any parking lot or service area luminaire. When a parking lot consisting of ten (10) or more spaces is under review, a Lighting Plan shall be submitted as a prerequisite for any approval. The Lighting Plan should include the following information: (i) the location of all proposed luminaires, (ii) their backlight, up light, and glare ratings, and (iii) a worksheet detailing compliance with the requirements of this Code.

(d) Definitions. As used in this Code, the following terms shall have the meanings given herein below.

(1) "Footcandle" is a unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

(2) "Fully shielded luminaire" means a luminaire constructed and installed in a such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

(3) "Glare" means light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

(4) "Hardscape" means permanent landscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscape that is ten (10) feet or less in width.

(5) "Light trespass" means light that falls beyond the property it is intended to illuminate.

(6) "Lumen" (abbreviated as "lm") means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from a "watt," a measure of power consumption). One lumen equals one footcandle and 10.764 lux.

(7) "Luminaire" means the complete lighting unit (sometimes, the "lighting fixture"), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lens, and to connect the lamps to the power supply.

(8) "Mounting height" means the height of the photometric center of a luminaire above grade level.

(9) "Uplight" means, in relation to an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

(10) "Vertical illuminance" means illuminance measured or calculated in a plane perpendicular to the site boundary or property line.

(e) Outdoor lighting fixtures installed for the illumination of an off-street parking area, except for single-family or duplex residential units, shall conform to the following standards:

(1) Only fully shielded luminaires shall be used, except solely where period lighting is permitted pursuant to § 7.8(d).

(2) The cut-off angle or placement of all luminaires shall be such that the level of lighting shall not exceed 1 lm at any property line measured by meter line of sight to any luminaire. Other than light incidental to fully shielded lighting, no direct light shall trespass onto other properties.

(3) Canopy Lighting.

(A) Canopy lighting fixtures shall be fully recessed to the underside of the canopy ceiling such that the lens cover is either fully recessed or flush with the ceiling of the canopy;

(B) Light shall be restrained to no more than eighty-five (85) degrees from vertical;

(C) Lights shall not be mounted to the top or fascia of the canopy; and

(D) The fascia of the canopy shall not be internally illuminated.

(4) Parking lot lighting and fixtures shall comply with the performance standards set forth in the following table:

	B-1, B-2, B-3	B-4, B-5	M-1, M-2	S-1, R-3, SC-1
Maximum Mounting Height	20 ft.	25 ft.	25 ft.	16 ft.
Maximum Base Allowance Per Square Foot of Hardscape	2.5 lm	5.0 lm	2.5 lm	1.25 lm
Additional Allowances				
Drive-Through Window[1]	4,000 lm	8,000 lm	--	--
Vehicle Fuel Sales	8,000 lm / pump island[2] 16 lm / square foot of canopy[3]	16,000 lm / pump island[2] 32 lm / square foot of canopy[3]	--	--
Intersections[4]	1,500 lm	3,000 lm	1,500 lm	750 lm
Minimum Uniformity Ratio	15:1	15:1	20:1	15:1

[1] Use of this allowance requires the luminaires be placed within 20 feet of the drive-through window.

[2] Use of this allowance requires (i) that no canopy exists and (ii) the luminaires be placed within 500 ft^2 of the pump island.

[3] This allowance shall be used where a canopy is erected. The area shall be computed as the square footage of area directly underneath the drip line of the canopy.

[4] Use of this allowance requires the additional limits to be utilized on the site hardscape area at the intersection of a drive and public right-of-way.

Section 7.6 Off-Street Loading Requirements.

(a) In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, motel, restaurant, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space or dock plus additional loading spaces or docks as the proposed use should require.

(b) Each loading space shall be not less than twelve (12) feet in width, fifty-five (55) feet in length, and fourteen feet in height unless lesser dimensions are approved by the Planning Commission.

(c) No such space or dock shall be located closer than one hundred (100) feet to any lot in any "R" District.

(d) Loading spaces or docks shall be located and designed to not interfere with traffic movement on site and within the public right-of-way and to allow sufficient area for maneuvering within the site.

(e) Loading spaces or docks or drives or approaches thereto shall not be designed or located so as to require the backing of vehicles from or the maneuvering of vehicles on the public right-of-way.

(f) Vehicles whether loading or unloading or parked shall not extend into or overhang the public right-of-way.

Section 7.7 Shared Parking.

The Village encourages parking lots for different land uses, or for mixed land uses, to be shared in any zoning district. At the applicant's request, shared parking may be provided, subject to the following provisions:

(a) An easement executed by all of the owners concerned shall be filed of record with Lake County that provides for the perpetual joint use of such common parking. Advance review and approval of the easement by the Village Director of Law as to form for compliance with the provisions of this Code and any requirements of the Planning Commission is required prior to recordation.

(b) The Village may require the applicant to provide a parking study with information deemed necessary to its review of a shared parking arrangement. This information shall include, but is not necessarily limited to:

(1) The type and hours of operation and parking demand for each land use;

(2) A site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot;

(3) A description of the character of land use and parking patterns of adjacent land uses; and

(4) An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

(c) Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.

(d) Users sharing a parking facility do not need to be sited on the same parcel provided that each user shall be a maximum of 500 feet from the closest parking space in the lot providing the shared parking spaces. A waiver of the maximum allowable distance between the user and associated shared parking may be approved by the Village with written justification and supporting information provided by the applicant.

(e) Users sharing a parking facility shall provide for safe, convenient walking between land uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.

(f) If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Village within sixty (60) days of the change and provide a remedy satisfactory to the Village to ensure adequate parking.

(g) Reduction in parking space requirements for shared parking. Where shared parking is provided among mixed land uses, the Village may allow the following reductions in parking space requirements at the applicant's request:

(1) Up to 30% of the parking spaces required for the predominant use on a site may be shared with other land uses operating during the same time of day and days of the week. The predominant land use is considered to be that which requires the most parking of those sharing the parking facilities.

(2) Up to 75% of the parking spaces required for uses such as theaters, public auditoriums, bowling alleys, taverns, movie theaters, and similar predominantly evening uses may be shared with uses such as banks, offices, and similar predominantly daytime uses.

(3) Up to 75% of the parking spaces required for land uses such as houses of worship and other land uses predominantly operating during the weekend may be shared with uses such as medical offices, banks, and other similar uses predominantly operating on weekdays.

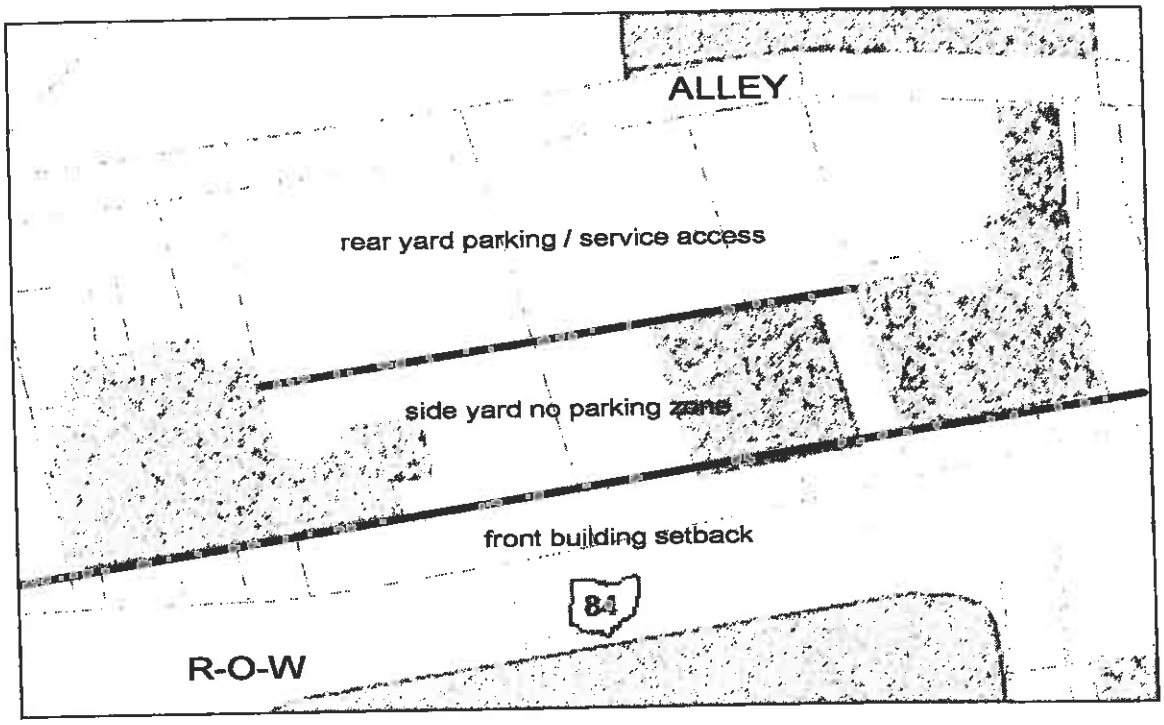
7.8 Historic Preservation District Overlay.

(a) Purpose and Intent. In furtherance of the declared public policy and purpose of the Madison Village Historic Preservation District as stated in Article 14 of this Code, off-street parking and loading facilities within the Preservation District shall be subject to the additional requirements set forth herein.

(b) Exceptions from General Regulations. Parcels within the Preservation District are exempt from the minimum spaces requirements of § 7.1(f) and the requirement for structured parking of § 7.2.

(c) Location.

(1) No off-street parking or loading facilities may be constructed or enlarged on any parcel within the Preservation District within the area of the front building setback line or within the area of side yards, as illustrated herein:



(2) "Side yard" as used in this section shall be ascertained using the average building depth of adjacent structures, as show in the above illustration and includes the full block width to and from all intersecting public right-of-ways.

(3) The "front building setback line" includes both right-of-way frontages on corner lots.

(d) Period Lighting. Period lighting not in compliance with § 7.5(e) may be approved by the Planning Commission in the Preservation District provided that (i) the design, inclusive of its placement, is historically accurate in relation to the vintage of the structure(s) it is intended to complement, (ii) it will not cause an excess of glare, light trespass, or otherwise unreasonably affect adjacent properties; and (iii) the safety of pedestrian and motor vehicle traffic is not adversely affected.

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ARTICLE 8 SPECIAL PROVISIONS

Section 8.1 Performance Requirements.

(a) No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance; glare; liquid or solid or hazardous refuse or wastes; or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises provided that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits and tolerances at the following points of observation:

(1) In any "R" District and "B-1 " and "B-2" Districts, 25 feet from the establishment or use, or at the lot line if closer to the establishment or use.

(2) In any "M" Districts, at the boundary or boundaries of the District or at any point within an adjacent "R" District.

(b) The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Section 8.2 Trailers and Motor Homes.

Parking of a trailer in any district for 48 hours or a longer period of time shall be prohibited, provided that the owner thereof may park one small utility trailer, vacation trailer or motor home in an enclosed garage or other accessory building, or in the open elsewhere on his property if parked within thirty feet (30') of the dwelling or building in the front yard or anywhere in a side yard or rear yard so long as it is at least ten feet (10') from all lot lines. In all cases no living quarters shall be maintained or any business conducted in connection therewith while such trailer or motor home is parked or stored. The parking of a trailer, other than utility or vacation trailer, for less than 48 hours outside of an enclosed garage or another accessory building shall be permissible only after the Zoning Inspector has been notified of such intention.

Section 8.3 Temporary Buildings.

Temporary buildings used in conjunction with on-site construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Section 8.4 Shopping Centers ("B-3").

Prior to the issuance of a zoning certificate the Zoning Inspector shall require that the preliminary plan for the use and development of a shopping center be submitted to the Planning Commission. It shall thereupon be the duty of the Planning Commission to investigate and ascertain that the plan of the project provides for integrated and harmonious design of buildings

and for adequate and properly arranged facilities for internal traffic circulation, entrances and exits, off-street parking and loading, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the stand point of the developer as well as adjoining and surrounding property owners.

The plans shall provide for the installation of adequate storm drainage, sanitary sewer and water and the extension of other public utilities.

The Planning Commission shall either approve said plan or disapprove same giving its reasons in writing, within forty-five (45) days after the plan is submitted to it. Upon approval of the plan by the Planning Commission, the Zoning Inspector shall issue the Zoning Certificate.

Section 8.5 Occupancy Permit in "B-3" Districts.

In the event that any person desires to occupy a portion of the building or buildings in a Shopping Center prior to the completion of such project including building, planting, loading area, parking facilities and driveways, then such party shall apply to the Planning Commission for an Occupancy Permit. If, in the opinion of the Planning Commission, the project is sufficiently completed so that it will be for the best interests of the community to allow such occupancy prior to the completion, an Occupancy Permit may be granted upon the owner or owners of the project furnishing a completion bond satisfactory to the Planning Commission, guaranteeing completion of the planting, landscaping and building in conformance with the plans previously approved by the Planning Commission and for completion of sufficient parking, loading and driveway areas together with the entrance and exit roads, for the portion of the project then under development.

Section 8.6 Wireless Communication Facilities.

(a) Wireless communication facilities shall be subject to the general factors required for the issuance of a conditional use permit, as set forth in §15.3 of this Code, and, the following standards shall also apply to the issuance of a conditional use permit for a wireless communication facility.

(b) Location.

(1) The A-1, M-1, M-2, B-4, and B-5 zoning districts shall be given priority consideration for the location of any wireless communication facilities. Within those districts, further priority consideration shall be given to parcels of land having an area of sufficient size so that no part of a tower, as determined by its height, will fall on any neighboring property should the structure fall or collapse. Only one transmission tower may be located on a parcel.

(2) The precise location of any wireless communication facility shall take into account the manner in which a parcel may reasonably be developed or re-developed for its highest and best use as determined by its current zoning district classification such that the precise location of any wireless communication facility minimizes any negative impacts on the future location or re-location of buildings, roadways, utility infrastructure, storm water management, and other ancillary site development requirements.

(3) A wireless communication facility shall not be located closer than fifty (50') feet from any lot line or public right-of-way.

(4) A tower shall be located at the maximum distance from any public right-of-way that will still allow it to provide adequate service levels within its designated service area.

(5) Equipment shall be located on an existing wireless communication facility whenever technically feasible.

(c) The owner of a tower shall maintain adequate liability insurance in an amount not less than one million dollars ($1,000,000.00) to protect against loss of life, injury or damage to property as a result of the failure, fall or collapse of said tower.

(d) Applicants for a permit to erect, construct, alter, modify, relocate or rebuild a wireless communication facility shall provide evidence of written contact with all service providers who supply service within a quarter mile of the proposed site. Said written contact shall inquire about co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter, as well as responses, shall be presented to the Planning Commission as a means of demonstrating the need for a new wireless communication facility.

(e) Design Requirements.

(1) Towers and antennas shall be of a monopole design and provide opportunity for co-location by other service providers.

(2) If the wireless communication facility is to be located in a residentially zoned district or in that portion of the downtown placed upon the National Register of Historic Places, then, it shall be designed to be a stealth wireless communication facility.

(f) No wireless communication facility shall be erected, constructed, altered, modified, relocated or rebuilt until approved by the Planning Commission and a permit therefor has been issued by the Zoning Inspector. Such permit shall become void if such wireless communication facility is not erected, constructed, altered, modified, relocated or rebuilt within one hundred twenty (120) days after such permit is issued.

(g) Applicants for a permit to erect, construct, alter, modify, relocate or rebuild a wireless communication facility shall file with the Zoning Inspector an application which shall contain such information and documents as the Zoning Inspector and the Planning Commission shall require, including but not limited to, a development plan and copies of all documents submitted by the applicant to the Federal Communications Commission or other governmental agency having jurisdiction.

(h) An application fee shall be paid in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A).

(i) All costs incurred for any engineering study, survey, or any other technical or procedural requirements of this section shall be paid by the property owner or applicant, as applicable.

(j) In order to safeguard persons and property from any potential danger associated with abandoned wireless communication facilities, to protect the community from the blighting influence of abandoned wireless communication facilities, and, in furtherance the public health,

safety and general welfare, it is the express purpose and intent of this section to require the removal of wireless communication facilities once their use is abandoned.

The owner of a wireless communication facility shall notify the Zoning Inspector when any such facility's use will be discontinued and the date this use will cease. Within thirty (30) days of said use being discontinued, said facility shall be dismantled and removed. If at any time the use of said facility is discontinued for one hundred eighty (180) days, the Zoning Inspector may declare the facility abandoned. The owner shall then be instructed in writing to either reactivate the facility's use within one hundred eighty (180) days or dismantle and remove the facility. If reactivation or dismantling does not occur, either under the voluntary discontinuation of use or abandonment, the Village shall remove, or shall have removed, the facility and shall assess the owner the cost of same.

(k) Exceptions. The Planning and Zoning Commission shall have the authority to modify the requirements of this section only upon a showing by the service provider that strict compliance with same will result in the inability to provide adequate service levels within the designated service area.

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Section 8.7 Sexually Oriented Businesses.

(a) Statement of purpose and findings.

Whereas, the Council has received substantial evidence concerning the association of adverse secondary effects with sexually oriented businesses in the cases of *City of Renton v. Playtime Theatres, Inc.,* 475 U.S. 41 (1986), *Young v. American Mini Theatres,* 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.,* 501 U.S. 560 (1991), and in studies in other communities including but not necessarily limited to: Adams County, Colorado, "Adams County Nude Entertainment Study (1991 update); Austin, Texas, "Report on Adult Oriented Businesses in Austin" (1986); Centralia, Washington, "Crime Risk in the Vicinity of a Sexually Oriented Business: A Report to the Centralia City Attorney's Office – Revised" (2004); Chattanooga, Tennessee, "Community Protections Committee's Final Report on Vice in Hamilton County with Recommendations" (1997); Garden Grove, California, "Final Report to the City of garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard" (1991); Cleveland, Ohio, Special Investigative Unit Report (1977); Dallas, Texas, "An Analysis of the Effects of SOBs on the Surrounding Neighborhoods in Dallas, Texas" (1997); Des Moines, Washington, "Des Moines Adult Use Study" (1984); El Paso, Texas, "Effects of Adult Entertainment Businesses on Residential Neighborhoods" (1986); Ellicottville, New York, "Adult Business Study" (1998); Fort Worth, Texas, "Survey of Appraisers Fort Worth & Dallas Effects of Land Uses on Surrounding Property Values" (2004); Indianapolis, Indiana, "Adult Entertainment Businesses in Indianapolis" (1984); Los Angeles, California, "Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles" (1977); Minneapolis, Minnesota, "An Analysis of the Relationship Between Adult Entertainment Establishments, Crime, and Housing Values" (1980); State of Minnesota, "Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses" (1989); Newport News, Virginia, "Adult Use Study" (1996); New York City, New York, "Adult Entertainment Study" (1994), "Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area" (1994); Oklahoma City, Oklahoma, "Adult Entertainment Businesses in Oklahoma City: A Survey of Real Estate Appraisers" (1986); Phoenix, Arizona, "Adult Business Study" (1979); Seattle, Washington, "Adult Cabarets in Seattle" (2006); the legislative record and findings of the General Assembly related to House Bill 23; and based upon Council's independent review of same finds:

(i) The findings contained in these cases, studies, and legislative record are hereby found to reasonably apply to the Village for all of the reasons including, but not necessarily limited to, those contained in the "Report of the Planning and Zoning Commission Concerning Sexually Oriented Businesses" entered into its record at its public meeting held on December 13, 2010; as reflected in the minutes of the Planning and Zoning Commission's December 13, 2010 public meeting; and as reflected in the minutes of this Council's public meeting(s) concerning this ordinance.

(ii) Sexually oriented businesses require special supervision from the public safety agencies of the Village in order to protect and preserve the health, safety, and welfare of the patrons and employees of the businesses as well as the citizens of Madison.

(iii) The Council finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution, and sexual liaisons of a casual nature.

(iv) Concern over sexually transmitted diseases is a legitimate health concern of the Village that demands reasonable regulation of sexually oriented businesses by the Village in the specified manner in order to protect the health and well-being of its citizens.

(v) Minimal regulations enacted by the Village are a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

(vi) There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly in the overnight hours, and downgrade property values.

(vii) The Council desires to minimize and control these adverse effects by regulating sexually oriented businesses in the specified manner. And by minimizing and controlling these adverse effects, the Council seeks to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of blight.

(viii) The Council has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of the people of this Village and that expanded regulation of sexually oriented businesses is necessary.

(ix) It is not the intent of the Council in enacting this ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment, but to enact content-neutral laws that address the secondary effects of sexually oriented businesses.

(x) It is not the intent of the Council to condone or legitimize the distribution of obscene material, and the Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.

(b) Issuance of zoning permit.

(1) Sexually oriented businesses may be established, operated, or enlarged only (i) as permitted in Article 4 of this Code, (ii) subject to the location and other requirements set forth in this §8.7, (iii) provided that the proposed use is otherwise in compliance with all applicable laws and regulations of a general nature, and (iv) upon application for and prior issuance of a zoning permit pursuant Article 17.

(2) The Zoning Inspector shall issue a zoning permit for a sexually oriented business pursuant to Article 17 only if the sexually oriented business will be in compliance with all of the requirements enumerated in subsection (b)(1).

(3) Nothing contained herein shall be interpreted to modify in any manner other applicable ordinances, state and/or federal laws and regulations of a general nature except to the extent they are clearly in conflict with the provisions of this ordinance, in which case the more restrictive requirements shall apply.

(c) Location of sexually oriented businesses.

(1) No sexually oriented business may be established, operated, or enlarged within one thousand (1,000) feet of:

(A) A church, synagogue, mosque, temple or other building which is used primarily for religious worship and related religious activities;

(B) A public or private educational facility including but not necessarily limited to nursery schools, child day care centers, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, colleges and universities; school includes the school grounds, but does not include facilities used primarily for another purpose;

(C) A public park or recreational area which has been designated for park or recreational activities including but not necessarily limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, wilderness areas, or similar public land within the Village which is under the control, operation, or management of either the Village or any other public agency of the county, state, or federal government.

(2) No sexually oriented business may be established, operated, or enlarged within three hundred (300) feet of:

(A) A boundary of a residential district as defined in the Zoning Code and depicted on the official Zoning Map;

(B) A structure that constitutes a lawful non-conforming residential use as defined in the Zoning Code.

(3) No sexually oriented business may be established, operated or enlarged within one thousand (1,000) feet of another sexually oriented business.

(4) Not more than one sexually oriented business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business may not be increased.

(5) For the purpose of subsections (c)(1) and (2), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsections (c)(1) and (2). In the event the sexually oriented business is located in an enclosed multi-tenant building with common entrances, then the measurement shall be made from the nearest interior wall defining the space in which the sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsections (c)(1) and (2).

(6) For purposes of subsection (c)(3), the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(d) Floor Area.

No sexually oriented business may occupy a total floor area greater than three thousand (3,000) square feet.

(e) Exterior display.

No sexually oriented business shall be operated in any manner that permits the observation from outside the premises of any material or entertainment depicting or describing specified sexual activities or specified anatomical areas or any person in a state of nudity or semi-nudity, whether by means of display, decoration, sign, window or any other means.

(f) Additional sign regulations for sexually oriented businesses.

(1) Signs for sexually oriented businesses shall be in conformance with Article 9 except to the extent the provisions of Article 9 may be inconsistent with any of the provisions set forth herein below in which case the more restrictive requirements of this §8.7(f) shall apply.

(2) No exterior signs shall depict or describe any specified sexual activities or specified anatomical areas, or any depict any image, real or simulated, of person in a state of nudity or semi-nudity.

(3) Window areas of a sexually oriented business shall not be covered or made opaque in any way. No signs shall be placed in or upon any window.

(4) No vehicle displaying signage pertaining to the sexually oriented business shall be parked in a manner or location that the signage is visible beyond the boundaries of the premises upon which the sexually oriented business is located.

(g) Loitering and exterior lighting and monitoring requirements.

It shall be the duty of the operator of a sexually oriented business to:

(1) Initiate and enforce a no loitering policy within the external boundaries of the premises upon which the sexually oriented business is located;

(2) Post conspicuous signs stating that no loitering is permitted on such premises;

(3) Designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every thirty (30) minutes. Further, such property shall be monitored by use of video cameras and monitors. The video cameras and monitors shall operate continuously at all times that the establishment is open and complete recordings shall be made and preserved for a period for at least thirty (30) days. The monitors shall be installed within a manager's station; and

(4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering.

(h) Minimum interior lighting level.

(1) The interior premises of every sexually oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five (5) footcandles as measured at floor level.

(2) The illumination described in subsection (h)(1) above shall be maintained at all times that any patron is present in the premises. In the event of a power failure, the business shall stop operating immediately and all patrons shall be cleared from the premises. The premises shall not be reopened until the minimum illumination level can be assured.

(i) Prohibition of adult hotel/motels.

(1) No person shall operate, cause to be operated, or participate in the operation of an adult hotel/motel within the Village.

(2) Evidence that a sleeping room in a hotel, motel, or similar establishment has been rented and vacated two or more times in less than eight (8) hours creates a rebuttable presumption that the establishment is an adult hotel/motel.

(3) Evidence that a person in control of a sleeping room in a hotel, motel, or similar establishment has rented or sub-rented a sleeping room to a person and, within eight (8) hours from the time the room was rented, has rented or sub-rented the same sleeping room again, creates a rebuttable presumption that the establishment is an adult hotel/motel.

(4) For purposes of this section, the terms "rent" and "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

(j) Regulations pertaining to viewing rooms, booths, and similar areas.

No person shall operate, cause to be operated, or participate in the operation of a sexually oriented business which exhibits any visual images and/or live images or entertainment which depict or depicts specified sexual activities or specified anatomical areas on the premises in a viewing room, booth, or similar area (hereinafter, collectively, "booth") without complying with the following requirements:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an employee's station of every area of the premises to which any patron is permitted access for any purpose, including the interior of all viewing booths and excluding restrooms. Restrooms may not contain video or image reproduction equipment, and no entertainment of any kind may be offered in restrooms. If the premises has two or more employee's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose

from at least one of the employee's stations. The view required in this subsection must be by direct line of sight from the employee's station.

(2) No alteration in the configuration or location of an employee's station shall be made without prior Village approval.

(3) At least one employee shall be on duty and situated in each employee's station at all times that any patron is present inside the premises.

(4) An employee's station shall not exceed thirty-two (32) square feet of floor area, and no single dimension of an employee's station shall exceed eight (8) feet.

(5) The view from the employee's station(s) shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials.

(6) No patron may at any time be permitted access to any area of the premises which has not been designated in the approved plans as an area in which patrons will be permitted.

(7) No viewing booth may be occupied by more than one person at any time.

(8) No openings of any kind shall be permitted to exist between viewing booths or in any wall of a viewing booth.

(9) No person shall make or attempt to make an opening of any kind between viewing booths or in any wall of a viewing booth.

(10) The walls of each viewing booth shall be inspected regularly during each business day to determine if any openings or holes exist.

(11) All floor coverings in viewing booths shall be nonporous; easily cleanable surfaces, with no rugs or carpeting.

(12) All wall surfaces, ceiling surfaces and seating surfaces in viewing booths shall be constructed of, or permanently covered by, nonporous, easily cleanable material.

(13) Interior plans for a sexually oriented business shall contain specifications in compliance with the provisions of this section.

(14) Applicable provisions of §8.7(k) shall also apply to any live entertainment or performances.

(k) Nudity, sexual activity, live entertainment and performances.

(1) Nudity and semi-nudity.

(A) All live entertainment and performances in a sexually oriented business featuring persons in a state of nudity or semi-nudity must take place on a stage

at a distance at least 72 inches from all parts of a clearly designated area in which patrons will be present.

(B) The stage shall further have a physical barrier, such as railing or knee wall, separating it from the area in which patrons may be present. The barrier must be at least thirty-six (36) inches in height as measured from the floor in the area in which patrons will be present.

(C) No employee appearing on the premises of a sexually oriented business in a state of nudity or semi-nudity, may intentionally or knowingly touch a customer or a customer's clothing or permit himself or herself to be touched by a customer or a customer's clothing.

(D) Any live entertainment that is provided on the premises of a sexually oriented business, in a private or semi-private room, to five (5) or fewer persons at any one time, must take place in the direct, unobstructed line of sight of an employee's station at which at least one employee is on duty and stationed at all times during which such entertainment takes place, with all doors to such room completely open and ajar, if such room is not a viewing booth subject to the provisions of §8.7(j) of this ordinance.

(E) The provisions of this subsection (k)(1) shall not apply to an employee's bona fide use of a restroom or of a single-sex dressing room that is accessible only to entertainers.

(2) Dressing rooms. All sexually oriented businesses that offer live entertainment must provide separate dressing room facilities for female and male entertainers which shall not be occupied or used in any way by anyone other than entertainers.

(l) Penalty and Remedies.

See, Article 17, §17.7(b) related to criminal penalties for violations of this ordinance, and, see Article 17, §17.8 related to civil remedies for violations of this ordinance.

(m) Severability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

(n) Definitions.

For purposes of this Article and the entirety of the Zoning Code the following words and phrases shall have the meanings set forth below:

(1) "Adult arcade" means an establishment in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so

displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(2) "Adult bookstore," "adult novelty store," or "adult video store" means an establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

(A) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;

(B) Sexual devices.

(3) "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or similar establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

(A) Persons who appear in a state of nudity or semi-nudity;

(B) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;

(C) Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment;

(D) Films, motion pictures, videos, streaming video, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

(4) "Adult hotel/motel" means a hotel, motel, or similar establishment that (i) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videos, streaming video, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying specified sexual activities or specified anatomical areas and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or (ii) offers a sleeping room for rent for a period of time that is less than eight (8) continuous hours; or (iii) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight (8) continuous hours.

(5) "Adult motion picture theater" means an establishment where films, motion pictures, videos, streaming video, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of

specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.

(6) "Adult theater" means a theater, concert hall, auditorium, viewing room or booth, or similar establishment that for any form of consideration regularly features persons who appear in a state of nudity or semi-nudity, or live performances that are characterized by the depiction or description of specified anatomical areas, specified sexual activities or live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment.

(7) "Characterized by" means describing the essential character or quality of an item.

(8) "Covering" means any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.

(9) "Distinguished or characterized by their emphasis upon" means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas which take place outside the context of some larger form of expression.

(10) "Employee" means any individual who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the individual is denominated an employee, independent contractor, agent, or otherwise, but does not include an individual exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(11) "Established" means and includes any of the following:

(A) The opening or commencement of any sexually oriented business as a new business;

(B) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(C) The additions of any sexually oriented business to any other existing sexually oriented business; or

(D) The relocation of any sexually oriented business.

(12) "Establishment" means a place that is open to the public or to private membership.

(13) "Nude or semi-nude model studio" means any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

A modeling class or studio is not a nude or semi-nude model studio and is not subject to this ordinance if it is operated in any of the following ways:

(A) By a college or university supported entirely or partly by taxation;

(B) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;

(C) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or semi-nude model is on the premises at any one time.

(14) "Nude," "nudity" or a "state of nudity" means exposing to view any portion of the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

(15) "Operator" means any individual on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises.

(16) "Patron" means any individual on the premises of a sexually oriented business except for any of the following:

(A) An operator or an employee of the sexually oriented business;

(B) An individual who is on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises;

(C) A public employee acting within the scope of the public employee's duties as a public employee.

(17) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(18) "Premises" means the real property on which the sexually oriented business is located and all appurtenances to the real property, including, but not limited, to the sexually oriented business, the grounds, private walkways, and parking lots or parking

garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the sexually oriented business.

(19) "Regularly" means consistently or repeatedly.

(20) "Semi-nude," "semi-nudity" or "semi-nude condition" means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

(21) "Sexual device" means any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breasts or for sadomasochistic use or abuse of oneself or others, including, but not limited to, dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

(22) "Sexual encounter center" means an establishment that, as one of its principal purposes, offers or purports to offer, for any form of consideration, a place where any of the following occur:

(A) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities;

(B) Two or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for their receipt of consideration or compensation in any type or form;

(C) Physical contact in the form of wrestling or tumbling between individuals when one or more of the individuals is nude or semi-nude.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter center."

(23) "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio, sexual encounter center, or any combination of the foregoing, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

The existence of other principal purposes does not exempt an establishment from being categorized as a sexually oriented business so long as one of its principal purposes is that of a sexually oriented business, as defined by this ordinance.

(24) "Specified anatomical areas" includes human genitals, pubic region, anus, buttocks, the human female breast below a point immediately above the top of the

areola, and the human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(25) "Specified sexual activities" means any of the following:

(A) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;

(B) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(C) Excretory functions as a part of or in connection with any of the activities described in subsections (A) and/or (B) of this section.

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Section 8.8 Portable Storage Units.

(a) Portable storage units are not permitted within the Village except upon the prior issuance of a Zoning Certificate. The Zoning Certificate may issue only upon the following conditions for the use of the portable storage unit:

(1) Use of the portable storage unit is necessary due to bona fide construction activity, in response to an emergency, or for moving-related activity; and

(2) The portable storage unit shall be placed upon an improved surface or, if an improved surface is not available, on ground sufficiently compacted and stable for its support; and

(3) The location of the portable storage unit shall not obstruct, interfere, or otherwise be adverse to the use of any right-of-way or utility easement.

(b) The Zoning Certificate may be issued for an increment of time not to exceed ninety (90) days. The Zoning Certificate may be extended for additional thirty (30) day increments of time based upon the continued need for the portable storage unit's use in ongoing bona fide construction activities or due to an emergency circumstance that has not abated.

(c) The Zoning Inspector may request and shall be provided by the applicant upon such request sufficient documentation to evidence the claimed need for the portable storage unit, including any requests for an extension of time for its use.

Section 8.9 Used Vehicle Sales.

The business of selling used and/or previously titled automobiles and/or trucks shall be permitted only in conjunction with new automobile and/or truck dealerships. All used and/or previously titled automobiles and/or trucks offered for sale must be located on the same site as the new automobile and/or truck dealership. The total site area which may be devoted to the display, housing and/or storage of used automobiles and/or trucks offered for sale shall be limited to a maximum forty percent (40%) of the total surface parking area (as further defined herein below) of the site (site, as used herein, is defined as the sum total area of all contiguous lots devoted to the dealership's use) versus a remaining minimum of sixty percent (60%) of the total surface parking area of the site which shall be devoted to the display, housing and/or storage of new automobiles and/or trucks offered for sale.

The total surface parking area of the site devoted to the display, housing and/or storage of new and/or used automobiles and/or trucks offered for sale is to be computed exclusive of surface parking areas designated for employee and customer vehicles as well as parking areas for such other vehicles as may be used in connection with the business but which are not offered for sale. Site development plans shall designate the areas of surface parking to be utilized for each of these purposes. All vehicle parking shall be in conformity with the approved site plan.

ARTICLE 9 SIGNS

Section 9.1 Purpose and Intent.

(a) Sign regulations, including provisions to control the type, design, size, location, motion, illumination, enforcement and maintenance thereof, are established in order to achieve, among other objectives, the following purposes:

(1) To promote and maintain high quality districts for all land uses, and attractive public and private facilities of all types, by permitting only signs appropriate to their environs and preventing the blighting influence of excessive signage;

(2) To provide for reasonable and appropriate methods for identifying establishments in office, business and industrial districts by relating the size, type and design of signs to the size, type and design of the office, business and industrial establishments;

(3) To eliminate any conflict between traffic control signs and other signs which conflict may be hazardous to the safety of the motoring public and to pedestrians;

(4) To control the design and size of all signs so that their appearance will be aesthetically harmonious with an overall design for the area, in accordance with commonly accepted community planning and design practices;

(5) To establish equal and uniform opportunities for persons and legal entities to erect signage appurtenant to their ownership and/or tenancy of land.

(b) This Article is not intended to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I, §11 of the Ohio Constitution. All ordinances in this Article are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of residents and visitors to speak freely. All provisions of this Article shall be interpreted in a content-neutral manner excepting solely for those narrow, legally-recognized exceptions explicitly identified in this Article. All ordinances in this Article shall be applied in accord with 15 U.S.C. §1121(b), as amended, and such other applicable federal and Ohio laws as may now or hereafter be enacted, when in conflict with same.

Section 9.2 Definitions.

(a) As used in this Article, unless the context otherwise clearly indicates a contrary intent, the following words and phrases shall have the meanings set forth herein:

(1) "Alter" means to change in any way, including but not limited to reconstruction, redesign, re-illumination that changes the lighting design, sign face replacement that changes the sign face design, sign face change, and painting in a different color than the present color, excluding changes in changeable copy on signs.

(2) "Back-lighted letter" means an illuminated reverse channel letter (open or translucent back) such that light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter.

(3) "Banner" means a sign of lightweight plastic, fabric or similar material that is mounted to a structure by a frame, rope, or similar means at one or more edges. A flag, as defined by §9.2(a)(13), shall not be construed a banner when it is displayed in compliance with §9.16(n).

(4) "Building frontage" means the linear dimension of the width of the widest portion of a building face including all appurtenant overhangs or other structures, either:

(A) closest to parallel to the nearest principal street, or

(B) containing the primary building entrance, of any building on any lot.

(5) "Building marker" means a sign typically indicating, but not hereby limited to, the name of a building and date and incidental information about its construction, which sign is cut into the masonry surface or made of bronze or other permanent material.

(6) "Building unit" means each separately occupied space within a building. "Separately occupied" means a distinct owner, occupant, or tenant in possession of and occupying the unit to the exclusion of others. A separately occupied unit consists of interior subdivided space which (i) has its own exterior entrance and (ii) is separated from other such spaces by a party wall or other such dividing walls. Where a building unit is bounded by a party wall or other such dividing walls, the measurement of width shall be to the centerline(s) of such wall or walls.

(7) "Changeable copy" means the area of a sign on which copy can be changed through the use of attachable letters and/or numbers, by the flipping of fixed letters and/or numbers, by the scrolling of tape or other medium, or by the electronic switching of lamps or illuminated tubes, LED, or any other such like technology. See, also, "electronic message center."

(8) "Copy" means the words, message, symbols, or artwork displayed on a sign.

(9) "Development unit" refers to the land area, ascertained pursuant to the provisions of §9.4, from which the nature, number, and area of permitted signage is determined.

(10) "Election cycle" means a period of time which commences with the filing of a declaration of candidacy, nominating petition, or other petition with the Lake County Board of Elections or Ohio Secretary of State, as applicable, and continuing until the first Friday subsequent to the election for which said declaration or petition pertained.

(11) "Electronic message center" means a sign that utilizes computer-generated messages or some other electronic means of changing copy. Electronic message centers are included within the definition of "changeable copy."

(12) "Erect" shall mean to build, construct, alter, relocate, modify, attach, hang, place, suspend, or affix, and shall also include the painting of signs.

(13) "Flag" means any fabric or similar light-weight material containing distinctive colors, patterns, or symbols, used for the display of non-commercial copy such as, but not limited to, a symbol of a government or political subdivision.

(14) "Frontage" or "Lot Frontage" shall mean the lot dimension (or development unit, as applicable) along the adjacent principal street. Limited access highways shall not be considered frontage for purposes of this chapter.

(15) "Historic Preservation District" means the area in which are sited parcels zoned B-1 or, if not zoned B-1, have lawful non-conforming commercial uses and more fully described as parcels located within the following area:

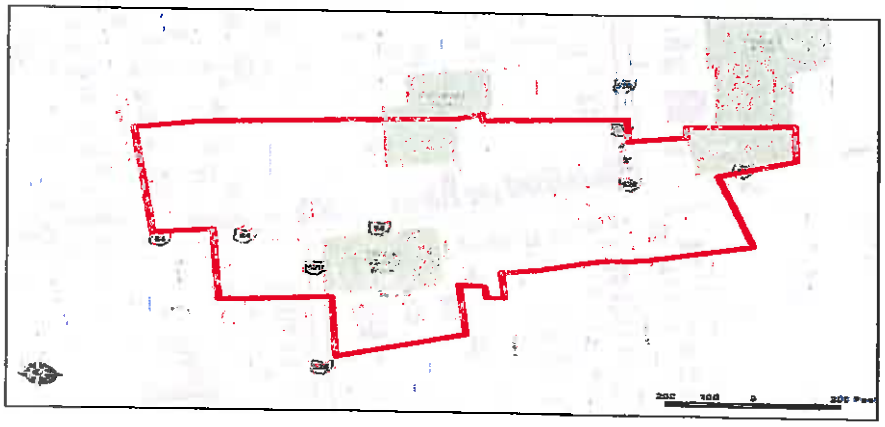
(A) the northern half of the area includes all parcels along the easterly side of Eagle Street, commencing at and including permanent parcel no. 02-A-008-A-00-016-0 (representing the northwesterly corner of said overlay area) then south along the easterly side of Eagle Street to and including permanent parcel no. 02-A-008-A-00-050-0, then east along the northerly side of Main Street to and including permanent parcel no. 02-A-006-B-00-002-0 (representing the northeasterly corner of said overlay area), north on the westerly side of North Lake Street to and including permanent parcel no. 02-A-008-E-00-005-0, then west along the route of the public access drive that runs parallel to main Street and including all B-1 zoned parcels with frontage on said public access drive to the point of beginning of permanent parcel no. 02-A-008-A-00-016-0; and

(B) the southern half of the area commences on the south side of East Main Street at and including permanent parcel nos. 02-A-009-B-00-011-0, 02-A-009-B-00-013-0 and 02-A-009-B-00-15-0 (collectively representing the southwesterly corner of said overlay area), then east along the south side of Main Street to and including permanent parcel no. 02-A-007-B-00-001-0 (representing the southeasterly corner of said overlay area); and

(C) the area includes all B-1 zoned parcels on South Lake Street; and

(D) the area includes all parcels with frontage on Park Street; and

(E) the area is fully illustrated in the following graphic:



(16) "Lighting tube" means a tube, strip or band made of any material, whether clear or colored, which by any means produces a light source including, but necessarily limited to, neon, LED, rope lighting, and other such manner of lighting.

(17) "Marquee" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

(18) "Non-conforming" means a sign or related structure that is not in full compliance with all of the provisions of this Article and all other applicable Village ordinances.

(19) "Permanent" when used in relation to a sign means a sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign, and, which is constructed of durable materials (wood, plastic, metal) which are able to withstand environmental exposure for long durations of time without degradation.

(20) "Pennant" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series.

(21) "Related structure" means all components supporting, and comprising, the parts of a sign.

(22) "Sight triangle" means all of that portion of land lying within a triangular shaped area at each intersection of a public right-of-way or curb cut, described as follows: Beginning at the precise corner of the intersection point of the curb of the street with the curb of a driveway or curb of another public right-of-way intersection forming each corner and extending a distance, in feet, which is equal to the highest posted speed limit of the intersecting roadway(s) along each such curb line from said curb intersection point, the third side being determined by the drawing of a straight line from the ends of each such leg (whether said land be privately owned or unpaved or untraveled street right-of-way property). To illustrate, at the intersection of two roadways where the posted speed limits are, respectively, 25 mph and 35 mph, each leg of the sight triangle shall be thirty-five (35) feet.

(23) "Sign" as used in the general sense means any visual display that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to convey information or attract attention. The term "signage" and other such derivations shall be synonymous with this definition.

In the context of this Article "sign" may also refer the structure or medium upon which is placed any visual display that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to convey information or attract attention.

(A) "Sign, abandoned" means a sign which no longer advertises, announces the purpose of, or identifies the purpose of any person or entity, or communicates information to the public regarding a bona fide business, lessor,

lessee, owner, product or activity conducted or available on the premises where the sign is located.

(B) "Sign, animated" means a sign depicting action, motion, light or color changes through electrical, mechanical, or any other means.

(C) "Sign, bench" means a sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

(D) "Sign, canopy" means a sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or other outdoor service area. A marquee is not a canopy.

(E) "Sign, commercial" means any sign that, directly or indirectly, names, advertises, or calls attention to a business, product, profession, service or other commercial activity.

(F) "Sign, double-faced" means a sign with two parallel opposing (back-to-back) faces.

(G) "Sign, ground" means a sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure. Ground signs are classified within this Article according to the manner of their construction, to wit: permanent or temporary.

(H) "Sign, mansard" means a sign attached to a mansard structure. A mansard sign is included within the definition of "roof sign."

(I) "Sign, marquee" means a sign attached to, in any manner, or made a part of a marquee.

(J) "Sign, non-commercial" means a sign which does not fall within the definition of a "commercial sign."

(K) "Sign, off-premise" means a sign that is not appurtenant to the lawful use of the property on which it is displayed; advertises a product, merchandise, service, business, entertainment, or any other activity not sold, offered or occurring on the property on which it is displayed; or which advertises the sale or lease of property other than the property on which it is displayed.

(L) "Sign, on-premise" means a sign that is appurtenant to the lawful use of the property on which it is displayed; advertises a product, merchandise, service, business or any other activity actually sold, offered or occurring on the property on which it is displayed, or which advertises the sale or lease of property on which it is displayed.

(M) "Sign, parapet" means a sign mounted on the vertical surface of, or on top of, the parapet of a building. A parapet sign is included within the definition of "roof sign."

(N) "Sign, pole" means a sign supported by and placed upon a visible pole or standard.

(O) "Sign, portable" means a 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 means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on a vehicle parked and visible from the public right-of-way.

(P) "Sign, projecting" means a sign affixed to a building or wall in such a manner that (i) its copy is perpendicular to the building or wall to which it is affixed and/or (ii) its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall.

(Q) "Sign, roof" means a sign erected and constructed on or over the roof of a building and/or which extends vertically any distance above the lowest portion of the roof. Signs placed on cupolas fall within this definition. See, also, "mansard sign" and "parapet sign."

(R) "Sign, sandwich" means a temporary sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A. A sandwich sign is included within the definition of "portable sign."

(S) "Sign, suspended" means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

(T) "Sign, wall" means a sign attached parallel to (but within eighteen (18) inches of) a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

(U) "Sign, window and door" means a sign that is placed upon or over a window or door, upon a window pane, or in proximity to a window or door, and which is visible from the exterior of the window or door.

(24) "Sign area" means the permitted area upon, against or through which signage may be placed.

(25) "Sign band" means a horizontal area above a multi-tenant building's entrances, architecturally designed to accommodate signage in a sign-centric manner.

(26) "Temporary" when used in relation to a sign means a sign not permanently affixed to any point or thing, is lightweight, and which is readily removable with simple hand tools without causing any damage to any point or thing.

(27) "User" means the owner of a development unit and any tenants or others in lawful possession and occupancy of that development unit.

Section 9.3 Computation of Height.

The height of a sign shall be computed as the distance from normal grade at a point directly beneath the sign to the top of the highest component of the sign. Normal grade shall be construed to be the lower of (i) existing grade prior to construction or (ii) the newly established grade after construction, exclusive of any filling, berms, mounding, or excavating. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

Section 9.4 Computation of Permitted Sign Area, Number and Location.

(a) Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the sign, together with (i) any visible framework, bracing, supports or structure forming part of the sign, (ii) any material or color forming an integral part of the background of the sign or used to differentiate the sign from the backdrop or structure against which it is placed inclusive of any contiguous trim or frame. "Supports or structure" does not necessarily include any decorative fence or wall when such fence or wall otherwise meets applicable requirements of Village ordinances and is clearly incidental to the sign itself.

For back-lighted letters mounted to a wall, the surface behind the letter upon which the halo lighting effect is created is not computed as part of sign area unless the surface is painted, treated, or otherwise designed so as to constitute part of the sign area as set forth in this section.

(b) To compute the permitted sign area that may be used to determine the location, number, and nature of signs that are permitted, and for all other purposes pursuant to this Article, the following shall apply:

(1) Contiguous commercial and/or industrially zoned parcels held in common ownership (inclusive of a parent company's subsidiaries and other controlled affiliated companies) and developed, maintained and/or operated as part of a common development shall be treated as a single development unit.

(2) Contiguous residentially zoned parcels held in common ownership and developed, maintained and/or operated for one use shall be treated as a single development unit.

Section 9.5 Computation of Area for Multi-faced Signs.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When a sign has two faces placed back-to-back such that (i) both faces cannot be viewed from any point at the same time, and (ii) when such faces are part of the same sign structure and are not more than twenty-four (24) inches apart (or, six (6) inches in the case of projecting signs), then the sign area shall be computed by the measurement of one of the faces.

Section 9.6 Permit Required.

(a) Except as provided in §9.7, it shall be unlawful for any person to erect any sign and/or any related structure without first obtaining a permit from the Zoning Inspector and making payment of the fee required by §9.8 of this Article.

The fees set forth in §9.8 shall be doubled in the event a sign is erected prior to issuance of a permit pursuant to §9.9, however, the payment of said fees shall not relieve any person from complying with other provisions of this Article or from the penalties prescribed by law.

(b) No permit is required for repair, repainting, or other maintenance that does not alter a sign.

(c) No permit is required to change a sign's copy provided that no changes are made to the sign structure. In the event the sign and copy are effectively one and the same (for example, a wall sign constructed of channel letters), then an application for a permit must be made.

(d) No permit is required for sign types that are permitted to be of temporary construction, unless such sign weighs in excess of fifty (50) pounds.

Section 9.7 Exemptions from Regulation Pursuant to this Article.

The following signs are exempt from regulation pursuant to this Article:

(a) Signs which are not visible to a person of ordinary eyesight from or beyond the following locations:

(1) Any public right-of-way; and

(2) Any property line of the lot (or development unit, as applicable) upon which the sign is located.

As used in this section, "visible" means that the sign can be seen, whether it is "legible" is not relevant.

(b) A traffic control sign, signal or device erected by a governmental entity, inclusive of such private property whereupon compliance with the Manual on Uniform Traffic Control Devices is required.

(c) Public facilities signs erected by governmental entities, but subject to area, dimension, and other applicable regulations of this Article.

(d) Notices required to be posted by law or order of court.

(e) Signs otherwise exempt from municipal regulation pursuant to state or federal law.

(f) Signs held by or affixed in any manner to a person and not set on or affixed to the ground and/or any structure thereon either in whole or in part.

(g) Any duly assigned street numbers provided that the numbers shall be no greater than twelve (12) inches in height.

Section 9.8 Application for Permit.

A permit application shall be made to the Zoning Inspector and shall contain and have attached the following information and documentation:

(i) Name, address and telephone number of the applicant.
(ii) Name of the person erecting the sign and any related structure.
(iii) Written consent of the owner of the building, structure, or land to which or on which the sign and/or any related structure is to be erected, if different from the applicant.
(iv) The location of the building, structure, or lot to which or upon which the sign and any related structure is to be attached or erected.
(v) A drawing depicting the position of the sign, proposed lighting (inclusive of bulb wattage), and any related structure in relation to any buildings, structures, streets or drives within a distance of one hundred fifty (150) feet, measured in a straight line without regard to intervening buildings, structures, streets or drives.
(vi) Two blueprints or ink drawings of the plans and specifications and method of construction and attachment of the sign and any related structure to the building or upon the ground.
(vii) A rendering of the proposed copy or written representation of the proposed copy sufficient to ascertain compliance with the provisions of this Article.
(viii) A rendering and/or physical samples showing the exact colors to be used.
(ix) If the sign is to be internally illuminated or is an electronic message center, a manufacturer's certification that the luminance will not exceed the limits set forth in §9.16(j).
(x) Any information, calculations, or documentation required by the Building Code and any other applicable ordinances of the Village.

Signs may further require a permit issued pursuant to the Building Code. The information herein required and permit is in addition to and independent of any information and permit required by the Building Code.

Sign permit applications shall be accompanied by a fee in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A).

Section 9.9 Permit Issuance.

(a) Upon receipt of a complete and accurate application for a permit complying with §9.8, the Zoning Inspector shall examine the plans and specifications and the premises upon which the proposed sign is to be erected.

(b) Unless (i) the applicant applies for a variance from a provision or provisions of this Article in order to erect a sign as proposed, (ii) Planning Commission review and approval is required for the sign as an architectural element pursuant to applicable provisions of this Article, or (iii) the applicant engages in other conduct which directly causes delay, the Zoning Inspector shall make a determination on the permit application within ten (10) business days. In the event of a variance request, Planning Commission review, or other delay occasioned by conduct of the applicant, the Zoning Inspector's time for making a determination under this section shall be extended for a period of time equal to the time period during which the variance application is pending, Planning Commission review is pending, or to the period of time of other delay occasioned by conduct of the applicant, whichever is applicable. In case of an extenuating circumstance, the Zoning Inspector may apply to the Mayor for an extension of the time in

which to complete the review, not to exceed an additional ten (10) business days. In determining whether to grant this extension, the Mayor shall consider the reasons offered in explanation of the delay and balance them against the hardship to the applicant arising from an extended time for determination.

(c) Failure of the Zoning Inspector to issue a permit within the required ten (10) business days, or otherwise within the time period set forth in section (b) above, shall be construed to be an issuance of the permit upon the lapse of the last day upon which the Zoning Inspector may, pursuant to section (b) above, make the determination, but shall not constitute an issuance of any permit as may otherwise be required by the Building Code.

(d) If the proposed sign complies with this and all other applicable laws and ordinances of the Village, the Zoning Inspector shall issue the requested permit upon receipt of the appropriate fees. If the Zoning Inspector determines that the application should be denied, a written statement shall be issued contemporaneous with the decision explaining the reasons for the denial.

(e) If the work authorized by a permit is not completed within six (6) months after the date of issuance, said permit shall become null and void.

Section 9.10 Appeal.

An applicant aggrieved with any determination of the Zoning Inspector made during the course of the application process, including the classification of a proposed sign, the denial of a permit, or the revocation of a permit shall, within ten business (10) days following that determination, file with the Zoning Inspector an appeal from the Zoning Inspector's decision to the Board of Zoning Appeals. Upon receiving such a notice of appeal, the Zoning Inspector shall transmit all papers and other documents connected to the application to the Board of Zoning Appeals, which shall hear the applicant's appeal at its next regularly scheduled meeting, provided the notice of appeal is filed prior to any promulgated deadlines for placement on the Board's next meeting agenda.

The Board of Zoning Appeals may decide to affirm, modify, reverse, or vacate the Zoning Inspector's decision, and shall render its decision and any order necessary to effectuate its decision no later than thirty (30) days from the date of the meeting at which the appeal was fully heard and submitted.

The decision of the Board of Zoning Appeals shall be final and may only be reviewed by a Court of Common Pleas pursuant to the provisions of chapter 2506 of the Ohio Revised Code.

A decision of the Planning Commission shall be final and may only be reviewed by a Court of Common Pleas pursuant to the provisions of chapter 2506 of the Ohio Revised Code.

Section 9.11 Revocation of Permit.

The Zoning Inspector may revoke a permit where there has been a violation of the provisions of this Article or a misrepresentation of fact on the permit application. The Zoning Inspector shall issue a written statement contemporaneous with the decision explaining the reasons for revocation.

Section 9.12 Nonconforming Signs.

Nonconforming signs may be maintained, except:

(a) No nonconforming sign or part thereof shall be altered, modified, relocated, or changed in any manner whatsoever in any process of reconstruction, repair, maintenance, or restoration, when the cost of said reconstruction, repair, maintenance, or restoration exceeds fifty percent (50%) of the sign's replacement cost, unless the entire sign shall be brought into compliance with all of the provisions of this Article and all other applicable Village ordinances.

(b) Any nonconforming sign the use of which is voluntarily discontinued for a period of at least six (6) months shall either be removed or brought into compliance with all of the provisions of this Article and all other applicable Village ordinances.

(c) Any nonconforming sign for a property or premises that undergoes a change of permitted use, as that term is defined in the Zoning Code, shall be brought into compliance with all of the provisions of this Article and all other applicable Village ordinances.

Section 9.13 Removal of Signs.

(a) The Zoning Inspector is authorized to order the removal, repair or maintenance of any sign which constitutes a nuisance (defined as being a threat to the safety of persons or property), or for which the required permit has not been obtained, or which violates any provision of this Article. Every such order shall be served upon the owner or person in possession of the sign by personal or certified mail service, provided that, where service has been refused or unclaimed, no further service or notice shall be required, and the time for compliance shall commence from the date such service refusal or failure to claim is entered in the records of the Village.

(b) Whenever the removal, repair or maintenance of any permanent sign has been ordered by the Zoning Inspector, the owner or person in possession of such sign shall comply with such order within fourteen (14) days after notice is served upon him. Whenever the removal, repair or maintenance of a temporary or portable sign has been ordered by the Zoning Inspector, the owner or person in possession of such sign shall comply with the order within twenty-four (24) hours after notice is served upon him. In the event of noncompliance, the Zoning Inspector may seek an order of removal from a court of competent jurisdiction, or may pursue criminal action against the owner and/or person in possession in accordance with the appropriate provisions of this Article and Zoning Code relating to violations. If, following an inspection, the Zoning Inspector determines that any sign constitutes an immediate danger to the public safety the Zoning Inspector may affect the immediate removal of said sign without regard to the time intervals for compliance cited above, at the sign owner's expense. Removal of a sign shall include the sign face, enclosing frame, all sign supporting members and base, unless otherwise specified in the order to remove.

Section 9.14 Date and Voltage.

Every permanent sign shall display in a readily observable place, in a design, style, letter-size and contrast to be readily legible to an average person on the ground: (i) the date of installation, and (ii) the voltage of all electrical apparatus used, if any.

Section 9.15 Maintenance Required.

(a) No sign shall constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance.

(b) Signs shall be maintained so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration or holes.

Section 9.16 General Regulations.

(a) No signs are permitted unless expressly allowed by the provisions of this Article.

(b) Any sign that can be displayed under the provisions of this Article may contain non-commercial copy.

(c) Signs shall be constructed of durable materials which are of appropriate quality and which are compatible with the materials of the building upon which such signs are placed. Wood or metal shall have a durable finish able to withstand routine environmental wear.

(d) Signs shall not be placed on any utility poles or utility equipment (unless pertaining to its use or operation and required to be placed there by the utility), hydrants, rocks/boulders, trees or other vegetation.

(e) No sign shall have more than two faces, which must be parallel to one another and within twenty-four (24) inches, unless a specific provision of this Article requires a lesser dimension.

(f) Off-Premise and Abandoned Signs.

(1) Off-premise signs are prohibited.

(2) Signs which are abandoned or which are accessory to an abandoned use of property are prohibited. A use shall be determined abandoned if it has voluntarily ceased for a period of at least sixty (60) days, unless the use is typically seasonal.

(g) Obstructions.

(1) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress, or block any light or ventilation openings. No sign shall be located or attached so as to obstruct emergency facilities or equipment.

(2) No sign shall be erected within the area of any sight triangle unless it is no greater than three (3) feet in height and does not otherwise obstruct free and clear vision within the sight triangle.

(3) No sign shall interfere, or otherwise cause visual conflict, in whole or in part, with any authorized traffic control sign, signal or device by virtue of the placement, color, or illumination of the sign.

(4) No sign shall be designed in such a manner that it is substantially similar in appearance to any authorized traffic control sign, signal or device, as set forth in the Manual on Uniform Traffic Control Devices, as amended, because of its shape, use of

color, or other design elements when the sign has the potential to cause confusion for motorists or pedestrians with an actual authorized traffic control sign, signal or device.

(h) Sexually Oriented Copy.

(1) No sign shall display any obscene matter, as defined by §533.01(f) of the Codified Ordinances of Madison.

(2) No sign shall depict or describe any specified anatomical areas or specified sexual activities, as defined by §8.7(n)(24) and (25) of the Zoning Code.

(i) Animation and Movement.

(1) Animated signs are prohibited.

(2) No sign shall have visible moving, revolving or rotating parts or visible mechanical movement of any kind.

(3) No sign shall emit any fire, smoke, steam, odor, or sound.

(4) The full copy of an electronic message center must remain fully static for a minimum of eight (8) seconds and any changes in the copy must occur within one-tenth (0.1) of a second.

(j) Illumination and Luminance.

(1) Artificial illumination for signs shall be concentrated on the area of the copy.

(2) Signs that are internally illuminated and electronic message centers shall not exceed the following luminance level:

(i) 100 cd/m^2 from dusk until dawn

(3) Signs that are internally illuminated and electronic message centers shall have a manufacturer's certification that their luminance will not exceed the limits set forth in subsection (2) above. Certification is required to be made in conjunction with permit application pursuant to §9.8 and is subject to field inspection once installed. Luminance limits are for the sign's maximum output (e.g., white screen in the case of electronic message centers) and shall be measured from a distance of thirty (30) feet from the sign face at not more than a 90 degree angle from the sign face.

(4) No sign shall have any lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulses.

(5) No sign shall be illuminated so as to cause objectionable brightness or glare into or onto any adjacent property or any right-of-way.

(6) Use of search lights, floodlights, and other such manner of directed light into the atmosphere is prohibited.

(k) Inflatable signs, inclusive of balloons used as signs, are prohibited.

(l) Wall Signs.

(1) A wall sign shall project no more than eighteen (18) inches from the surface or wall to which it is attached. No wall sign shall extend any closer than twelve (12) inches to either the top or side edges of the surface or wall to which it is attached. No wall sign shall cover or obscure any wall opening.

(2) No wall sign shall be erected at a height greater than thirty (30) feet above grade.

(3) No wall sign shall be nearer than three (3) feet to any other sign.

(4) Wall signs painted directly upon any wall are prohibited. Mural and pictorial images are included in this prohibition.

(5) A wall sign may only be mounted on the building unit which houses the user erecting the sign.

(m) Canopy Signs.

(1) Only one canopy sign shall be permitted per building entrance canopy or freestanding canopy structure.

(2) No canopy sign shall project more than two (2) inches from the canopy to which it is attached. No canopy sign shall extend any closer than four (4) inches to either the top or side edges of the canopy to which it is attached.

(3) No canopy sign shall be nearer than two (2) feet to any other sign, nor nearer than five (5) feet to any other building or structure.

(n) Flags.

(1) No freestanding flagpole shall exceed forty (40) feet in height.

(2) No flagpole shall be attached to the roof of a building.

(3) No more than one flagpole shall be permitted for each one hundred fifty (150) feet of frontage, or portion thereof.

(4) No flagpole shall be constructed closer to any lot line than the length of the flagpole or the required building setback, whichever is greater.

(5) Flags shall be proportioned to the height of the flagpole and shall not exceed the sizes indicated for the various corresponding pole heights shown below (for poles of lesser height or a height that varies from those enumerated herein, the flag shall be proportioned utilizing these figures as a guideline, however, mathematical precision is not required and proportions may be approximate):

Flagpole Height (ft.)	Maximum Flag Size (ft.)
20	4 x 6
25	5 x 8
40	6 x 10

(6) No flag shall hang, when fully unfurled, less than (i) eight (8) feet above grade when hung over a pedestrian walkway, or, (ii) less than fifteen (15) feet above grade when hung over a vehicular driveway or parking area.

(o) Banners. Banners may be used only temporarily in accordance with and subject to the regulations contained in this Article. No banner may be constructed of paper.

(p) Changeable Copy Area. An area for changeable copy is permitted on ground and wall signs but shall be limited to twenty-five percent (25%) of the permitted sign area, per sign. If the area of changeable copy will have signs placed thereon mounted on a medium not suited for extended exterior use, then, the changeable copy area shall be protected from direct exposure to the elements by use of a glass or plastic cover, properly secured to the sign structure.

(q) Ground Signs.

(1) Ground signs shall only be erected within the area of the lot frontage.

(2) The supporting structure, including but not limited to pillars, end and top caps, are all part of the allowable sign area.

(3) Ground signs shall not have gaps, cut-outs, or penetrations but instead should be a solid face or area without openings. Ground signs that require internal support members or posts shall not have them exposed or visible whatsoever from external view at a height greater than two (2) feet above grade.

(4) Ground signs shall have a maximum height no greater than five (5) feet or sixty (60) inches.

(5) A ground sign, inclusive of related structures, shall not have a depth in excess of twenty-four (24) inches.

(6) Permanent Ground Signs. When a ground sign is required to be of permanent construction pursuant to the provisions of this Article, then, the ground sign shall comply with the following design requirements:

(A) The sign shall either (a) rest and be affixed to a solid base for its support, or, (b) if it has support members or posts exposed or visible from external view (but in no case to exceed a height of two (2) feet above grade in accordance with subsection (3) above), then, it shall have low growth vegetation planted and continuously maintained around its base of sufficient height to conceal from view the support members or posts. Except to the limited extent permitted herein, pole signs or signs principally supported by poles or posts do not constitute ground signs and are not permitted.

(B) The sign shall be installed with a permanent footer in accordance with all applicable Building Code requirements.

(C) The support base, pillars, and end caps, if any, shall be constructed of brick or other masonry material matching that of the principal building on the lot.

(D) A metal skirt may be used to cover the base area provided that it is no higher than two (2) feet above grade.

(E) If metal is used as a skirt or cover for support members or posts, it shall be at least 24 gauge if sheet metal is used and at least .063 inches if aluminum is used. The metal shall be finished in a color that either matches that of the principal color used within the background of the copy area, or, in a dark or neutral earth tone color.

(F) Plywood, particle board, T-111 and other such materials shall not be used as a skirt or cover for support members or posts.

(G) A post-and-panel ground sign, if constructed of wood, may have exposed posts provided the panel is supported by posts along both of its ends, the posts are no greater than six by six (6 x 6) inches in dimension, and the height of the posts is not less than twelve (12) inches below the highest point of the panel.

(r) Lighting Tubes.

(1) Except as allowed by subsection (2) below the use of lighting tubes is permitted on a sign solely as a design or accent element for the copy area. It may not be used as a border.

(2) No sign in excess of four (4) square feet may be constructed solely of lighting tubes.

(s) Pennants, spinners, streamers and such other similar manner of displays are prohibited.

(t) Vehicle Signs.

(1) Vehicles, trailers, and all such other mobile and semi-mobile equipment are not permitted to be used as either temporary or permanent signs either by virtue of having copy or signage placed on them or by virtue of their use, in context, as signs in their own right. This prohibition does not apply to copy or signage on any vehicle which is in transit or otherwise only temporarily present for a transient purpose.

(2) Vehicles, trailers, and all such other mobile and semi-mobile equipment used by a business in the course of its normal day-to-day operations which have any copy or signage placed on them may only be parked in a location upon the business's lot where they will not be visible from any public right-of-way or from any property lines. In the event no such location exists upon the business's lot then, at a minimum, the vehicle shall be parked behind the setback line of the lot's principal structure wherein the business is located. This parking prohibition shall not apply to transitory parking of vehicles for purposes of delivery, loading, and such other transient business activity.

(u) Roof signs are prohibited.

(v) Signs are limited to two-dimensional graphic displays. The use of statuary, equipment, products, or any other such like displays is prohibited.

(w) Signs projected upon any surface by means of light or shadow are prohibited.

Section 9.17 Signs on Public Property.

(a) No person may erect or place any sign within a public right-of-way or upon Village property, inclusive of Village and other public easements, nor may any signs project over any of these areas.

(b) Signs erected in violation of this ordinance are hereby declared (i) a nuisance which endanger the health, safety and welfare of the general public and, further, (ii) a trespass upon the public lands. Any such signs shall be seized as contraband and removed immediately upon their discovery by any duly acting Village officer to be disposed of as litter in accordance with §521.08 of the Codified Ordinances of Madison.

(c) Nothing in this section shall limit in any manner the prosecution of persons found to have violated §521.08 of the Code.

Section 9.18 Signs in Commercial and Industrial Districts: S-1, B-1, B-2, B-3, B-4, B-5, M-1, and M-2.

(a) Signs within the S-1, B-1, B-2, B-3, B-4, B-5, M-1, and M-2 districts, in addition to any other applicable requirements of this Article and Zoning Code, shall conform to the standards set forth in this section or, if located in a special overlay district, to the standards for that district to the extent those standards vary from those set forth herein.

(b) Permitted Sign Types.

(1) Permitted sign types are the following:

(i) Ground;
(ii) Wall;
(iii) Building marker;
(iv) Window and door; and
(v) Banner.

(2) The following sign types are not permitted as of right, but may be permitted (i) as part of an architectural feature approved for construction by the Planning Commission and where (ii) the proposed sign is aesthetically consistent with the surrounding area and not contrary to the purposes and intents of this Article:

(i) Canopy; and
(ii) Marquee.

When permitted, the allowable sign area for canopy and marquee signs shall be computed using the same formula for wall signs. Canopy and marquee sign area is in lieu of and not in addition to any permissible area for wall signs.

(3) Banners are permitted only in accordance with section (f) of this ordinance.

(4) All other sign types are unlawful.

(c) Building Marker. Only one building marker is permitted per building. It shall only be located on the ground floor of the building and adjacent to its principal entrance. The maximum size of a building marker shall not exceed four (4) square feet in area.

(d) Ground Signs. The following additional regulations apply to all ground signs:

(1) Only one ground sign is permitted per development unit, and, the sign must be erected in conformity with the following standards:

(A) If the development unit has both frontage on a public right-of-way and a vehicular access drive from that public right-of-way, the sign shall be located in close proximity to that principal access drive, taking into consideration preservation of the sight triangle.

(B) If the development unit does not have frontage on a public right-of-way, the sign shall be located in close proximity to the principal vehicular access drive on the lot upon which the development unit is sited, taking into consideration preservation of the sight triangle.

(2) The permitted area, height, width, and setbacks for ground signs shall be based on the following standards:

(i)	Maximum area:	Thirty-two (32) square feet
(ii)	Maximum height:	Eight (8) feet
(iii)	Maximum width:	Six (6) feet
(iv)	Front setback:	Five (5) feet minimum from any right-of-way line
(v)	Side yard setback:	Fifteen (15) feet minimum from the lot line

(3) Manner of Construction and Permit Requirement.

(A) A ground sign shall be of permanent construction in accordance with the provisions of §9.16(q)(6) unless it satisfies all of the following requirements:

(i) The dimensions of the sign do not exceed the following:
- (A) Maximum area: Fifteen (15) square feet
- (B) Maximum height: Five (5) feet
- (C) Maximum width: Four (4) feet

(ii) The sign has no electrical service.

(iii) The sign (including all related structures) does not weigh in excess of fifty (50) pounds.

(iv) The sign is erected for a period of time that does not exceed nine (9) months (whether continuous or a cumulative total) in any calendar year.

(B) A ground sign that does not meet all of the requirements of subsection (A) above is required to be of permanent construction in accordance with §9.16(q)(6) and a permit must be obtained for the sign in accordance with §9.8.

(e) Wall Signs. The following additional regulations apply to all wall signs:

(1) The permitted area for wall signs is the lesser of: (i) 1.5 square feet per 1 linear foot of the building frontage which corresponds to the dimensions of the building unit, or (ii) 100 square feet.

(2) A wall sign may only be located on the portion of the front wall which corresponds to the interior dimensions of the building unit and shall be centered thereon (excepting only side wall signs erected in accordance with the provisions of this ordinance). Minimum distance separation between such wall signs shall be three (3) feet. Wall signs shall be placed at a uniform height across the building frontage. If the building has a sign band, wall signs shall be erected within that area.

(3) Wall signs shall not be erected on the rear wall of a building.

(4) The permitted area for wall signs as calculated by section (e)(1) above may be divided between front and side walls of the building unit (and, where permitted, a canopy or marquee) but subject to the area limitations set forth in section (e)(5) below.

(5) No side wall sign, or cumulative total of all side wall signs, shall exceed forty (40) square feet on any one building elevation.

(6) Allowance for Building Setback. For building units setback a distance of at least three hundred (300) feet from the right-of-way line of the building frontage an additional wall sign area of twenty-five (25%) percent is permitted in excess of the base amount of area calculated pursuant to section (e)(1) above. No front wall sign, or cumulative total of front wall signs, shall exceed one hundred twenty-five (125) square feet in area for a building unit, and, no side wall sign, or cumulative total of all side wall signs, shall exceed fifty (50) square feet on any one building elevation.

The building unit setback for purposes of this section shall be measured in a straight line from the closest right-of-way line to the primary building entrance of the building unit.

(f) Banners. A banner may be used solely in accordance with all of the following conditions:

(1) A banner may be displayed for the first ninety (90) days after a change in the ownership of a development unit or the commencement of a new occupancy thereon, as applicable, by the new user.

(2) If a permanent ground sign exists and the user then has no copy placed thereon, then, a banner may be placed on the sign, but not to exceed the permitted area for a ground sign. If no permanent ground sign exists, a freestanding banner shall not be displayed, but, a ground sign of temporary construction may be erected in accordance with section (d)(3)(A) of this ordinance.

(3) If the user has no wall signage, then, a banner may be erected in place of a wall sign, but subject to all applicable wall sign regulations.

(4) A banner in all cases must be secured firmly so as to withstand wind and environmental loads.

(5) A banner displayed in accordance with this ordinance shall be removed immediately once the permanent sign improvement is erected, but in no event shall it be displayed in excess of the ninety day time limit of section (f)(1).

Section 9.19 Special Overlay District: Historic Preservation District.

(a) In furtherance of the purposes and intents of this Article, the Comprehensive Plan, and the legislative findings accompanying enactment of this Article, the Village's Historic Preservation District shall be a special overlay district and signs within the Historic Preservation District, in addition to any other applicable requirements of this Article and Zoning Code, shall conform to the standards set forth in this section.

(b) Permitted Sign Types.

(1) Permitted sign types are the following:

(i) Ground;
(ii) Wall;
(iii) Building marker;
(iv) Window and door;
(v) Banner; and
(vi) Sandwich sign.

(2) The following sign types are not permitted as of right, but may be permitted (i) as part of an architectural feature approved for construction by the Planning Commission in accord with any promulgated guidelines for structures on the National Register, if applicable, and (ii) when the proposed sign is aesthetically consistent with the architecture of the building on which it is placed, with the surrounding area, and not detrimental to its status on the National Register, if applicable:

(i) Canopy;
(ii) Marquee; and
(iii) Projecting.

When permitted, the allowable sign area for canopy and marquee signs shall be computed using the same formula for wall signs. Canopy, marquee and projecting signage is in lieu of and not in addition to any permissible area for wall signs.

Dimension, location, and other additional regulations for projecting signs are as set forth herein below.

(3) Banners are permitted only in accordance with §9.18(f).

(4) All other sign types are unlawful.

(c) Changeable copy area is prohibited.

(d) Building Marker. Only one building marker is permitted per building. It shall only be located on the ground floor of the building and adjacent to its principal entrance. The maximum size of a building marker shall not exceed four (4) square feet in area.

(e) Ground Signs. One ground sign may be erected, per development unit, subject to the standards set forth in this section and all other applicable requirements of this Article.

(1) No ground sign shall be erected except when the front building setback is a minimum of thirty (30) feet from the nearest line of a public right-of-way.

(2) The sign shall be erected within a landscaped area.

(3) The permitted area, height, width, and setbacks for ground signs shall be based on the following standards:

(i)	Maximum area:	Twenty-four (24) square feet
(ii)	Maximum height:	Six (6) feet
(iii)	Maximum width:	Four (4) feet
(iv)	Front setback:	Five (5) feet minimum from any right-of-way line
(v)	Side yard setback:	Fifteen (15) feet minimum from the lot line

(4) Manner of Construction and Permit Requirement. A ground sign shall be of permanent construction in accordance with the provisions of §9.16(q)(6) and a permit obtained unless it satisfies all of the requirements set forth in §9.18(d)(3). Signs required to be of permanent construction shall be post-and-panel design and constructed of wood. Cabinet, monument, and other such modern styles of ground signs are not permitted. Use of plastic or such other similar building material may be permitted only if the material has the aesthetic ability to substantially mimic wood. Material samples shall be provided as part of the permit application.

(5) Illumination. Ground signs shall not be internally illuminated.

(f) Wall Signs. The following additional regulations apply to all wall signs:

(1) The permitted area for wall signs is the lesser of: (i) 1.5 square feet per 1 linear foot of the building frontage which corresponds to the dimensions of the building unit, or (ii) 50 square feet.

(2) A wall sign may only be located on the portion of the front wall which corresponds to the interior dimensions of the building unit. Minimum distance separation between such walls signs shall be three (3) feet. Wall signs shall be placed at a uniform height across the building frontage. If the building has a sign band, wall signs shall be erected within that area.

(3) Wall signs shall only be erected on the building unit's own exterior wall.

(4) The permitted area for wall signs as calculated by paragraph (f)(1) above may be divided between front and side walls of the building unit, and, where permitted a canopy or marquee, but subject to the area limitations set forth in paragraph (f)(5) below.

(5) No side wall sign, or cumulative total of all side wall signs, shall exceed twenty (20) square feet on any one building elevation.

(6) Wall signs shall not be of cabinet design.

(7) Any internal illumination for wall signs shall be limited to the copy and not the sign background. Reverse channel letters may be illuminated. Back-lighted letters are permitted.

(g) Projecting Signs.

(1) A permit is required for a projecting sign.

(2) One projecting sign is permitted per building unit except that no projecting sign is permitted within twenty (20) feet of another projecting sign.

(3) A projecting sign shall be in lieu of both ground and side wall signs that may otherwise be permitted and, further, shall be included in the area permitted for wall signage as computed by section (f)(1) above.

(4) The permitted area, height, and width for projecting signs shall be based on the following standards:

(i)	Maximum area:	(a) single story building: (b) two-story building:	17.5 square feet 30 square feet
(ii)	Maximum height:	(a) single story building: (b) two-story building:	5 feet 10 feet
(iii)	Minimum ground clearance:	(a) 8 feet above grade or, if applicable, (b) 15 feet above a vehicular driveway	
(vi)	Maximum width:	3.5 feet from the wall face	

(5) The sign shall not project into the airspace above a public right-of-way.

(6) The sign shall not extend vertically higher than the roof line.

(7) The sign shall project at a ninety degree angle from the wall face.

(8) The sign shall not have any changeable copy area.

(9) No projecting sign shall be of a cabinet design but, rather, shall be no greater than six (6) inches in depth and constructed of wood or metal, if it is resistant to corrosion. Use of plastic or such other similar building material may be permitted only if the material has the aesthetic ability to substantially mimic wood or metal. Material samples shall be provided as part of the permit application.

(10) Colors used in the background and all structural components must be neutral, muted earth tones. Bright colors or colors with a florescent appearance are not permitted.

(h) Sandwich Signs.

(1) A permit is required prior to the display of any sandwich sign. Only one sandwich sign is permitted per development unit. Permits are valid only for one (1) year from the date of issuance and are non-transferrable.

A permit shall be denied if the applicant has had two or more violations of any of the provisions of this section (h) in the three (3) years immediately preceding the permit application.

The permit shall specify the permitted location for the sign in accordance with the criteria outlined in subsection (5) below and the sign may only be displayed in the approved area.

(2) A sandwich sign is permitted only when a ground sign is prohibited from being erected pursuant to §9.19(e).

(3) The sign shall be an A-frame design and may only have two faces. T-frame or other alternate designs and configurations are not permitted.

(4) The permitted area, height, width and depth for sandwich signs shall be based on the following standards:

(i)	Maximum area:	Ten (10) square feet per sign face
(ii)	Maximum height:	Four (4) feet
(iii)	Maximum width:	Two and one-half (2.5) feet
(iv)	Maximum depth:	Three (3) feet

(5) Sandwich signs may only be displayed on an improved surface and (i) shall not be placed within any right-of-way, (ii) shall not impair or impede vehicular or pedestrian traffic, (iii) shall not impair or impede ingress and egress from any structure; and (iv) shall be placed within five (5) feet of the structure occupied by the user displaying the sign.

(6) A sandwich sign may only be displayed during hours of operation and shall be removed at all other times.

(7) Sandwich signs shall be constructed of finished wood or wood-based materials. Bare wood, plywood, T-111 or other unfinished wood-based materials are not permitted. Copy shall be flush-mounted to the sign structure. A chalkboard or other such similar medium onto which copy can be written and erased is permitted to be flush-mounted to the sign structure.

Section 9.20 Signs in Residential and Agricultural Districts: A-1, R-1, R-2, R-3, and SC-1.

(a) The erection of signs within the A-1, R-1, R-2, R-3, and SC-1 districts, in addition to any other applicable requirements of this Article and Zoning Code, shall conform to the standards set forth in this section.

(1) Permitted sign types are:
- (i) Ground;
- (ii) Wall; and
- (iii) Window or door.

(2) All other sign types are unlawful.

(b) Signs shall not be artificially illuminated.

(c) Electronic message centers are prohibited.

(d) Ground Signs. One ground sign may be erected, per development unit, subject to the standards set forth in this section and all other applicable requirements of this Article.

(1) The permitted area, height, width, and setbacks for ground signs shall be based on the following standards:

(i)	Maximum area:	Fifteen (15) square feet
(ii)	Maximum height:	Five (5) feet
(iii)	Maximum width:	Four (4) feet
(iv)	Front setback:	Ten (10) feet minimum from any right-of-way line
(v)	Side yard setback:	Fifteen (15) feet minimum from the lot line

(2) Ground signs are permitted to be of temporary construction provided, however, there shall be no electrical service to the sign, it may not weigh in excess of fifty (50) pounds (inclusive of all related structures) and the sign must be erected so as to withstand normal wind loads and other environmental factors. If the temporary ground sign meets all the above regulations, no permit is necessary. If any of the above conditions are not met, a sign permit application will need to be submitted to the Zoning Inspector for review.

(e) Wall Signs. The following additional regulations apply to all wall signs:

(1) The permitted area for wall signs is the lesser of: (i) 1.5 square feet per 1 linear foot of the building frontage which corresponds to the dimensions of the building unit, or (ii) 20 square feet.

(2) A wall sign may only be located on the portion of the front wall which corresponds to the interior dimensions of the building unit.

(3) Wall signs shall only be erected on the building unit's own exterior wall.

(4) The permitted area for wall signs as calculated by subsection (e)(1) above may be divided between front and side walls of the building unit, however, no side wall sign, or cumulative total of all side wall signs, shall exceed six (6) square feet on any one building elevation.

(f) In recognition of the right to the free alienation of one's property, which right is deemed personal and not commercial in nature, signs which announce that real property is for sale or rent, and signs which announce the temporary sale of items of personal property shall constitute non-commercial signs, provided that:

(1) In the case of signs announcing that real property is for sale, the sign is posted only on the real property that is being offered for sale and is removed no later than the date title transfers of record; or

(2) In the case of signs announcing that real property is for rent, the sign is posted only on the real property that is being offered for rent and is removed no later than the date a period of tenancy commences; or

(3) In the case of signs announcing that personal property is for sale, the sign is posted only on the real property actually occupied as the residence of the person who owns the personal property that is for sale.

(g) During an election cycle, the limitation on the number of yard signs shall not apply.

Section 9.21 Penalty and Remedies.

See, Article 17, §17.7(a) related to criminal penalties for violations of this ordinance, and, see Article 17, §17.8 related to civil remedies for violations of this ordinance.

Section 9.22 Severability.

If any section, subsection, or clause of this Article shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

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ARTICLE 10 FENCES

Section 10.1 General Welfare.

Fences shall not be permitted, erected or in any way maintained in any district in a front, rear or side yard which are contrary or detrimental to the public health, safety, convenience, comfort, prosperity or general welfare of the residents of the Village.

Section 10.2 R-1. R-2. R-3. B-1 and SC-1 Zoning Districts.

Fences in a Single Family Residence District (R-1), Single Family Residence District (R-2), Multiple Family Residence District (R-3), General Business District, (B-1) and Senior Citizens Residence District (SC-1) shall conform to the following rules and regulations:

(a) Front Yards and Portions of Side Yards Abutting a Street.

(1) Fences are permitted in front yards and portions of side yards abutting a street subject to the following restrictions: In a front yard and/or that portion of a side yard which abuts a street, no fence shall be permitted, erected or in any way maintained that is within two feet (2') of the right-of-way of any street or exceeds the height of three feet (3') above the ground surface along which said fence is erected.

(2) Decorative fences generally referred to as "split rail," "post and rail," "ornamental iron" and "picket" fences may exceed three feet (3') in height so long as they conform to the conditions hereinafter set forth and are not located within two feet (2') of the right-of-way of any street.

(3) No "rail," which is hereby defined to be a horizontal structure erected as a component of a fence, shall be constructed nearer than six inches (6") to any other rail unless said rails crisscross. No more than three (3) rails, not to exceed eight inches (8") in width shall be constructed between adjacent posts.

(4) No "post," which is hereby defined as a vertical structure erected as a component part of a fence, shall be constructed nearer than four feet (4') to any other post.

(5) An "ornamental iron" fence may be constructed provided that the design is such that in the opinion of the Zoning Inspector it will not obstruct the view of pedestrian or vehicular traffic or obstruct the view to the detriment of the public safety.

(6) A "picket" fence may be constructed provided that no "picket," which is hereby defined to be a vertical structure erected as a component part of a fence, shall be constructed nearer than four inches (4") to any other "picket" and further provided that if a "picket" is wider than four inches (4") then the space between pickets shall be the same width of said pickets.

(7) No vegetation shall be planted or in any way maintained or allowed to exist along any fence permitted by this section which will obstruct the view of pedestrians or vehicular traffic or obstruct the view to the detriment of the public safety.

(b) Rear Yards and Portions of Side Yards Not Abutting a Street.

Fences are permitted in a rear yard and portions of a side yard which do not abut a street; provided, however, said fences shall not at any point exceed six feet (6') in height from the ground to the top of the fence and shall have at all points a sufficient open space from the ground to the bottom of the fence to properly maintain grass, weeds, vegetation and similar plant growth.

(c) Permits.

No fences shall be erected, constructed, altered, relocated or rebuilt until a permit therefor has been issued by the Zoning Inspector. Such permit shall become void if such fence is not erected, constructed, altered, relocated or rebuilt within one hundred twenty (120) days after said permit is issued.

(d) Application for Permits.

Applicants for a permit to erect, construct, alter, relocate or rebuild a fence shall file with the Zoning Inspector an application which shall contain the following:

(1) A plat plan of the lot or parcel drawn by a registered surveyor, showing:

(A) The exact location of all structures located on the subject lot or parcel; and,

(B) The exact location of the proposed fence in relation to:

(i) Structures on the subject lot or parcel.
(ii) The boundary lines of subject lot or parcel.
(iii) The right-of-way of any street abutting subject lot or parcel.
(iv) The distance from any other fence or structure on the property abutting the subject lot or parcel.

(2) The complete plans and specifications for the proposed fence, including:

(A) Material to be used;

(B) The design thereof;

(C) The exact percentage of open space between the ground surface and top of fence in front yards or portions of side yards abutting streets; and,

(D) The exact height of said fences from the ground surface along which the fence is erected.

(3) In lieu of the plat plan drawn by a registered surveyor referred to in §10.2(d)(1), the applicant may submit a scaled plat plan containing all other items required by this section, provided that: (a) said plat plan is approved in writing by all owners of property contiguous to the proposed fence, or (b) sufficient proof is presented to the satisfaction

of the Planning Commission that the proposed fence is to be located in its entirety upon the applicant's property.

The plat plans referred to in §10.2(d)(1), (2) and (3) shall not be necessary if the fence is to be located more than five feet (5') from any lot line.

(e) Prohibitions.

Barbed wire or electrically charged fences shall be prohibited in a Single Family Residence District (R-1), Single Family Residence District (R-2), Multiple Family Residence District (R-3), General Business District (B-1) and Senior Citizens Residence District (SC1).

(f) Finished Side Facing Out.

All fences shall be erected and maintained so that their finished side faces out and the unfinished side faces the property of the person who has caused said fence to be erected or maintained. The posts or support structures of the fence shall be on the inside of the fence.

Section 10.3 B-2, B-3, B-4, B-5, M-1 and M-2 Zoning Districts.

Fences in a Highway Business District (B-2), Planned Commercial Development District (B-3), Interstate Business District (B-4), Interstate Business-Industrial District (B-5), Limited Industry District (M-1) and General Industry District (M-2) shall conform to the following rules and regulations:

(a) Permits.

No fences shall be erected, constructed, altered, relocated or rebuilt until a permit therefor has been issued by the Planning Commission. Such permit shall become void if such fence is not erected, constructed, altered, relocated or rebuilt within one hundred and twenty (120) days after said permit is issued.

(b) Application of Permits.

Applicants for a permit to erect, construct, alter, relocate or rebuild a fence shall file with the Planning Commission an application which shall contain the following:

(1) A plat plan of the lot or parcel drawn by a registered surveyor, showing:

(A) The exact location of all structures located on the subject lot or parcel; and

(B) The exact location of the proposed fence in relation to:

(i) Structures on the subject lot or parcel;
(ii) The boundary lines of subject lot or parcel;
(iii) The right-of-way of any street abutting subject lot or parcel; and,
(iv) The distance from any other fence or structure on the property abutting the subject lot or parcel.

(2) The complete plans and specification for the proposed fence, including:

(A) Material to be used;

(B) The design thereof;

(C) The exact percentage of open space between the ground surface and top of fence in front yards or portions of side yards abutting streets; and,

(D) The exact height of said fence from the ground surface along which the fence is erected.

(3) In lieu of the plat plan drawn by a registered surveyor referred to in §10.3(b)(1), the applicant may submit a scaled plat plan containing all other items required by this section, provided that: (a) said plat plan is approved in writing by all owners of property contiguous to the proposed fence, or (b) sufficient proof is presented to the satisfaction of the Planning Commission that the proposed fence is to be located in its entirety upon the applicant's property.

(4) The plat plans referred to in §10.3(b)(1), (2) and (3) shall not be necessary if the fence is to be located more than five feet (5') from any lot line.

(c) Finished Side Facing Out.

All fences shall be erected and maintained so that their finished side faces out and the unfinished side faces the property of the person who has caused said fence to be erected or maintained. The posts or support structures of the fence shall be on the inside of the fence.

Section 10.4 Permit Fees.

An application for a fence permit shall be accompanied by an application fee in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A).

Section 10.5 Compliance.

Except for repainting and minor repairs, no fence shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the rules and regulations set forth in this Article.

Section 10.6 Public Grounds.

Notwithstanding any provisions set forth herein, fences may be erected by Madison Village on or around any Village owned property or utilities as may be necessary to protect and provide for the public health, safety and welfare.

Section 10.7 Penalty and Remedies.

See, Article 17, §17.7(a) related to criminal penalties for violations of this ordinance, and, see Article 17, §17.8 related to civil remedies for violations of this ordinance.

ARTICLE 11 SATELLITE EARTH STATIONS

Section 11.1 Statement of purpose and objectives.

The setback and location requirements detailed below have been established for the sole purpose of promoting the public health, safety, and community aesthetics.

Satellite earth stations in residential districts of greater than one meter in diameter, if located within the setbacks enumerated below, would diminish the historic character of the Village, would have an adverse effect on property values by, inter alia, diminishing the view amenity of adjacent property owners, and would not be in furtherance of public health and safety objectives which generally limit the location of all structures via the use of setback requirements.

Satellite earth stations in commercial and industrial districts of greater than two meters in diameter, if located within the setbacks enumerated below, would diminish the historic character of the Village (and, in particular that area of the downtown which is included in the National Register of Historic Places), would have an adverse effect on property values by, inter alia, diminishing the view amenity of adjacent property owners, and would not be in furtherance of public health and safety objectives which limit the location of structures via the use of setback requirements generally applicable to all structures erected within the Village.

Section 11.2 Applicability.

This Article shall apply to all satellite earth stations of a size greater than one meter in diameter when located within a residential zoning district (to wit: R-1, R-2, R-3, SC-1), and, to satellite earth stations greater than two meters in diameter when located in a commercial or industrial district (to wit: A-1, S-1, B-1, B-2, B-3, B-4, B-5, M-1, M-2).

Section 11.3 Location.

(a) Satellite earth stations may be located within the Village, subject to the following regulations and if not otherwise prohibited by law.

(b) Satellite earth stations shall be located only in a rear yard and behind the principal structure located on the lot.

(c) Satellite earth stations shall be located so that however turned or otherwise used, all parts of said station shall be set back at least five feet (5') from all side yard lines and shall be set back from the rear lot line at least twenty feet (20') or one-half (1/2) of the depth of the rear yard, whichever is greater.

Section 11.4 Size.

The height of a dish type satellite earth station, should the dish antenna be turned perpendicular to the ground, shall not extend above eighteen feet (18') and the maximum diameter of said station shall not exceed fourteen feet (14').

Section 11.5 Prohibitions.

(a) Dish type satellite earth stations shall not be placed on rooftops, buildings or similar structures.

(b) Installation or erection of a dish type satellite earth station shall not commence before installation drawings and plans, including all intended hookups to said station, are approved by the Planning Commission.

Section 11.6 Approval.

All receivers to a satellite earth station which are not located on the same lot as said station shall be approved in advance by the Planning Commission.

Section 11.7 Penalty and Remedies.

See, Article 17, §17.7(a) related to criminal penalties for violations of this ordinance, and, see Article 17, §17.8 related to civil remedies for violations of this ordinance.

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ARTICLE 12 SWIMMING POOLS AND HOT TUBS

Section 12.1 Zoning Certificate and Approval.

Before any work is commenced on the construction or placement, whether temporary or permanent in nature, of a swimming pool, hot tub, or similar installation, or any alteration, addition, remodeling or other improvement thereto, an application for a zoning certificate to construct or place same, and the plans and specifications and pertinent explanatory data hereinafter required, shall be submitted to the Zoning Inspector for approval, and no part of the work shall be commenced until the Zoning Inspector has granted a zoning certificate therefore.

All swimming pools, hot tubs, and similar installations are subject to the requirements of this Article and Code regardless of their manner of construction and, without limiting the applicability of this section, includes portable and inflatable units.

Neither a zoning certificate nor the enclosure detailed in §12.6 are required for portable swimming pools that are less than eight (8) feet in diameter, and, which are located on a premise only seasonally and without any off-season exterior storage, however, the setback, location and other regulations of this Article and Code shall still apply to said pools.

Section 12.2 Fees.

The fee for the zoning certificate shall be in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A). Such fee shall be in addition to building permit fees and fees applicable to other structures which may be incidental to the unit.

Section 12.3 Polluted Water.

No person shall maintain a swimming pool, hot tub, or similar installation within the Village which contains sewage, waste or other contaminating or polluting ingredients which renders the water hazardous to health.

Section 12.4 Shielding Lights.

Lights used to illuminate any swimming pool, hot tub, or similar installation shall be so arranged and shaded as to reflect light away from adjoining premises and public streets.

Section 12.5 Enclosure of Outdoor Swimming Pools.

Every outdoor swimming pool shall be completely enclosed at all points by an aesthetically acceptable fence of sturdy construction not less than four feet in height. Such fence or barrier must effectively prevent a child from crawling or otherwise passing through, over or under it and shall effectively prevent a child from free and unauthorized access to the pool water. Such fence or barrier shall be maintained in good condition and repair and shall include a gate, retractable steps or ladder and/or locking device which shall be kept lifted and/or locked when the pool is not in actual use or is left unattended. Such fence or barrier shall conform to all provisions of Village ordinances and laws regulating same.

Section 12.6 Location and Setbacks.

(a) All outdoor swimming pools, hot tubs, or similar installations shall be located solely within a rear yard.

(b) Every outdoor swimming pool, hot tub, or similar installation, including walks, paved areas or accessory structures adjacent thereto, shall be located at least fifteen feet from any property line of the property where located.

Section 12.7 Penalty and Remedies.

See, Article 17, §17.7(a) related to criminal penalties for violations of this ordinance, and, see Article 17, §17.8 related to civil remedies for violations of this ordinance.

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ARTICLE 13 RESERVED

ARTICLE 14 HISTORIC PRESERVATION

Section 14.1 Declaration of Public Policy and Purpose.

It is hereby declared as a matter of policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the residents of the Village. The purpose of this Article is to:

(a) Maintain and enhance the distinctive character of historic preservation districts and listed properties by safeguarding the architectural integrity of the various period structures within and about them which together create a rare panorama of Americana, and to prevent intrusions and alterations within preservation districts that would be incompatible with this established character;

(b) Protect and compliment the singular historic and architectural quality of the area hereinafter defined as the preservation district, which is essentially devoid of a random mixture of older and contemporary structures and their modifications;

(c) Provide for the establishment of procedures whereby certain areas, structures, objects and works of art of historic, architectural or cultural importance to the community shall be safeguarded as listed properties and allowed that measure of protection afforded by a thorough study of alternatives to incompatible alterations or demolition before such acts are performed; and

(d) Contribute to the economic, cultural and educational development of the Village by:

(1) Stimulating business and attracting industry;
(2) Protecting and enhancing attractions to residents, tourists and visitors;
(3) Stabilizing and improving property values;
(4) Improving the quality of life by enhancing the visual and aesthetic character, diversity and interest of the Village;
(5) Fostering civic pride in the beauty and notable accomplishments of the past; and
(6) Promoting the use and preservation of historic locations, architecturally significant structures, and other notable objects and sites for the education, enrichment and general welfare of the residents of the Village and the State of Ohio.

Section 14.2 Definitions.

As used in this Article terms are defined as follows:

(a) "Alter or "alteration" means any material change in external architectural features of any property which lies within the area designated as a preservation

district, or has been listed under the provisions of this Article, not including demolition, removal or construction.

(b) "Applicant" means any owner(s), person(s), association, partnership or corporation who applies for a certificate of appropriateness in order to undertake any environmental change on property subject to this Article.

(c) "Certificate of Appropriateness" means the written determination of the Commission's action with regard to proposed changes or alterations within the Preservation District.

(d) "Display" includes erect, paint, repaint, place, replace, hang, rehang, repair, maintain, paint directly upon a building or other structure, inlay, imbed in or otherwise exhibit in public view.

(e) "Environmental change" means any alteration, demolition, removal or construction involving any property subject to the provisions of this Article.

(f) "Listed property" means any property which has special character, historical, aesthetic or architectural characteristics of the Village, State or the United States, and which has been designated as a listed property pursuant to the provisions of this Article.

(g) "Owner" means the owner of record of any property affected by this Article, and the term shall include the plural as well as the singular.

(h) "Preservation district" means the Village of Madison " Historic Preservation District" as defined in §9.2(a)(15) of this Code and as designated by this Article, or any other district established by Council for the purpose of maintaining and fostering a distinctive historical, architectural, cultural or environmental character.

(i) "User" means any applicant legally using any property subject to the terms of this Article that is not owned by the user.

Section 14.3 Establishment of the Madison Village Historic Preservation District.

To further its purpose for the preservation of the architectural and historical values within the Village for the benefit of the Village and the State, there is hereby established the Madison Village Historic Preservation District. The Preservation District is hereby defined to comprise all properties in the area defined in §9.2(a)(15) of this Code.

Section 14.4 Duties of the Planning and Zoning Commission.

The Planning and Zoning Commission shall have the following duties in addition to those otherwise specified in this Article.

(a) The Commission shall function to improve the quality of life in this Village by striving to further and achieve the spirit and purpose of this Article;

(b) The Commission shall conduct or cause to be conducted or assist the conduct of a continuing survey of all structures, works of art, objects or areas of architectural, historic or aesthetic interest in the Village which the Commission, on the basis of information available or presented to it, has reason to believe are, or will be, eligible for designation as a preservation district or listed property. A property may be listed by the Commission acting on its own behalf, and with consent of the owner, under the provisions of this Article, but no preservation district shall be established except upon the approval of Council;

(c) The Commission shall work for the continuing education of its members and residents of the Village with respect to the architectural and historic heritage of the Village, listed properties and any other preservation district designated under the provisions of this Article, and shall make every effort to improve the overall design and environmental awareness of the people. The Commission shall keep current a register of all listed properties, and all listed properties shall be given a number and a description accompanied by a photograph. The reasons for listing such property or recommending the establishment of additional preservation districts shall be set forth in writing. This register shall be made available to Council, Board of Zoning Appeals and the public;

(d) The Commission shall have authority to establish, within the interest, spirit and purpose of this Article, criteria, rules and regulations not otherwise included in this Article for evaluating applications for Certificates of Appropriateness as hereinafter defined, which are submitted to it, and the manner in which such Certificates shall be processed;

(e) The Commission shall determine within the interest, spirit and purpose of this Article, what legislation, if any, would best serve to preserve, restore and develop the Village, or any part of the Village, and recommend such legislation to the Council. Toward these ends, the Commission shall work with the appropriate Village officials, employees and departments, and joint meetings with such officials, employees and departments may be held for this purpose.

(f) The Commission shall offer guidance or otherwise assist individuals concerned with historic preservation in their efforts to improve their property or area.

(g) The Commission may, upon its own determination, make recommendations to Council for additions or revisions to this Article.

(h) The Commission will review all proposed National Register nominations for properties in Madison Village and assist to the extent practical property owners in the process to attain proper information for application to the Ohio Historical Preservation Office.

(i) Members will be encouraged to attend educational sessions at least once a year. This will be done in cooperation with the Ohio Historical Preservation Office.

Section 14.5 Maintain a System for the Survey of Historical Properties.

(a) The Commission will maintain a survey and inventory of cultural resources within Madison Village in cooperation with the Madison Historical Society and Lake County Historical Society.

(b) The Commission will maintain an inventory of all properties in the Preservation District by parcel number, photo, and address. Each Member will have a copy for their use.

(1) The Commission will record on Ohio Historical Inventory, Ohio Archaeological inventory form all data as to be compatible with the comprehensive preservation planning process.

(2) All available duplicates will be forwarded to the OHPO.

(3) All data files will be updated periodically to reflect changes, alteration, and demolitions, such information will be forwarded to OHPO.

Section 14.6 Limitations of Issuance of Building and Demolition Permits.

No permit shall be issued for the construction, reconstruction, alteration or demolition of any structure, work of art, object or area within a preservation district, or for any listed property, except in cases coming under the section on exclusions in this Article, unless the application for such permit is approved by the Commission through the issuance of a Certificate of Appropriateness in the manner prescribed herein.

Section 14.7 Issuance of Certificate of Appropriateness.

The procedure for the issuance of a Certificate of Appropriateness (hereinafter referred to as a "Certificate") shall be as follows:

(a) When the owner or user of a property within a preservation district, or an otherwise listed property, desires to make an environmental change, including construction, reconstruction, and demolition, he shall first obtain a Certificate from the Commission. A Certificate shall also be obtained for proposed tree removal within a preservation district. A Certificate shall not be required for removal by the Village of trees within street rights-of-way.

(b) If the proposed work requires a building permit, the owner or user shall file an application through the Building Department which shall then refer the matter to the Commission. If the change is not incompatible with nor does it adversely affect any historic, architectural or environmental feature of the property, or physically related properties which are also within a preservation district or otherwise listed, and does not violate the spirit and purpose of this Article, then the Commission shall issue a Certificate and the owner or user may proceed. In the event the Commission shall not commence review of the application within thirty calendar days after it has been filed, the application shall be considered approved.

(c) If, after due consideration by the Commission, it is determined that the change would have an adverse effect on properties subject to the provisions of this Article, the Commission shall state reasons for such disapproval in writing and transmit the written statement to the applicant together with recommendations the Commission may have made for appropriate changes. The Commission shall make every effort by working with the applicant, for a period not to exceed six weeks, to develop a proposal for such change that shall be compatible with the terms of this Article so that a certificate can be issued by the Commission. At any time during this period, the Commission may refer the application to Council or, if no satisfactory alternative has been worked out by the end of the six-week period, then the Commission shall refer the matter to Council together with the Commission's recommendations concerning the application. The Council functioning under its own rules of procedure, shall give due consideration to the findings and recommendations of the Commission, the owner or user, and the views expressed by persons participating in public hearings which Council may hold. Upon its conclusion, Council shall determine whether or not a Certificate shall be issued. After twelve months, the process of application and appeal may be repeated. The owner or user may be required to delay his proposed construction, reconstruction or alteration for up to one year by Council. If the application involves demolition the owner or user may be required to delay his work for up to two years by Council.

(d) In the case of an inappropriate change, the Commission shall, during this waiting period, attempt to work out an alternate plan with the owner or user, or his representative, that is acceptable to all parties. In the case of a proposed demolition, the Commission shall attempt to find practicable alternatives to such demolition.

(e) Where the position of the Commission is overruled by Council, a Certificate shall automatically be issued upon such action.

(f) Within thirty calendar days after the date of filing of an application for a Certificate, the Commission shall decide whether the proposed change is appropriate. The Commission is obligated to act as quickly as possible on all applications so as to cause as little inconvenience to the owner or user as is possible, and shall attempt, where the proposed change is inappropriate, to keep the waiting period as brief as it may be. Where a recommendation of disapproval is made to Council, the reasons shall be set forth in writing.

Section 14.8 Criteria for Evaluating Application for Certificate of Appropriateness.

(a) In considering the appropriateness of any environmental changes, the Commission shall take into account, in addition to any other pertinent factors, the historical and architectural style and general design, arrangement, texture, material and color of the proposed changes as they relate to the property in its present condition, and shall also consider the relation thereof to the same or related factors in other properties, objects and areas in the immediate vicinity.

(b) Attention shall be taken to avoid the environmentally harmful effect often created by the clash of undisguised contemporary materials with those of older origin, such as aluminum or other metals, plastic, fiberglass and glass improperly used with brick, stone, masonry and wood.

(c) The Commission shall refer to the Secretary of the Interior standards for rehabilitation, and the criteria and guidelines for architectural and design review established by the Commission pursuant to the terms of this Article.

(d) The Commission shall consider the advice of those consultants whose opinion is sought by the Commission with respect to any application for a Certificate.

Section 14.9 Exclusions.

Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any property, area, or object within a preservation district, or otherwise listed under the provisions of this Article, provided such work involves no change in material, design, texture, color or outer appearance, nor shall anything in this Article be construed to prevent any environmental change, including the construction, reconstruction, alteration, or demolition, of any feature which, in view of the proper authority acting lawfully, is required for the public safety because of an unsafe or dangerous condition. However, no demolition permit shall be issued except upon the certification of a registered professional engineer or architect that the structure of a building is unsound or would need major reinforcement to be brought under building code structural requirements, considering a use that the building would reasonably lend itself.

Section 14.10 Provisions of Article Prevail in Case of Conflict.

The provisions of this Article shall govern and take precedence over any inconsistent provisions of the Codified Ordinances.

Section 14.11 Designated Criteria for Additional Preservation Districts and Listed Properties.

In consideration of designating any area, structure, work of art, or similar object in the Village as a preservation district or listed property, the Commission shall apply, in addition to any other available information, the following criteria:

(a) The character, interest, or value of the area or listed property as part of the development, heritage or cultural characteristics of the Village, the State or the country.

(b) The location as a site of a significant historic event.

(c) The identification with a person or persons who significantly contributed to the culture and development of the Village.

(d) The exemplification by the area or listed property of the cultural, economic, social or historic heritage of the Village.

(e) The portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(f) The embodiment of distinguishing characteristics of an architectural type or specimen.

(g) Identification as the work of an architect or notable builder whose individual work has influenced the development of the Village.

(h) The embodiment of elements of architectural design, detail, materials or craftsmanship which represent architecture of significant character, charm or grandeur.

(i) The relationship to other distinctive areas or structures which are eligible for preservation according to a plan based on an historic, environmental, cultural, educational or architectural theme.

(j) A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the Village.

Section 14.12 Procedure for Establishing Preservation Districts and Listing of Properties.

(a) When a proposal to establish a historical district or to list an individual property, structure, object or work of art for protection is received by the Commission, or initiated by the Commission, the owner or owners shall be notified by the Commission, and owner's written consent obtained.

(b) The Commission shall consider the proposal in terms of the criteria provided in §14.11 and shall make a recommendation to Council.

(c) Council shall give due consideration to the findings and recommendations of the Commission in making its determination with respect to the proposed designation of areas, places, buildings, structures, works of art and similar objects as listed property. Council may, in its discretion, hold public hearings on any such proposed designation, upon conclusion of which it may designate such areas, places, buildings, structures, works of art and other similar objects as listed properties.

(d) After the decision by Council, the Commission shall notify any owner or any person having a legal or equitable interest in such property of the decision.

Section 14.13 Penalty and Remedies.

See, Article 17, §17.7(a) related to criminal penalties for violations of this ordinance, and, see Article 17, §17.8 related to civil remedies for violations of this ordinance.

ARTICLE 15 PLANNING AND ZONING COMMISSION

Section 15.1 Organization and Procedures.

The Planning and Zoning Commission created by Article XI, §11.1 of the Charter shall, in additional to those duties and powers granted by same, have the duties and powers set forth in this Article, but subject to applicable Charter limitations.

(a) The Planning and Zoning Commission shall organize annually to elect a Chairman, Vice-Chairman and Secretary. It shall further adopt rules for its own government not inconsistent with law or with any other ordinances of the Village to carry into effect the provisions of the Charter and this Code.

(b) Meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission may determine. The Chairman, or in his or her absence, the Vice-Chairman, may administer oaths, and the Commission may compel the attendance of witnesses. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed with the Fiscal Officer and shall be made a public record.

(c) Three (3) members of the Commission shall constitute a quorum. The Commission shall act by motion and the concurring vote of at least three (3) members of the Commission shall be necessary to decide in favor of an applicant on any matter of which the Commission has original jurisdiction under the Charter or this Code.

(d) The Commission may call upon the various departments of the Village for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Commission as may reasonably be required.

(e) No Commission member shall participate in the process of decision, approval, disapproval or recommendation regarding any matter before the Commission in which he, a member of his family or any of his business associates has an interest.

Section 15.2 Conditional Use Permits.

(a) Conditional use permits shall be required for certain types of uses and/or structures, so classified because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements or for other reasons. Such use shall not be permitted by right. The conditional uses enumerated throughout this Code may, however, be permitted under specific conditions in the district enumerated, or they may be prohibited by the Commission after making a determination for conformance with the following procedures and standards.

(b) Application for conditional use permits shall be made by the owner, lessee, vendee, or developer of property and shall consist of such plans and/or drawings and/or a statement as necessary to fully describe all elements of the proposed use and/or structure. Such data supplied with the permit application shall describe in detail the proposed use and/or structure to the extent that the Commission can have no doubt as to the development of the proposed use

and/or structure and can determine the effect upon surrounding properties, and further can evaluate the effect upon traffic, fire hazards, public utilities and the public health, safety and welfare. Application for such permits shall be made to the Commission and it shall hold a public hearing thereon, notice of which shall be mailed to the property owners within two hundred feet (200') feet of the proposed use, and further, notice of the aforesaid hearing shall be published in a newspaper of general circulation in the municipality at least fifteen (15) days prior to the hearing.

A fee in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A) shall be paid at the time the application is filed and shall be payable to the Fiscal Officer to the credit of the General Revenue Fund.

(c) Conditional uses shall not be expanded or modified unless a new permit is issued after following the aforesaid procedure.

Section 15.3 Standards for Evaluating Conditional Use Permits.

An application for a conditional use permit shall not be approved unless the Commission finds that it complies with the following conditions and standards:

(a) To be approved in a residential district it shall be found that:

(1) The proposed use and/or structure would be properly located in relation to any adopted land use and street plan, particularly in proper relation to the secondary and local streets and pedestrian circulation pattern;

(2) The proposed use would generate only a minimum of traffic through a residential neighborhood if located along a local street;

(3) The location, design and operation of such use would not discourage or interfere with the appropriate development or impair the value of the surrounding residential district.

(b) To be approved in a Business or Industrial District it shall be found that:

(1) The proposed use would not be closer than appropriate in the particular situation to schools, churches and other places of assembly;

(2) The location, size, intensity and layout of the proposed use and operation would conform to the noise, smoke, dust, odors, fumes, vibrations and/or glare performance standards of the districts;

(3) The proposed use would form a harmonious part of the business or industrial district, considering such features as convenience of access and relationship of one use to another;

(4) Because of its limited size, modern processes or equipment, the performance of the proposed use is such that it should properly be permitted in a less restrictive district than the district in which it is permitted by right; and,

(5) The hours of operation of the proposed use is similar to a use permitted in the district and that the proposed use will not generate more traffic than normal for the district.

Section 15.4 Approval of Conditional Use Permits.

The Commission shall make a determination based on the information available or it may request additional information. If a conditional use is approved, the Commission shall set forth any specific terms, conditions and safeguards that shall be required so that the proposed use will conform with the intent and standards of the district, and it shall instruct in writing the Zoning Inspector to issue a Conditional Use Permit, which shall be posted and openly displayed on the premises for which the Conditional Use Permit has been issued. The Council shall be notified of any such action.

After the effective date of this Code an application for a Conditional Use Permit may be submitted by an owner for any existing use requiring such permit, and it shall be issued subject to approval based on the standards set forth in §15.3.

Section 15.5 Revocation of Conditional Use Permits.

The approval of the Conditional Use Permit shall become null and void if the conditional use is not carried out within a six-month period after date of approval. The Commission may revoke the Conditional Use Permit upon written evidence by any citizen or official of violation of this Code and/or written terms and conditions upon which approval was granted. A Conditional Use Permit shall not be transferred to another owner, assignee or lessee of such use.

Section 15.6 Platting Commission.

The Planning and Zoning Commission shall be the Platting Commission for the Village of Madison with all of the powers and duties set forth in Ohio Revised Code §735.17, et seq., and as same may be amended from time to time.

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ARTICLE 16 BOARD OF ZONING APPEALS

Section 16.1 Board of Zoning Appeals.

(a) Jurisdiction. The Board of Zoning Appeals created by Article XI, §11.2 of the Charter shall, in additional to those duties and powers granted by same, have the duties and powers set forth in this Article, but subject to applicable Charter limitations.

(b) Organization and Procedure.

(1) The Board of Zoning Appeals shall organize annually to elect a Chairman, a Vice-Chairman and Secretary. It shall further adopt rules for its own government not inconsistent with law or with any other ordinances of the Village to carry into effect the provisions of the Charter and this Code.

(2) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his or her absence, the Vice-Chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Fiscal Officer and shall be made a public record.

(3) Three (3) members of the Board shall constitute a quorum. The Board shall act by motion and the concurring vote of at least three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector or to decide in favor of an applicant on any matter of which the Board has original jurisdiction under the Charter or this Code or to grant any variance from the requirements stipulated in this Code.

(4) The Board may call upon the various departments of the Village for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

(5) No Board member shall participate in the process of decision, approval, disapproval or recommendation regarding any matter before the Board in which he, a member of his family or any of his business associates has an interest.

Section 16.2 Powers of the Board of Zoning Appeals.

(a) Exceptions and Interpretations.

The Board shall have the power to hear and decide, in accordance with the provisions of this Article, applications filed as herein before provided for special exceptions or for interpretation of the Zoning Code or District Map or for decisions upon other special questions on which the Board is authorized by this Article to pass. In considering an application for a special exception or interpretation of the Zoning District Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and, in authorizing a special

exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this Article for the particular special exception as the Board may deem necessary for the protection of adjacent properties and the public interest.

(b) Administrative Review and Variances.

(1) Administrative Review: The Board shall have the power to hear and decide appeals, filed as herein before provided, where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Inspector or other official in the interpretation or of the provisions of this Code.

(2) Variances: The Board shall have the power to authorize, upon appeal in specific cases filed as herein before provided, such variances from the provisions or requirements of this Code as will not be contrary to the public interest, but only in such cases where owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Code would cause undue and unnecessary hardship.

(3) Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Code, or by reason of exceptional topographic condition or other extraordinary situation or condition of such piece of property or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Code would involve practical difficulties or would cause undue hardship unnecessary to carry out the spirit and purpose of this Code the Board shall have power to authorize a variance from such strict application so as to relieve such hardship and so that the spirit and purpose of this Code shall be observed and substantial justice done. In authorizing a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purpose of the Code and in the public interest. In authorizing a variance with attached conditions the Board shall require such evidence and guarantee or bond as it may deem to be necessary that the conditions attached are being and will be complied with.

(4) No such variance in the provisions or requirements of this Code shall be authorized by the Board unless the Board finds, by clear and convincing evidence, that all the following facts and conditions exist:

(A) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district;

(B) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity; and,

(C) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Code or the public interest.

(5) No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property, or the intended use of said property for which variance is sought, one or the other in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

(6) In exercising its power the Board may, in conformity with the provisions of State statutes and of this Code, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the office from whom the appeal is taken.

(c) Performance Requirements Procedure.

The Board shall have the power to authorize, upon application in specific cases filed as hereinafter provided, issuance of a zoning certificate for uses that are subject to performance requirements procedure under Article 8 of this Code, as provided in the following:

(1) Application: An application for a zoning certificate for a use subject to performance requirements shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development, including a description of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in Article 8 in accordance with rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it, as set forth in subsection (2) below.

(2) Report by Expert Consultants: If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards in Article 8 for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

(3) Review by Board: Within thirty (30) days after the Board has received the aforesaid application or the aforesaid report, if a report was required, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable performance standards and on such basis shall authorize or refuse to authorize issuance of a zoning certificate or require a modification of the proposed plan of construction or specifications, proposed equipment or operation. Any zoning certificate so authorized and issued shall be conditioned upon among other things (1) the applicant's completed buildings and installations conforming

in operation to the applicable performance standards and (2) the applicant paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicants completed buildings and installation in operation will meet the applicable performance standards.

(4) Continued Enforcement: The Zoning Inspector shall investigate any purported violation of performance standards and if there is reasonable ground for the same, shall notify the Board of occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. If, after public hearing on due notice, the Board finds that a violation occurred or exists, a copy of said findings shall be forwarded to the Council. The services of any qualified experts, employed by the Board to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the Village.

Section 16.3 Applications and Appeals.

(a) An application in cases in which the Board has original jurisdiction under the provisions of the Charter or this Code, may be filed by any person aggrieved, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector, who shall transmit same to the Board. A fee in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A) shall be paid to the Zoning Inspector at the time notice of appeal is filed, which the officer shall forthwith pay over to the Fiscal Officer to the credit of the General Revenue Fund.

(b) An appeal to the Board may be taken by any person aggrieved or by an 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 and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction, after notice to the officer from whom the appeal is taken and on just cause shown.

(d) The Board may in conformity with the provisions of the Charter and this Article reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made. To that end, the Board shall have all powers of the Zoning Inspector from whom the appeal is taken.

Section 16.4 Hearings.

(a) The Board shall fix a reasonable time for the hearing of an appeal and shall give public notice thereof in a newspaper of general circulation in the Village one time at least fifteen (15)

days prior to the hearing and by certified mail, return receipt requested, on all adjoining property owners and parties in interest at least fifteen (15) days prior to the hearing. Each application or notice of appeal shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by an attorney.

(b) The hearings of the Board shall be public.

(c) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In these cases of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

Section 16.5 Decisions.

(a) The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

(b) A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him or her, and he or she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

(c) A decision of the Board shall not become final until the expiration of fifteen (15) days from the date such decision is made unless the Board finds and determines that the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 16.6 Appeals from Board of Zoning Appeals to Council.

(a) Any person, firm or corporation, or any officer, department, board or agency of the Village, or any interested elector of the Village who has been aggrieved or affected by any decision of the Board of Zoning Appeals may appeal from such decision to the Council of the Village by filing a Notice of Appeal setting forth the facts of the case and the reasons for appeal with the Fiscal Officer within fifteen (15) days from the date of the decision.

(b) Council shall hold a public hearing on such appeal not less than thirty (30) days after such Notice of Appeal has been filed with Fiscal Officer. Notice of the hearing shall be given as provided in §16.4. Council, by an affirmative vote of a majority of its members, shall decide the matter within fifteen (15) days after the final hearing thereon.

(c) The filing of a Notice of Appeal shall stay all proceedings in furtherance of the action appealed from unless the Board of Zoning Appeals has found and determined that its decision requires immediate effect because it is necessary for the preservation of property or personal rights and has so certified on the record.

ARTICLE 17 ENFORCEMENT, ZONING CERTIFICATES AND FEES

Section 17.1 Zoning Inspector.

(a) The Zoning Inspector shall be the Administrator, as provided by Article VI, §6.3(h) of the Charter, or, if at any time no person is then serving as Administrator, then, the Mayor and/or the Mayor's designee.

(b) It shall be the duty of the Zoning Inspector to enforce this Code. It shall also be the duty of all officials and employees of the Village to assist the Zoning Inspector by reporting new construction, reconstruction or land uses or apparent violations to the Zoning Inspector.

(c) Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Article 16.

Section 17.2 Zoning Certificates.

(a) It shall be unlawful to use or to permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged, in whole or in part, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he or she is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Code. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Code.

(b) Under written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this Code certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Code.

Section 17.3 Conditions Under Which Zoning Certificates are Required.

A zoning certificate shall be required for any of the following, except as otherwise herein provided:

(a) Construction or structural alteration of any building, including accessory buildings;

(b) Change in use of an existing building or accessory building to a use of a different classification;

(c) Occupancy and use of vacant land;

(d) Change in the use of land to a use of a different classification; and,

(e) Any change in the use of a non-conforming use.

Section 17.4 Application and Issuance of Zoning Certificates.

(a) Written application for a zoning certificate for the construction of a new building or for the alteration of an existing building shall be made at the same time as the application for a building permit. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector, provided such construction or alteration is in conformity with the provisions of this Code.

(b) Written application for a zoning certificate for the use of vacant land or for a change in the use of land or of a building or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Code, the certificate therefor shall be issued within ten (10) days after the application for same has been made.

(c) Every application for a zoning certificate shall be accompanied by a plot plan drawn to scale and such other plans as may be necessary to show the use, location and/or type of buildings to be erected or alterations to be made.

(d) Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

Section 17.5 Fees.

A fee, in accordance with the Zoning Code Fee Schedule, which appears as Appendix A to this Code and is by this reference incorporated fully herein as if re-written, shall accompany each application or other request for which a fee is required by this Code and shall be deposited to the credit of the General Fund of the Village.

Section 17.6 Zoning Certificates for Nonconforming Uses.

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of the Code. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful non-conforming use upon request of the owner. Refusal of the Zoning Inspector to issue a certificate for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Code.

Section 17.7 Violations and Penalties.

(a) General.

(1) Any person, firm, entity or corporation, including but not limited to, the owner of the property, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this Code for which a specific penalty is not otherwise stated shall be guilty of a minor misdemeanor for a first offense, shall be guilty of a misdemeanor of the third degree for each subsequent offense, and shall be subject to the penalties set forth in §501.99 of the Codified Ordinances of Madison Village for such misdemeanors.

A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(2) In accordance with §501.11 of the Codified Ordinances of Madison Village, it is the intent of this ordinance to impose organizational criminal liability.

(3) It is the intent of this ordinance that strict criminal liability be imposed for the violation of any provision of this Code.

(4) The imposition of any other penalties provided herein shall not preclude the Village from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful action, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this Code or other applicable laws, ordinances, rules, or regulations.

(b) Sexually Oriented Businesses.

(1) Notwithstanding the general penalty set forth in §17.7(a), any person, firm, entity or corporation, including but not limited to, the owner of the property, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of Article 8, §8.7 of this Code shall be guilty of a misdemeanor of the first degree and shall be subject to the penalties set forth in §501.99 of the Codified Ordinances of Madison Village for such a misdemeanor.

A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(2) In accordance with §501.11 of the Codified Ordinances of Madison Village, it is the intent of this ordinance to impose organizational criminal liability.

(3) It is the intent of this ordinance that strict criminal liability be imposed for the violation of any provision of Article 8, §8.7 of this Code.

(4) The imposition of any other penalties provided herein shall not preclude the Village from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful action, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this Code or other applicable laws, ordinances, rules, or regulations.

Section 17.8 Injunction and Other Remedies.

In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is proposed to be used in violation of any applicable provision(s) of this Code, the Zoning Inspector or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction enlargement, change, maintenance or use.

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ARTICLE 18 DISTRICT CHANGES AND ORDINANCE AMENDMENTS

Section 18.1 General.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Council may by Ordinance, after receipt of a recommendation thereon from the Planning Commission, and subject to the procedure provided by law, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Code or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

Section 18.2 Initiation of Amendments.

A proposed amendment of the Zoning text or map may be initiated by the Planning Commission or Council. If initiated by Council it shall be referred to the Planning Commission.

It may be initiated at the request of the owner of the property involved or any other person having sufficient legal interest in the premises affected, as determined by the Law Director, in which event the proposed change shall be in the form of an application and accompanied by an accurate map drawn to scale of the property proposed to be changed and a legal description which shall be subject to approval of the Village Engineer or Law Director. The applicant shall also furnish to the Planning Commission the last known name and address of the owners of all property within 200 feet of the area proposed to be changed, as shown upon the records of Lake County. Where all property within 200 feet is under the same ownership as the property proposed to be changed, the names and address of owners of all property adjoining that included in the proposed change shall be furnished to the Planning Commission.

Section 18.3 Action by Planning Commission.

(a) The Commission shall be allowed not more than forty-five (45) days after the first regular meeting, after the receipt of the completed application to consider the proposal upon written request of the owner, applicant or member of the public. A public hearing may be held at the discretion of the Commission or the owner, applicant or member of the public, for any proposed amendment to the zoning text or map. If a public hearing is to be held, notice of the time, place and purpose of such hearing shall be given by:

(1) Publication at least twice in a newspaper of general circulation in the Village. The first publication shall be not less than ten (10) days prior to the date of the hearing.

(2) Where the proposed amendment is to effect a change in the Zoning Map, written notice of the hearing shall be mailed by the Secretary of the Commission, by first class mail, at least five (5) days prior to the date of such hearing, to the owners of all property within two hundred (200) feet or adjoining property as prescribed in §18.2. The failure of delivery of such notice shall not invalidate the proceedings or findings of the Commission.

(b) The Commission shall be allowed not less than ten (10) nor more than forty-five (45) days, unless extended by Council, after said hearing for submitting their recommendations or an amendment to the Zoning text or map to Council.

Section 18.4 Action by Council.

(a) After receiving recommendations or a proposed amendment from the Commission or after the 45-day no decision period by the Commission, the Council shall advertise and hold a public hearing thereon. For all proposed text or map amendments, at least one (1) notice of said public hearing shall be given in a newspaper of general circulation in the Village at least thirty (30) days prior to the date of the hearing.

(b) Where the proposed amendment is to effect a change in the Zoning District Map, written notice of the hearing shall be mailed by the Fiscal Officer, by first class mail, at least twenty (20) days prior to the date of said hearing, to the owners of all property within two hundred (200) feet or adjoining property as described in §18.2. The failure of delivery of such notice shall not invalidate any such amendment.

(c) The published and mailed notification shall set forth the time and place of the public hearing and a summary of the proposed amendment. During the thirty (30) day advertising period the text or copy of the text of such Ordinance or amendment and the maps, plans and reports submitted by the Commission shall be on file, for public examination, in the office of the Fiscal Officer or in such other office as designated by Council.

(d) After the public hearing the Council may adopt the proposal as recommended by the Commission by majority vote of its entire membership. If the Council modifies the proposal it may resubmit the proposed modification to the Commission for further consideration and approval. The Council may adopt the modified proposal without resubmitting it to the Commission and without the approval of the Commission by a five-sevenths (5/7) vote of the full membership of the Council. The Fiscal Officer shall submit a copy of any action in regard to this Article to the Commission.

Section 18.5 Application Fees.

At the time that an application for a change of zoning districts is filed with the Planning Commission, as provided herein, there shall be deposited with the Fiscal Officer fees in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A). Such sums so deposited shall be credited by the Fiscal Officer to the General Fund.

ARTICLE 19 SITE DEVELOPMENT PLANS

Section 19.1 Purpose and Intent.

Site development plans are intended to ensure ample provisions for the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development. They are further intended to supplement the provisions of the subdivision regulations and to further the purposes and provisions of the Comprehensive Plan and this Code.

The purposes of this Article are to state the specific additional requirements applicable to the development of land in certain zoning districts, and to prescribe the standards for the preparation and submission of site development plan drawings and for the design and construction of required improvements.

Prior to submission of a preliminary site development plan, the applicant may submit to the Zoning Inspector for review three sets of plans and data relative to the proposed development. This step does not require a formal application fee for filing with the Commission.

Section 19.2 Site Development Plans Required.

A site development plan is required and shall be submitted for the following:

(a) Any use or development involving new construction, reconstruction or expansion of structures in all zoning districts except single family detached dwelling units or duplexes in residential zones.

(b) Any development in which automobile parking spaces are to be used by more than one establishment.

(c) When a change is proposed in the exterior elements of a previously approved site development plan.

(d) When an existing residential use is proposed for change to a commercial, industrial, or multi-family use.

(e) All public and/or semi-public buildings and institutions.

(f) Soil disturbing activities on lands within the Village used or being developed for non-agricultural purposes including, but not limited to, grading, highways and roads, subdivisions, industrial, commercial and institutional projects, redevelopment activities, building activities on farms and all other uses unless expressly excluded as follows:

Activities related to producing agricultural crops or sylvan cultural operations or areas regulated by the Ohio Agricultural Sediment Pollution Abatement Rules.

Section 19.3 Preparation.

(a) Site development plans shall be prepared by persons professionally qualified to do such work. Final site plans shall be certified by an architect, engineer, or land surveyor duly registered by the State of Ohio.

(b) Every site plan shall show the name of the development, the name and address of the owner and developer, north arrow, date, scale, and number of sheets.

(c) Site development plans shall be prepared at a scale of one inch equals fifty feet or larger. No sheet shall exceed 42 inches in size. Fifteen copies shall be submitted to the Zoning Inspector.

(d) A site development plan may be prepared on one or more sheets to show clearly the information required by this Article and to facilitate the review and approval of the plan. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.

(e) Profiles must be submitted on standard plan and profile sheets. Special studies as required may be submitted on standard cross section paper and shall have a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically. No sheet size shall exceed 42 inches. Flood plain limit studies required by this Code shall be shown on all profile sheets with reference to properties affected and center line of stream.

(f) All horizontal distances shown on the site plan shall be in feet and decimals of a foot to the closest one-tenth of a foot; and all bearings in degrees to the nearest ten seconds.

Section 19.4 Approval Process.

(a) All site plans must be approved by the Commission. Site plans shall be submitted to the Zoning Inspector who shall review same for compliance with this Article. Submittal shall be at least twenty-one (21) days prior to the meeting at which the plans will be reviewed by the Commission and accompanied by a fee as set forth in §17.5 and the Zoning Code Fee Schedule.

(b) Final site plans to be submitted to the Commission shall be based on a previously approved preliminary plan except where such requirement is waived by the Commission for good cause.

(c) The Commission shall act on site plans presented to it within a reasonable time and the developer shall be advised as to the decision of the Commission by letter and/or legible markings and notices on the plan. Said decision shall be final. Final approval shall be shown by the signature of the Zoning Inspector on the final plans. However, such final site plans that include access drives shared by multiple dwelling units or private streets shall be forwarded to Council for review and final approval.

(d) Prior to final approval of the site plan, the developer shall post any required bonds and shall present any dedication or easement plats for approval prior to recordation.

(e) Approval of a final site plan by the Commission shall expire 12 months from the date of such approval unless building permits have been obtained for construction in accordance therewith. A single extension not to exceed six months may be given by the Commission upon written request by the applicant.

(f) Approval of the site development plan after bonding approval by the Village Engineer constitutes authorization to proceed with site improvements within the area proposed under the site plan.

(g) The Commission may attach conditions to the approval of the site development plan as may be reasonably required by the public health, safety and welfare.

Section 19.5 Preliminary Site Plans.

Every preliminary site plan submitted in accordance with this Article shall contain the following information:

(a) Location and acreage of various types of land use.

(b) A topographic map with a contour interval of two feet.

(c) Location, names, and dimensions of proposed and existing streets, buildings, easements and drainageways.

(d) Preliminary plans for the provision of utilities including, but not limited to, the methods for handling drainage, erosion and sediment control and storm water management per applicable laws, water supply and sewage disposal.

(e) Proposed parking layout including ingress and egress.

(f) A trip generation study.

(g) A landscape plan including the location of any proposed ground signs.

(h) The location of any jurisdictional wetlands on the site as delineated by an expert acceptable to the U.S. Army Corps of Engineers.

(i) Such other relevant data as the Commission or Zoning Inspector may require.

Section 19.6 Final Site Plans.

At the time of preliminary site plan review, the Commission shall specify which of the following data shall be contained in the final site plan:

(a) The owners, zoning and present use of adjoining tracts.

(b) Location of all minimum building setback lines.

(c) Location, type and size of vehicular ingress and egress to the site.

(d) A boundary survey.

(e) Location, type, size and height of all fencing, screening, and retaining walls where required under the provisions of this Code.

(f) Existing topography with a maximum of two-foot contour intervals and the proposed finished grading by contour.

(g) Adjacent property lines with property owner names and parcel numbers.

(h) Detailed erosion and sediment control plans.

(i) All off-street parking and parking bays, loading spaces and walkways indicating type of surface (material make-up) and showing the number of parking spaces provided and the number required.

(j) Number of floors, floor area, height and location of each building, and proposed general use for each building. In a multi-family residential building, number, size, and type of dwelling units shall be shown.

(k) Building elevations depicting actual composition, materials and architectural style for all proposed structures.

(l) Provisions for the adequate disposition of natural and storm water on and off-site, in accordance with the current design criteria and construction standards of the Village including, but not limited to, the calculation of the contributing drainage area in acres (including map drawn to scale) and the location, size, type and grade of ditches, catch basins, inlets, pipes, and other drainage structures all summarized in a Stormwater Management Plan.

(m) All existing and proposed sanitary sewer facilities indicating all pipe sizes, types, grades, invert elevations, location of manholes, the available capacity of the receiving sewer and other such data as may be deemed necessary by the Village Engineer.

(n) All existing and proposed water facilities including all water mains, their sizes, valves and fire hydrant locations, plus anticipated water demand for the development.

(o) The location of any proposed refuse removal pads and enclosure size and materials.

(p) Location and size of all recreation and open space areas.

(q) A detailed landscape plan.

(r) Flood plain limits which shall be established by Flood Hazard Maps either of public record and/or engineering methods.

(s) The location, width, size and intended purpose of all easements and rights-of-way and whether they are to be publicly or privately maintained. A plan copy, suitable for recording, shall be submitted showing any rights-of-way and/or easements for public dedication.

(t) The following data relative to all existing and proposed streets: location, width, names, curve data, grades, and sight distances. Typical sections shall be provided for all proposed streets or travelways.

(u) Such other relevant data as the Commission or Zoning Inspector may require.

(v) A traffic impact study shall be performed by an engineer qualified and preapproved by the Village Engineer, unless waived for good cause shown.

(w) The locations of water resources and current U.S. Army Corps of Engineers Jurisdictional Determination for all wetlands and streams within the project area.

Section 19.7 Required Improvements.

(a) All improvements required by this Code shall be installed at the cost of the developer in accordance with design and construction standards of the Village and as approved by the Village.

(b) Prior to approval of any site plan, there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights-of-way or easements or as are connected to any public facility in form and substance as approved by the Village, together with a bond with surety, cashier's check or escrow account in the amount of the estimated cost of the required improvements, including a 10% contingency, as determined by the applicant and approved by the Village Engineer. The aforesaid agreement and bond or condition shall be provided for completion of all work covered thereby within the time to be determined by the Zoning Inspector, which time may be extended upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement.

The Village Engineer may also require a restoration bond. Said bond shall be to insure repair of any damage done to existing curb, gutter, sidewalk, street pavement, landscaping, or other items within the right-of-way adjacent to a project. The amount of the bond shall be as determined by the Village Engineer based on his or her estimate of potential damage.

Any person, firm, corporation, owner or lessee of any lot or land, constructing or causing to construct access to any public roadway in the Village, except from residential subdivisions totaling five (5) acres or less, shall first present to the Village the results of a trip generation study and traffic impact study performed by an engineer qualified and pre-approved by the Village Engineer. The trip generation and the traffic impact study shall describe the maximum anticipated traffic volumes by location and direction to be generated and which will impact the road system during a peak design hour in the year of construction plus twenty (20) years. The report shall also provide the means to compensate for any degradation of the traffic services existing on the Village roadway system to the Village Engineer's satisfaction prior to the granting of a permit for construction. Improvements to the Village roadway system shall be constructed as part of the development and its permit, the developer shall provide inspection fees, a testing deposit and a surety representing 110% of the cost of improvements.

(c) All street construction standards and geometric design standards shall be in accord with those specified by the Village subdivision regulations except where specifically modified by the Village Engineer.

(d) Private vehicular travel lanes or driveways designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be constructed not less than twenty (20) feet in width.

(e) No structure shall be located less than ten feet from any easement.

(f) Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided based on the Stormwater Management Plan. The extent of both on-site and off-site treatment shall be as required by law.

(g) Water service shall be based on the requirements of the Village.

(h) Sanitary sewer facilities shall be constructed in accordance with the standards and specifications of the Village.

(i) In the preparation of site development plans, consideration will be given to provide suitable areas for parks, schools, open space, and other areas of public recreational use, especially when such facilities are proposed in the area under consideration in the Comprehensive Plan of the Village.

(j) Fire hydrants shall be provided as approved by the Village Engineer and Chief of the Madison Fire District.

(k) Provision shall be made for sidewalks and pedestrian walkways which will enable patrons, residents and/or tenants to walk safely and conveniently from one building to another within the site and to buildings and/or uses on adjacent sites as well. Sidewalks shall be constructed in accordance with the standards contained in the subdivision regulations. Sidewalks within the public right-of-way shall be provided in addition to any internal access or pedestrian movement within the site.

(l) Landscape planting, screening, fences, and other physical improvements approved as part of the landscape plan shall be provided by the developer.

Section 19.8 Administration and Enforcement.

(a) No permit shall be issued by any administrative officer for the construction of any building or improvement requiring a permit in any area covered by a site development plan except in conformity with the provisions of this Code and the duly approved site development plan. No construction or site improvement shall be initiated until the site plan has been approved.

(b) Any site development plan or landscape plan may be revised and such revisions shall be accomplished in the same manner as the original approval provided, however, that minor technical changes which do not substantially alter the original site plan may be authorized by the Zoning Inspector.

(c) Any requirement of this Article may be waived by the Commission where such requirement is deemed to be restrictive or unreasonable, provided such waiver is not adverse to the purpose and intent of this Article.

(d) Upon satisfactory completion of the required improvements the Village Engineer or Zoning Inspector, as applicable, shall release any remaining bonds.

ARTICLE 20 SUBDIVISION REGULATIONS

Section 20.1 General Provisions.

(a) Interpretation and Purpose. In their interpretation and application, the provisions of this Article 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 beneficial growth of the Village environment, adequate municipal services, and adequate streets, highways, and public utilities.

(b) Scope. These regulations shall apply to any lot or lots forming a subdivision or part thereof. It is not intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, regulations or ordinances, except those specifically repealed by these regulations, 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 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 regulations shall control. These regulations shall govern the development of all land uses and to develop a sound and wholesome community by regulating the design and construction of all new subdivisions or development projects.

(c) Jurisdiction.

(1) It shall be unlawful for any person to subdivide any land within the Village corporate limits unless it is done by a plat complying with the regulations herein contained. The plat shall be recorded and no lot or land shall be sold from any such plat until said plat has been approved as herein required.

(2) It shall be unlawful for any person to circumvent the provisions of this ordinance by lease or by sale of parcels, by metes and bounds.

(3) The design and configuration of all subdivisions shall conform with the requirements of §20.3 hereof. The subdivider shall submit plats in accordance with §20.2 of this Article. All plats shall be approved as herein required and recorded by the Lake County Recorder.

(4) The division of a tract into four (4) parcels or less fronting upon an existing public street, and where the transfer is to be accomplished by the recording of a deed rather than a plat, requires the approval of the Commission before it can be recorded. Such approval may be accomplished in the manner provided in §20.2(d) of these regulations.

(d) Authority and Administration.

(1) The Council and the Commission by virtue of the applicable provisions of the Charter and Ohio Revised Code are authorized, subject to the holding of public hearings as may be required by law, to adopt rules and regulations covering plats for subdivisions of land, and to approve, conditionally approve, or disapprove plats or subdivisions of land falling within their jurisdiction. Administration of the rules and regulations contained herein shall be the responsibility of the Commission.

(2) The Commission, by virtue of the authority granted by law, may prepare plans for unsubdivided or improperly subdivided areas to show a pattern of future streets and public open spaces. After any required public hearing has been held, such plans or portions thereof, may be adopted by the Commission, recorded, and thereafter no subdivision may be approved and no street may be improved or accepted, except that it conform substantially to such recorded plan.

(e) Variances and Exceptions.

(1) 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 regulations would result in practical difficulties or substantial hardship, such requirements may be modified in a reasonable manner, but, at the same time maintain the public welfare and interest of the Village and the surrounding area such that the general intent and spirit of these regulations are enforced.

(2) The requirements of these regulations may also be modified and varied whenever the scope of a plat encompasses a complete neighborhood or community as long as such plat conforms to the Comprehensive Plan. All land uses as indicated in the Comprehensive Plan shall be incorporated on the plat and must conform, in general, to the areas of land usage as delineated and adopted by the Commission and the Council. The current Comprehensive Plan shall be the guide for all future development or redevelopment in Madison Village. Any such variance requested must ensure that adequate public spaces, circulation, recreations, light and air will be provided and the needs of the entire community when fully developed and occupied will be fully met.

Section 20.2 Procedure.

(a) Submission and Approval of Preliminary Plan.

(1) General. Prior to the preparation and submission of the preliminary plat, the subdivider shall submit an informal application and meet with the Zoning Inspector to become familiar with subdivision requirements and with the proposals of the Comprehensive Plan for Madison Village, Ohio, affecting the territory in which the proposed subdivision is located.

(2) Filing. The subdivider shall prepare and file ten (10) copies of a preliminary plat, according to the standards and other requirements of these regulations, and submit the filing fee (see, Art. 17, §17.5 and Appendix A), not less than twenty-eight (28) calendar days prior to the Commission's next regularly scheduled meeting date. The preliminary plat shall be considered officially filed only after it is examined by the Zoning Inspector and is found to contain all of the data required by §20.2(b) of these regulations.

(3) Approval. The Zoning Inspector shall forward copies of the officially filed preliminary plat to such officials and agencies as may be necessary for the purpose of study and recommendation. Any costs or fees incurred by the Village as part of the review beyond the amount paid for the review fee shall be paid by the subdivider. 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 together with the reasons for disapproval. If modifications are required, such modifications shall be included in a revised plan which shall be submitted to the Commission.

The Commission shall act on the preliminary plat within eighty-five (85) calendar days after filing unless such time is extended by agreement with the subdivider or their agent.

When a preliminary plat has been approved by the Commission, the Chairman of the Commission shall affix his or her signature to the plat and attach thereto a notation that it has received preliminary approval and return one (1) copy to the subdivider for compliance with final approval requirements. Approval of the preliminary plat by the Commission shall not constitute approval of the final plan of the subdivision by the Commission.

Preliminary approval shall confer upon the subdivider the right for a one (1) year period from the date of approval the guarantee that the general terms and conditions under which the preliminary approval was granted will not be affected by any change and/or amendments to these regulations.

(b) Preliminary Map Content and Supplementary Information.

(1) Form. The preliminary plat shall be clearly and legibly drawn. The size of the map shall be on one (1) or more sheets twenty-four (24) inches by thirty-six (36) inches. All subdivisions shall be drawn at a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by the Commission.

(2) Coverage. The preliminary plan shall include a sketch of all land intended for ultimate development, even if only a portion of the tract is to be initially recorded.

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

(A) Proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision in Madison Village or Township.

(B) Location by section, town, range, township, county and state.

(C) Names and addresses of the subdivider, owner and registered engineer and/or surveyor preparing the plan.

(D) Scale of the plan, north arrow, and date.

(E) Boundaries of the proposed subdivision indicated by a dark and heavy line expressed in feet and decimals of a foot and the approximate acreage.

(F) Location, widths, and names of existing, platted, and proposed streets, railroad, rights-of-way, easements, parks, permanent buildings, section and corporation tract, town, range, township tract, town, range and township lines.

(G) Names of adjacent subdivisions and property owners (as of last preceding tax roll) of adjoining parcels of land (with permanent parcel numbers shown).

(H) The current zoning of the property to be subdivided and of the contiguous properties.

(I) Existing contours with intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent. Elevations are to be based on sea level datum if available. Source of reference datum used shall be indicated.

(J) The location of existing bodies of water, streams, drainage ditches, trees which have a diameter at breast height of six (6) inches or more to be preserved and other pertinent features.

(K) The approximate location and dimensions of all proposed lots.

(L) Lots shall be numbered consecutively and the total number of lots and their combined acreage shown on the plat.

(M) The approximate location, dimensions, and area of all property proposed to be set aside parks, open space, or other public or private reservation, with designation of the purpose and proposed ownership thereof.

(N) Drainage channels, wooded areas, power transmission poles and lines, proposed and/or existing sanitary sewers, storm drainage and water lines and any other significant items should be shown.

(O) Building setback lines with dimensions.

(P) When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width at the building line shall be shown.

(Q) Vicinity or location map at a scale of 1" = 1,000' showing the relationship of the proposed subdivision to the surrounding area.

(R) Preliminary proposals for connection to existing water supply and sanitary sewer systems and for the collection and discharge of surface water drainage including the location and size of existing and proposed water mains, sanitary sewers and drainage facilities.

(S) Wetland delineation, if any.

(T) Staging (phasing) plan.

(U) A trip generation study.

(4) Supplementary Information.

(A) Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry; so as to reveal the effect of the development on traffic, fire hazards, increase in school enrollment or congestion of population.

(B) Proposed covenants and restrictions.

(C) Water supply, sewage disposal, surface drainage and flood control.

(D) If any zoning changes are contemplated by the subdivider, the proposed zoning shall be outlined.

(E) After receiving notice of the approval of the preliminary plat and prior to the filing of the final plat, the subdivider shall present to the Commission detailed engineering drawings of all utility and street improvements to be constructed in the proposed subdivision as required by the Village standards. The Commission shall within ten (10) days after the filing of the above detailed plans, transmit copies of same to the Village Engineer for study and final recommendations. The Commission, after receiving a report from the Village Engineer, shall notify the subdivider of any required changes or modifications for preparation of the final improvement plans and record plat.

(c) Approval of Final Plat.

(1) General. The final plat shall have incorporated all changes or modifications required by the Commission, otherwise it shall conform to the preliminary plat. It shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and begin immediate development thereof. It shall contain the information required by subsections 6 and 7 below and shall conform with the laws and regulations in effect at the time the final plat of same is approved.

(2) Preparation. The final plat shall be prepared by a registered surveyor.

(3) Filing.

(A) Ten (10) copies of the final plat shall be filed not later than twelve (12) months after the date of approval of the preliminary plan unless an extension in writing is requested by the developer and granted by the Commission.

(B) The final plat shall be considered officially filed after it is examined by the Zoning Inspector and is found to contain all of the data as required by §20.2(c)(6) and (7). The final plat shall be filed with the Village not less than thirty (30) working days prior to the Commission's regularly scheduled meeting at which it is to be considered.

(4) Approval.

(A) The Zoning Inspector shall forward copies of the final plan to the Village Engineer and Law Director for the purpose of final approval. After approval from the Village Engineer and Law Director, the Commission shall take action on the final plat within sixty (60) days; otherwise said 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 plat shall be stated on the record of the Commission, including the reference to the regulation violated by the plat, a copy of which shall be forwarded to the subdivider. The subdivider shall make necessary correction and resubmit the final plat within thirty (30) calendar days to the Commission for its final approval.

(B) The subdivider shall be notified of the final approval of the plat by the Commission who, in turn, shall then present the plat to Village Council for approval.

(5) Form. The final plan shall be clearly and legibly drawn on mylar or tracing cloth. The size of the plan shall be on one or more sheets twenty-four (24) inches by thirty-six (36) inches. The final plan shall be drawn at a suitable scale no less than one (1) inch equals one hundred (100) feet.

(6) Plat Contents. The final plat shall contain the following information.

(A) Name of the subdivision; location by tract, section, town, range, township, county, state; and the scale, date and northpoint.

(B) Names of all adjoining property owners.

(C) All plat boundaries with length of courses in feet and hundredths and bearings to not more than half seconds.

(D) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, which shall be accurately described on the plat.

(E) Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.

(F) Lines of adjoining streets and alleys with their width and names.

(G) The radii, arcs, chords and chord bearings, point of tangency and central angles for all curvilinear streets and radii for rounded corners.

(H) All easements for rights-of-way provided for public services or utilities, and any limitations of such easements.

(I) All lots, reserve parcels, rights-of-way, and easements with accurate dimensions in feet and hundredths, and with bearings. The basis of bearings shall be stated on plat.

(J) A summary of the area of land used for each of the following: lots, rights-of-way, and parks and other open spaces.

(K) Detailed construction plans prepared by a registered engineer for all required improvements at a scale of 1" = 50' on 24" x 36" sheets or at such other scale acceptable to the Village Engineer.

(L) A landscaping, erosion and sediment control and comprehensive storm water management plan.

(M) Bonds or other guarantees as may be required by this Code.

(N) Accurate location to all monuments.

(O) Location of all set-back lines from public right-of-way.

(P) Summary of any areas to be dedicated or reserved for public use with the purpose indicated thereon and signed by the owner.

(Q) A statement signed by the owner setting forth the rights associated with the easements and reserve parcels shown on the plat.

(R) An approval block for the endorsement of the plat by the Mayor, Law Director and Fiscal Officer/Clerk of Council upon approval by the Council.

(S) A traffic impact study performed by an engineer qualified and pre-approved by the Village Engineer, unless waived for good cause shown.

(T) Proof of compliance with State and Federal regulations concerning Ohio EPA NPDES Permits, Ohio EPA Isolated Wetlands Permits, and compliance with Section 401 and 404 of the Clean Water Act.

(U) Ties to the state plan coordinate system for Ohio as defined in the Ohio Department of Transportation Survey Manual, Section 303. The horizontal component of the plat shall be referenced to the North American Datum of 1983 and the vertical component of the plat should be referenced to the North American Vertical Datum of 1988.

(V) A copy of the record plat in an electronic format consistent with the system utilized by the Village.

(7) Additional Required Information.

(A) Protective covenants shall be shown on the plat.

(B) If a zoning change is involved, certification from the Fiscal Officer/Clerk of Council shall be required indicating that the change has been approved and is in effect.

(C) 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.

(D) An acknowledgement by the owner or owners of his or their adoption of the plat, and the dedication of streets and other public areas.

(E) The final plat shall be accompanied by the following:

(i) Evidence that all taxes against proposed roads and park lands have been paid and evidence that all encumbrances or liens of record against such proposed areas have been released.

(ii) That all improvements have either been installed and approved by the Village Engineer or that a suitable performance bond insuring their installation has been accepted by the Village Council.

(8) Recording of Final Plat. After the final plat has been approved by the Commission and Council and the necessary approvals endorsed in writing thereon, together with evidence of title, it may then be filed in the Office of the Recorder of Lake County, Ohio, as required by law. All fees to be paid by developer.

(d) Deed Transfers. Whenever a division is to be made of a tract into parcels, as described in §20.1(c)(4), fronting on an existing public street, and where the transfer is to be accomplished by the recording of a deed rather than a plat, the party or parties desiring to make the transfer shall submit a sketch thereof to the Zoning Inspector. If the division conforms to the appropriate standards, the Zoning Inspector may stamp same "Approved, No Plat Required" and attach his or her signature, and the appropriate transfer may then be recorded. In no case where a division takes place, may the remaining portion of the tract be less than the minimum allowable lot size. However, if the owner of the property does not agree with any of the requirements specified by the Zoning Inspector, he or she may then appeal to the Commission for approval for recording and such approval must be obtained before the transfer can be recorded. No preliminary or final plat other than the rough sketch of the division shall be required and none of the improvements described in §20.4 shall be required for the transfer.

Section 20.3 Subdivision Design Standards.

(a) General. The arrangement, character, extent, width and location of major, secondary and minor streets or highways shall conform with the Comprehensive Plan for the Village and with the provisions of these regulations. Streets not contained in the Comprehensive Plan should conform to the recommendation of the Commission based on existing and planned streets, topography, public safety and convenience, and proposed uses of land.

Due regard shall be shown for the preservation of existing natural features, distinctive site characteristics, outstanding scenic, cultural or historic areas, and all such features shall be

integrated into the plan to create functional variations in the neighborhood and more attractive building sites.

(b) Definitions. As used in this Article, the following words and phrases shall have the meanings set forth herein below.

(1) "Arterial street" means a principal or heavy traffic street of considerable continuity and used primarily as an interconnect between large districts or other communities.

(2) "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 a development.

(3) "Local street" means a street used primarily for access to the abutting properties.

(4) "Cul-de-sac" or "dead-end-street" means a local street with only one outlet.

(c) Streets.

(1) Design and Arrangement.

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

(B) The street arrangement shall be such as to not cause hardship to owners of adjoining property as to zoning, access to public right-of-way, or use. Residential streets shall be so designed as to discourage through traffic but offset streets should be avoided except as they are separated by not less than one hundred and fifty (150) feet at their access points on a collector street.

(C) The angle of intersection between minor streets and major streets should not be less than eighty (80) degrees.

(D) 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 seventy-five (75) degrees shall be permitted.

(E) Residential streets shall be designed to discourage through traffic which may otherwise use secondary or major highways, and whose origin and destination are not within the subdivision. Residential streets extending for considerable distance, parallel to any secondary or major street, should be avoided.

(F) Streets planned to serve multi-family, business or industrial areas shall connect directly to major or collector streets, so as to not generate large volumes of traffic on local residential streets.

(2) Alignment.

(A) For main thoroughfare, profile grades shall be connected by vertical curves where the algebraic difference in grades is 0.5% or more.

(B) Minimum horizontal-radii of centerline curvature:

Arterial highways	475 ft.
Collector streets	300 ft.
Local streets	200 ft.
Streets shorter than 500 ft.	100 ft.

A minimum 50' tangent shall be introduced between reverse curves.

(C) Visibility Requirements (Vertical and Horizontal). Minimum visibility (measured 4½ ft. eye level to tail light 18" above ground level) shall be as follows:

	Vertical	Horizontal
Arterial streets	500	500
Collector streets	300	300
Local streets	200	100

(3) Street Width.

(A) The width of all major thoroughfares shall conform to the current Comprehensive Plan of the Village.

(B) The minimum right-of-way widths for streets are as follows:

Type of Street or Way	Minimum Right-of-Way
Arterial highway or major thoroughfare:	Variable
Secondary or collector streets:	80 ft.
Minor or local streets:	60 ft.
Cul-de-sacs:	60 ft.

(C) Cul-de-sac. Each cul-de-sac shall be provided with a turn-around having a minimum right-of-way radius of sixty (60) feet and maximum length of seven hundred (700) feet measured from the centerline of the entering intersection and including the turn-around. The outside of the road surface within the turn-around right-of-way shall have a minimum radius of fifty (50) feet. The diameter of the median area shall be not less than fifty-two (52) feet. Each cul-de-sac shall have a median area, the scope and design of which shall require the prior approval of the Planning Commission. Said median area shall consist of open space, shall

be aesthetically landscaped and shall be compatible with its surroundings. The developer/subdivider shall provide, to the satisfaction of the Planning Commission, adequate and sufficient assurance that said median area will be continuously maintained in a good, proper and safe condition and in a reasonable state of repair. The developer/subdivider shall provide, to the satisfaction of the Planning Commission, adequate and sufficient assurance that responsible persons or entities will continuously own, maintain and be responsible for said median area. The assurances required herein may include, but are not limited to, (1) deposit of sufficient cash; (2) posting of adequate bond; (3) creation of homeowner or condominium association; (4) trust agreement appointing trustee to act for all owners; or, (5) common easements and deed restrictions.

(D) Dead-End Streets. Streets designated to be dead ended permanently shall not be permitted. Any dead-end street of a temporary nature, if longer than two hundred (200) feet or fronted by existing lots, shall have a surface turning area equal to that of a permanent cul-de-sac. Building on lots fronting on a temporary cul-de-sac is prohibited.

(E) Street Grades (Vertical Curves). No street grade shall be less than 0.6 percent and shall not exceed the following with due allowances for reasonable vertical curves:

Main or arterial thoroughfares:	6%
Secondary thoroughfares:	8%
Local streets:	8%
Cul-de-sacs:	8%

(F) Street Names. Where names are required for new streets, they shall meet with the approval of the Planning Commission and Village Council.

(d) Blocks and Lots.

(1) Block Design.

(A) No block shall be longer than fourteen hundred (1,400) feet or less than five hundred (500) feet, except in unusual circumstances. Where a subdivision adjoins a major highway, the greater dimension of the block shall front along such major highway to minimize the number of points of ingress or egress.

(B) Blocks for commercial or industrial subdivisions shall be designed to accommodate the building sites and provide the yards, service drives, required off-street parking and other such required facilities for unit development rather than typical lot and street pattern.

(2) Lots.

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

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

(C) No lot shall have less area, width, or frontage along a public street than is required by the zoning regulations applying to the area in which it is located.

(D) 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 Planning Commission may require larger lot widths and lot areas.

(E) No corner lot shall have a width at the building line of less than seventy five (75) feet. Either of the two (2) sides of a corner lot fronting on a street may be designated the front of a lot, provided rear yard shall always be opposite the frontage so designated.

(F) All corner lots shall have a curve with a minimum radius of thirty (30) feet joining in the two (2) sidelines of said right-of-way.

(e) Building Lines and Easements.

(1) Building Lines. Building lines shall be established according to the front yard requirement set forth in the Zoning Code.

(2) Easements. Easements of at least twelve (12) feet in width shall be provided on each side of all front lot lines for underground electric, gas, telephone, and CATV. Ten (10) foot utility easements are also required along all side and back lot lines of all parcels within the proposed development.

(3) Easement Along Streams. Whenever any stream or drainage course is located in the area being subdivided, the subdivider shall provide an adequate easement, a minimum of fifteen (15) feet, along each side of the stream for the purpose of widening, deepening, relocating or protecting the stream for drainage or public use. Areas within the Village 100 year floodway shall be within an easement.

(f) Public Sites and Open Spaces.

All proposed residential plats submitted for approval under the provisions of these regulations shall allocate adequate open space areas in conformity with the Comprehensive Plan or as determined by the Planning Commission.

(1) Open spaces shall consist of no less than five (5) percent of the total land in the subdivision and shall be usable for such purposes as determined by the Planning Commission.

(2) In the event the 5% area equals less than one acre or where it is deemed to be in the best interest of the Village, a fee in lieu of the land may be substituted. Where a fee is required in lieu of land area, that fee shall be paid to the Village and used for capital improvements of parks and recreation areas as directed by Village Council. The fee shall be in a sum equal to the value of five (5) percent of the total area of the subdivision considered to be triple the current tax valuation of the undeveloped land.

(3) Land unusable for building sites, as determined by the Planning Commission may be designated as open space but in no case shall this designation constitute more than forty (40) percent of the open space requirement.

(4) If a subdivision is developed to a density of one dwelling unit or less per acre, open space may not be required by the Planning Commission.

(5) If the developer creates a subdivision to be developed in phases, the open space requirement shall be met for each phase; however, the developer may be permitted to reconfigure and/or relocate the designated open space between phases to accommodate both an efficient lot layout and open space. All modifications shall require a resubmittal of the preliminary plat and be approved by the Planning Commission.

(6) Optional means of providing open space:

(A) Residents associations with common deed: Restricted open space may be held in fee, improved and maintained by an organization created by means of a homeowner or condominium association. Such an organization shall include provisions for compulsory membership for all residents based upon the ownership or long-term lease of housing units. Voting rights shall be distributed on an equitable basis. The organization shall have a structure to permit effective participation of the residents. Fees for the preservation, improvement and maintenance of the common open space shall be stated with adequate provision for collection.

(B) Trust agreement: The developer may deed title to all common open space and recreational facilities to a fiduciary which, for a fee, acts as trustee for the benefit of all owners and occupants of the subdivision. The trustee shall give easements across the open space and right to use the facilities to all owners and occupants of the subdivision. Each owner shall receive a fee simple deed from the trustee, subject to the trustee's right to charge and lien each property for its proportionate share of upkeep costs for the common facilities.

(C) Public Donations: Common open space may be donated, in fee simple or by a perpetual conservation or preservation restriction subject to acceptance by a governmental unit or agency.

(D) Common Easements: Common open space may be provided by means of common easement. Deed restrictions as finally approved and recorded shall be filed with the Commission. Costs of preservation, improvement and maintenance shall be the responsibility of the owners of the property, however, an association of residents may be created to assess charges on an equitable basis.

(E) Dedication: Dedication to public use.

(g) Land Subject to Flooding or Containing Poor Drainage Facilities.

The right is reserved to disapprove any subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities. If the subdivider agrees to make such improvements as will make the area completely safe for residential occupancy, as determined and stated by the developer's registered professional engineer, the subdivision may be approved subject, however, to the review and acceptance of the Village Engineer.

(h) Compatibility of Adjacent Land Uses.

It shall be at the discretion of the Commission to permit noncompatible land uses to develop on adjacent properties. Where such a condition arises, buffer zones shall be required to protect the land uses from infringement, one upon the other. Buffer zones shall be established according to zoned land uses adjacent one to another and shall be as set forth in the Zoning Code.

(i) Variances.

Where topography and other physical conditions make full compliance with the subdivision design standards an undue hardship upon the owner, the Commission may refer the problem of compliance to the Village Engineer and the Council for recommendations as to permissible variances.

Section 20.4 Minimum Required Improvements.

(a) General.

Prior to the granting of final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation of the improvements listed and described in this Article. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work as required by the Village Engineer.

The inspection authority shall rest with the Village Engineer except where otherwise authorized by law, agreement, or these regulations. All inspection costs shall be borne by the subdivider. Private streets are permitted in subdivisions provided they meet all of the requirements of these regulations except dedication of the right-of-way to public use.

(b) Street Improvements.

All streets and thoroughfares shall be improved in accordance with the standards outlined or referred to in these regulations. Plans and specifications for street improvements

shall be subject to approval by the Village Engineer. All materials and construction procedures shall be in accordance with the current edition of "Construction and Materials Specifications" of the State of Ohio Department of Transportation, except where modified by the Village Engineer.

(1) Width of Pavement. The width of the pavement will vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are the minimum street pavement widths:

Type of Street	Minimum Pavement Width
Arterial streets	Variable
Collector streets	28'
Local streets	24'

(2) Subgrade. The subgrade shall be compacted and proof rolled with zero deflection using a 25-ton loaded tandem truck. Once completed 4" of ODOT limestone aggregate base shall be placed and compacted under the base course.

(3) Base Course. The developer may use any of the following base courses, based upon recommendations of the Village Engineer as to soil and traffic conditions: bituminous aggregate, asphaltic concrete, portland cement concrete, or an equivalent base course. Thickness shall be subject to the approval of the Village Engineer based upon the physical properties of the base course used and the physical properties of the roadbed as determined by geotechnical data provided by the developer.

(4) Surface Course. Upon the expiration of a maintenance period for the base course, as established by the Village Engineer, the surface course shall be constructed using either asphaltic concrete or portland cement concrete. Specific material and thickness specifications shall be subject to approval of the Village Engineer based upon traffic conditions:

(A) Concrete Pavement: If the subdivider elects to construct streets totally out of reinforced portland cement concrete of if such pavement is required by the Village Engineer, thicknesses of seven (7) inches for local, collector streets, and ten (10) inches for major commercial and industrial streets shall be required. The Commission may require pavement of greater thickness, upon the recommendation of the Village Engineer based upon his or her evaluation of the subgrade, traffic, and projected wheel load conditions.

(B) Full-Depth Asphalt Pavement: If streets to be constructed out of "full-depth" asphalt, an asphalt pavement in which asphalt-aggregate mixtures are used for all courses above the subgrade, careful inspection of the subgrade may be necessary, to determine pavement thicknesses. Minimum pavement depths shall be as follows:

Local street:	8" - minimum 6" of ODOT 301
Collector street:	10" - minimum of 8" of ODOT 301
Major & industrial street:	As per Engineer - minimum 8" of ODOT 301

The Village Planning Commission may require pavement of greater thickness upon the recommendation of the Village Engineer based upon his or her evaluation of the subgrade, traffic, and wheel load conditions.

(5) Curbs and Gutters. Curbs and gutters shall be required on all streets. Curbs with separate asphalt gutters or combined curbs and gutters shall be constructed of concrete in conformance with the current "Construction and Material Specifications" of the Ohio Department of Transportation or as specifically modified by the Village Engineer.

(c) Sidewalks.

Concrete sidewalks having a minimum width of five (5) feet and having minimum thickness of five (5) inches on top of 3" compacted ODOT 304 aggregate shall be installed along both sides of major streets or thoroughfares and along both sides of other streets. Sidewalks at the driveway shall have a minimum thickness of six (6) inches. Sidewalks shall comply with all applicable laws and regulations, inclusive of ADA requirements.

(d) Drainage.

All necessary facilities, including underground pipe, inlets, catch basins, retention/detention basins, or open drainage ditches, as determined by the Village Engineer, shall be installed to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Surface water run off shall be controlled through an approved Storm Water Management plan such that there shall be no greater burden on downstream property owners after development than there was before development. All storm drainage facilities within the subdivision shall connect to an adequate drainage course.

(1) Storm Sewers and Storm Water Drainage. A drainage system adequate to serve the needs of the proposed new streets and the entire subdivision shall be required in new subdivisions. Where an adequate public storm sewer main is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer main. If such storm sewer systems are not accessible, adequate storm water drainage shall be provided by natural drainage channels or constructed drainage channels or systems with easements of adequate width as determined by the Village Engineer and approved by the Commission. Where drainage ditches or storm sewers cross land not in the dedicated street right-of-way, appropriate easements shall be secured and given to the Village for such drainage purposes.

(2) Culverts and Bridges. When natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and culverts designed and constructed. Where culverts are required, the following minimum requirements shall be observed:

All culverts, including replacement culverts, shall extend across the entire right-of-way width of the proposed road. The location, type, and capacity shall be recommended by the developer's registered engineer and approved by the Village Engineer. All culverts or bridges serving 100 year floodway shall be

designed for the 100 year capacity without any changes to the current floodway elevations.

(3) Standards and Specifications for Drainage Facilities. The construction of storm water drainage improvements shall be subject to the approval of the Village.

(e) Water Supply.

(1) A potable water supply, adequate to provide the required flow demands including fire protection, shall be available or proposed as part of the improvements. The Planning Commission may require the developer to construct new main extensions, interconnects, or booster stations to provide sufficient water supply based upon the recommendations of the Village Engineer.

(2) All water supply improvements shall meet the criteria of the Village Engineer, Chief of the Madison Fire District, and the Lake County Utility Department where applicable.

(3) Fire Protection. Fire hydrants with two (2) and one half (2-1/2) inch outlets and one (1) large pumping connection as well as approved "Storz" connections shall be provided by the subdivider in all subdivisions and public water supplies. The hydrants should be located at property lines and between the right-of-way or property line and the roadway curb with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-blocks for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs four hundred (400) feet in length or longer. However, in all cases the distance between hydrants shall not exceed three hundred (300) feet. The type and make of hydrant and control valves and the location and accessibility of the hydrant shall be approved by the Village Engineer. The size of any water line serving any hydrant shall not be less than eight (8) inches in diameter and the line should be looped. The size and location of water lines shall be approved by the Village Engineer.

(f) Sanitary Sewers.

If a subdivision can be served by the extension of an existing public sanitary sewer, as determined by the Commission and in its sole discretion, the subdivider or developer shall provide a system of sanitary sewer collection mains and shall provide lateral connections for each lot. In such cases septic systems shall not be permitted.

If determined by the Village Engineer, the developer may be required to install, replace, repair, or upgrade downstream collection sewers, pump stations, or force mains.

Where a public sanitary sewer is not reasonably accessible as determined by the Commission and in its sole discretion, the subdivider or developer shall provide a system of sewer mains and laterals whereby each lot may be served by the Village Wastewater Treatment Plant when future sewer trunk lines are extended as provided for in the Comprehensive Sewerage Plan. In such cases a septic system approved by the Lake County Health Department must also be installed, which may be used only until such time as a trunk line is extended to the subdivision. Following the extension of the trunk line, the septic system shall be abandoned in accordance with all local, county, state and federal regulations and requirements.

All designed sewer collection systems must be reviewed and approved and the construction of said approved sewer collection systems shall be inspected by the Village Engineer. Wherever main lines are installed, sewer laterals and water main service lines shall be extended to the property lines of the subdivision. Connections to the public sanitary sewer lines and potable water lines shall be subject to the approval and inspection, and according to the specifications, of the Village Engineer.

(g) Monuments.

Permanent monuments shall be accurately set and established at the intersections of all outside boundary lines of the plat; at intersections of those boundary lines with all street lines at diagonally opposite corners of each street intersection; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plat, except those outlining individual lots. In general, permanent monuments shall be placed at all critical points necessary to correctly lay out any lot in the subdivision. Monuments shall be in accordance with the minimum standards for boundary surveys (O.R.C. Ch. 4733).

(h) Utilities and Other Improvements.

(1) Utilities. Electrical service, gas mains, cable and other utilities shall be underground and shall extend to the property boundaries of the subdivision.

(2) House Numbers. Each house shall have mounted on a conspicuous place thereon a house number which shall be visible from the street. Said house number shall be in place before an occupancy permit will be issued.

(3) Street Identification Signs. Street identification signs and traffic control devices with posts as required by the Planning Commission and the Village Engineer shall be provided by the developer and the cost of replacement, repair or maintenance shall be borne by the developer until the roadway is accepted for maintenance.

(4) Trees. No less than one (1) tree with a minimum diameter of two (2) inches, measured one (1) foot above the ground shall be planted in each lot as approved by the Planning Commission.

(5) Sediment Control. As part of the final improvement plans for a subdivision, the developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Village erosion and sediment control and comprehensive storm water manangement ordinances.

All disturbed areas shall be final graded and seeded including right-of-way and easement areas prior to final release of escrow.

Developer shall remain responsible for the protection, cleaning, and repair of all sewers and streets during the entire period of structure construction. Cleaning of catch basins and paved areas shall be required at any time deemed necessary by the Village Engineer. If the cleaning does not occur within 48 hours of notice, the Village may cause the cleaning to be done, the cost for which shall be borne by the developer.

(6) Street Lighting. At the time of plat approval, the developer shall submit a signed petition for the installation of street lights in the subdivision. All costs for the installation of street lights shall be borne by the developer.

(i) Testing and Surveying.

Testing and surveying to ensure compliance with the standards contained herein shall be as required by the Village Engineer and shall be at the expense of the subdivider. The subdivider shall post a testing and surveying deposit with the Village in the amount of two percent (2%) of the approved construction estimate for testing and surveying requirements. Said deposit shall be posted prior to recordation of the plat. Any testing and surveying costs required in addition to the testing and surveying deposit posted by the subdivider shall be billed to the subdivider at the rate as charged by the laboratory or professional consultant hired by the Village to perform said testing and surveying. The subdivider shall provide the Village a record copy of all plan sheets, including those with modifications made consistent with approved field changes, in an electronic format consistent with the system utilized by the Village.

(j) Improvements Bond and Insurance.

The subdivider may receive approval and acceptance of the plat provided the following conditions are met:

(1) The subdivider shall deposit a cash security with a bank or savings and loan in the amount of 110% of the approved estimated cost of the improvements, if performed by the Village, plus the cost of maintaining said improvements until acceptance of said improvements by the Village which shall be valued at 10% of the construction cost. Said security shall be in favor of the Village which shall have sole control of disbursement. The bank or savings and loan shall be directed to pay out portions of the cash security towards the completion of said improvements only with the approval of the Village Engineer, who may require a balance to be maintained which in his or her opinion is sufficient to complete and maintain said improvements in accordance with the plans and specifications. He or she shall authorize the release of any balance to the subdivider only after acceptance of said improvements by Council. The Village Engineer shall establish a time period for the completion of the required improvements.

(A) In the event said improvements are not constructed within the designated time period and/or not maintained, the Village shall have the option after thirty (30) days' written notice to the subdivider/developer to complete and maintain said improvements and to collect and receive from the bank or savings and loan

a remaining balance of said deposit to be applied toward payment of costs and expenses of completing said improvements; or

(B) The subdivider may petition the Village to construct said improvements and assess the total against the benefited lots. This procedure may be followed upon condition that the subdivider furnishes the Village with a bond, with surety to the satisfaction of the Village, guaranteeing the payment of both the cost of design engineering and assessments as they fall due. Said bond may provide that as structures are constructed and sold to the individual owners the amount of the bond shall be reduced not more than once each year in proportion to the amount of the assessment against such lots. When structures have been completely constructed on seventy-five (75%) percent of the lots the bond shall be released; or

(C) The subdivider may furnish corporate surety bond in the principal amount of the estimated cost of said improvements estimated as if completed by the Village, with surety to the satisfaction of the Village in such form as is approved by the Law Director, guaranteeing completion and maintenance of said improvements according to plans, profiles and specifications and to the satisfaction of the Village Engineer. Said bond shall remain in effect until said improvements have been completed and maintained for a period of one year minimum and/or until released by authority of Council. Said bond shall provide that upon default of performance by the subdivider the Village may complete the same after thirty (30) days' written notice.

(D) In addition to the required performance bond, the Village Engineer may require a restoration bond. Said bond shall be to insure repair of any damage done to existing curb, gutter, sidewalk, driveways, street pavement, landscaping, or other items within the right-of-way adjacent to, and in proximity of, the subdivision. The amount of said bond shall be as determined by the Village Engineer based on his or her estimate of potential damage. Restoration bonds shall be released when all damaged facilities, if any, have been restored to the satisfaction of the Village Engineer.

(2) Progressive Installation. The developer may apply for final approval and recording of only a portion of the entire subdivision. Under such a progressive unit development procedure, the installation of requirements and sale or lease of lots may proceed only on that portion of the subdivision which has been approved and recorded.

(3) Failure to Complete Site Improvements. In the event the developer fails to complete the installation of all improvements according to the terms and conditions of the agreement, the Village, upon proper notice, may complete same and appropriate such portion of money or bonds posted for the faithful performance of said work. Any adjustments required in the elevation of sanitary manholes, catch basins and fire hydrants due to final grading shall be paid for by the subdivider/developer.

(4) Indemnity Insurance. A policy of indemnity insurance in the amount of $500,000 / $1,000,000 personal liability and $25,000 property damage protecting the Village against claims for damage to persons or property resulting from or by reason of the

construction of the above mentioned improvements shall be furnished to the Village and maintained in force by the subdivider/developer. The insurance policy shall remain in full force and effect until all improvements are completed and maintained to the satisfaction of Council.

(k) Provisions for Maintenance and Operations.

Where the subdivision contains sewers, pumping stations, sewage treatment plants, water supply systems, park areas, street trees, detention/retention stormwater ponds or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which are of such character that the Village does not desire to maintain them, then, provision shall be made by trust agreements which are a part of the deed restrictions and which are acceptable to the Commission for the proper and continuous maintenance and supervision of such facility by the lot owners in the subdivisions.

(l) Variances.

When topography and other physical conditions make full compliance with the minimum required improvements of this Article a substantial hardship upon the owner, the Commission may refer the problem of compliance to the Village Engineer and the Council for recommendations as to permissible variances.

Section 20.5 Enforcement.

(a) Recording of Plat.

No plat of any subdivision shall be entitled to be recorded in the office of the Recorder of Lake County or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid and the Village Council shall institute proceedings to have the plat stricken from the records of Lake County, State of Ohio.

(b) Sale of Land in Subdivision.

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plan of plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale of 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 transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

(c) Permits.

Zoning or building 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.

(d) Public Improvements.

The Village here defines its policy to be that they will withhold all public improvements of any 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 the Village Council in the manner prescribed herein.

(e) Revision of Plat After Approval.

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

(f) Fees.

(1) At the time of submitting a preliminary plan, the subdivider shall pay a review fee and the amount of such fee shall be in accordance with the Zoning Code Fee Schedule (see, Art. 17, §17.5 and Appendix A).

(2) In addition to the above review fee, the subdivider shall be charged actual costs for the review of detailed improvement plans and for the cost of inspection and supervision of all improvements in the subdivision which fall under the jurisdiction of the Village Engineer. The amount of the initial deposit and method of payment shall be as follows:

(A) (i) Subdividers shall pay to the Village a fee for inspection and supervision in the amount of three percent (3%) of the cost of construction of the required improvements, plus, (ii) a flat $400.00 fee for review of the construction plans, specifications and documents plus 0.1% of the cost of the construction of the required improvements based upon the Village Engineer's estimate of said cost. Said fee shall be paid prior to recordation of the plat.

(B) The subdivider shall deposit with the Village a testing and surveying deposit in an amount equal to 2% of the cost of the construction of the required improvements. Tests performed by the Village by commercial laboratory or professional consultant to verify compliance with construction standards shall be billed to the subdivider's testing and surveying deposit at the rates charged by said laboratory or professional consultant hired by the Village. Any testing costs required in addition to the testing and surveying deposit posted by the subdivider shall be billed to the subdivider at the rates as charged by said laboratory or professional consultant hired by the Village. Any excess testing and surveying deposit shall be refunded to the developer.

(C) Any land survey location integration services necessary for compatibility with the County's Geographic Information System mapping shall be paid by the subdivider.

(3) The subdivider shall pay the actual cost of recording the plat(s) with the County Recorder.

(g) Penalty and Remedies.

See, Article 17, §17.7(a) related to criminal penalties for violations of this ordinance, and, see Article 17, §17.8 related to civil remedies for violations of this ordinance.

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ARTICLE 21 RESERVED

ARTICLE 22 ZONING DISTRICT MAP

The Zoning District Map attached hereto, incorporated herein and marked Exhibit "1," be and the same hereby is approved and adopted as the official Zoning District Map of the Village of Madison.

ARTICLE 23 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Zoning Code they shall be held be to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Code to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Code or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Code; nor is it intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provisions of this Code shall control.

ARTICLE 24 SEVERABILITY

If any article, section, subsection, paragraph, sentence or phrase of this Zoning Code is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion(s) of this Code.

APPENDIX A
(Zoning Code Article 17, §17.5)

MADISON VILLAGE ZONING CODE FEE SCHEDULE

	Description	Amount
1.	Single-family dwelling	$50.00
2.	Accessory building	$20.00 per structure
3.	Two-family dwelling	$70.00
4.	Multiple dwelling	$50.00 (first unit) $20.00 (per additional unit)
5.	Addition or alteration to existing dwelling	$25.00
6.	Commercial or industrial permit (construction, addition, or alteration)	$0.03/sq. ft. with $100 minimum and $500 maximum fee
The fee for the application for a zoning certificate for the use of land not involving structures, including changes in the use of land, shall be $10.00. Additional fees shall be as follows:		
7.	Copy of the Zoning Code	$10.00 per book
8.	Copy of the Zoning Map	$10.00 each
9.	Fence Permit	$10.00
10.	Swimming Pool, Hot Tub, and Similar Installation Permit	$20.00
11.	Sign permit	$10.00
12.	Conditional Use Permit - Commission hearing will be held with notice once in a local paper 15 days prior to the hearing. - First class mail notice to those within 200' of the property will be sent 15 days prior to the Commission hearing.	$100.00 + the current USPS first class mail cost for each person notified.

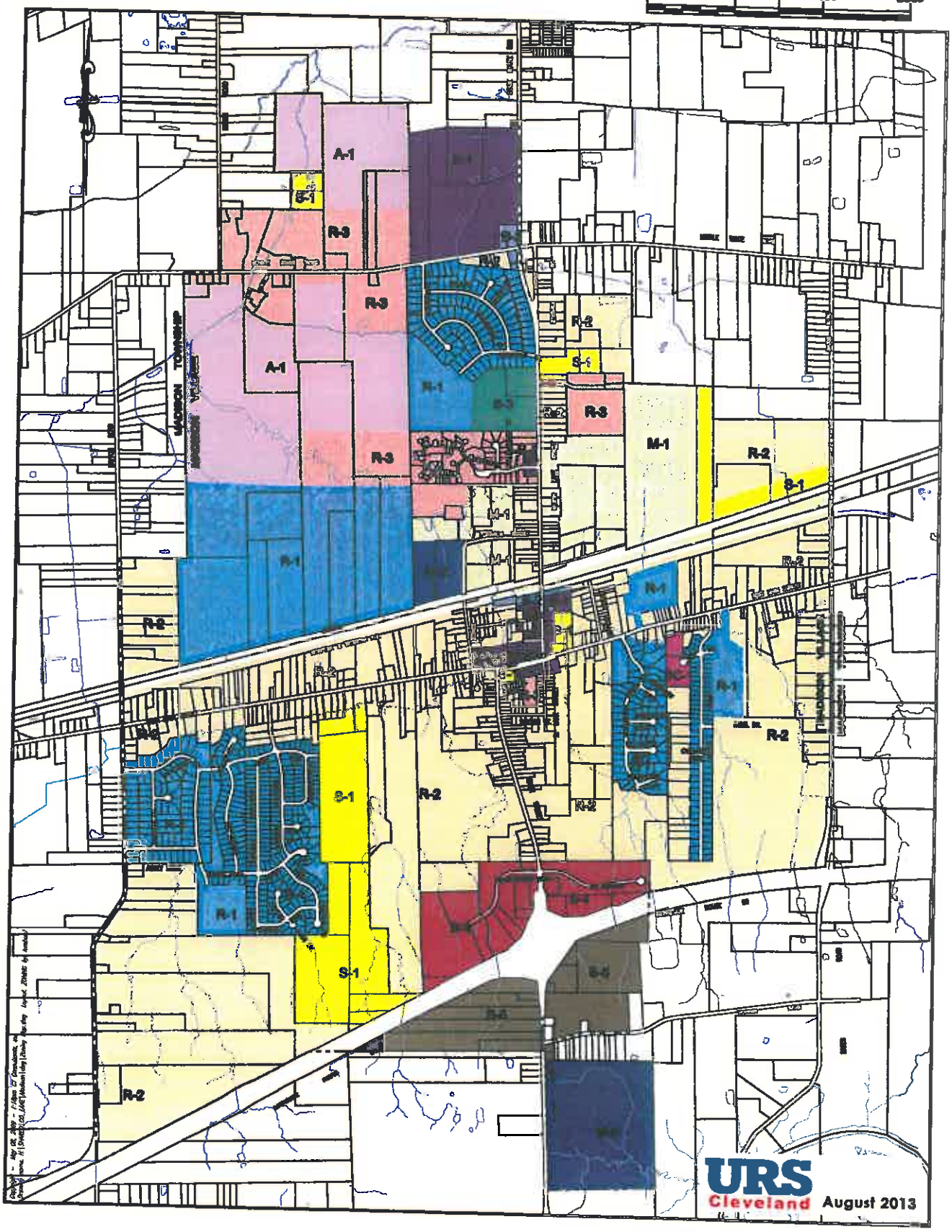
13.	**BZA Application** - BZA hearing will be held with notice once in a local paper 15 days prior to the hearing. - Certified mail to all adjoining property owners will be sent 15 days prior to the hearing.	$100.00 + the current USPS certified mail cost for each person notified.
14.	**Rezoning Application** - Commission hearing will be held with two local newspaper notices at least 10 days prior to the hearing. - First class mail notice to those within 200' of the property will be sent regarding the Commission hearing at least 5 days prior to the hearing. - Council hearing will be held with notice once in a local newspaper 30 days prior to the hearing. - First class mail notice to those within 200' of the property will be sent regarding the Council hearing at least 20 days prior to the hearing	$300.00 + twice the current USPS first class mail cost for each person notified.
15.	Site Development Plan Review Application	$100 + $10 per acre Additional bonding, testing, and fees are required per §19.7.
16.	**Subdivision** Application - An application form will be completed by the subdivider. - The lot fee and engineering deposit will be paid. - 10 copies of the proposed subdivision will be submitted. - The submission of said material will be provided to the Zoning Inspector 28 calendar days prior to the next regular Commission meeting.	A review fee of $250, or, $10 per proposed lot, whichever is greater, plus: Inspection and supervision fees as determined by §20.5(f). Testing and surveying fees per §20.4(i). Additional bonding and insurance requirements are required per §20.4(j).

MADISON VILLAGE ZONING

B-1	GENERAL BUSINESS	R-1	RESIDENTIAL SUBDIVISION	S-1	SPECIAL	M-1	LIMITED INDUSTRY
B-2	HIGHWAY BUSINESS	R-2	RESIDENTIAL	SC-1	SENIOR CITIZEN RESIDENTIAL	M-2	GENERAL INDUSTRY
B-3	PLANNED COMMERCIAL	R-3	MULTIPLE RESIDENTIAL	B-5	FREEWAY BUSINESS/ INDUSTRIAL	A-1	AGRICULTURAL
B-4	FREEWAY BUSINESS						

GRAPHIC SCALE

1400 0 700 1400 2800



URS Cleveland August 2013