`

NEWTOWN ZONING CODE
TABLE OF CONTENTS

CHAPTER 1 GENERAL PROVISIONS
1.0 Preamble 7
1.1 Title 7
1.2 Interpretation of Standards 7
1.3 Severability 7
1.4 Rules for Text Interpretation 7

CHAPTER 2 DEFINITIONS .....
2.0 Definitions 8

CHAPTER 3 DISTRICT ESTABLISHMENT AND MAP
3.0 Division of Village into Districts 24
3.1 Official Zoning Map 24
3.2 Interpretation of District Boundaries 24
3.3 Lot Divided, Extension of District 24
3.4 Vacated Street or Alley 25
3.5 Annexations 25
3.6 Conformance with Regulations 25

CHAPTER 4 SUPPLEMENTAL DISTRICT REGULATIONS
4.0 Residential Conversions to Accommodate a Greater Number of Dwelling Units 26
4.1 Regulations for Drive-In, Drive-Through, or Carry-Out Eating and Drinking Establishments 26
4.2 Restrictions and Limitations on Floodway Fringe Development 26
4.3 Reduction of Required Area or Space 27
4.4 Clear Sight Distance at Street and Access Drive Intersections & Corner Lots 27
4.5 Fences and Hedges 28
4.6 Satellite Dishes 29
4.7 Home Occupations 30
4.8 Cellular or Wireless Communication Systems 30
4.9 Performance Standards to Regulate Potential Hazards and Nuisances 35
4.10 Regulations for Automotive Service Stations and Automotive Filling Stations ...36
4.11 Regulations for Active Outdoor Recreation Areas 38
4.12 Outdoor Bulk Storage or Display 38
4.13 Adult Entertainment Facility 39
4.14 Regulations for Multiple Family Dwellings 39
4.15 Regulations for Convalescent Care, Assisted Living Facilities, and Nursing Homes 40
4.16 Regulations for Outdoor Lighting 40
4.17 Dumpster and Trash Handling Areas for Non-Single Family Districts……41
4.18 Swimming Pools and Spas……42
4.19 Mobile Storage Structures ……42
4.20 Parking of Recreational Vehicles……..… 44
4.21 Medical Marijuana Prohibition……..…44

4.22 Handicapped Accessible Ramps…… 44
4.23 Mobile Food Vendors Requirements 45

CHAPTER 6 LOTS OF RECORD
6.0 Dwelling on Any Lot of Record 47
6.1 Non-Conforming Dwelling Units 47

CHAPTER 7 HEIGHT MODIFICATIONS
7.0 Height Limitations 48
7.1 Architectural Features and Farm Buildings 48
7.2 Places of Public Assembly.....48
7.3 Single Family Dwellings.....48

CHAPTER 8 FRONTAGE AND YARD MODIFICATIONS AND PROJECTIONS
8.0 Building on Through Lots.....49
8.1 Average Depth of Front Yards.....49
8.2 Rear and Side Yard Depth Computation 49
8.3 Required Yard Requirements.....49
8.4 Corner Lot Yard Requirements.....49
8.5 Projection of Architectural Features 50
8.6 Yard Requirements Where Lot Includes More Than One Main Building.....50

CHAPTER 9 NON-CONFORMING USES
9.0 Existing Non-Conforming Uses Continuation.....51
9.1 Discontinuance of Use 51
9.2 Improvement to an Existing Non-Conforming Use.....51
9.3 Exceptions to the Non-Conforming Regulations.....51
9.4 Replacing Damaged Non-Conforming Structures 52

CHAPTER 10 AGRICULTURAL DISTRICT
10.0 Purpose.....53
10.1 Principally Permitted Uses.....53
10.2 Permitted Accessory Uses.....53
10.3 Conditionally Permitted Uses 53
10.4 Minimum Lot Area and Lot Width.....53
10.5 Minimum Front Yard Setback 53
10.6 Minimum Side Yard Setback.....53
10.7 Minimum Rear Yard Setback 53
10.8 Maximum Height Regulations.....54

CHAPTER 12 R-SFE RESIDENTIAL SINGLE FAMILY ESTATES
12.0 Purpose.....55
12.1 Principally Permitted Uses.....55
12.2 Permitted Accessory Uses.....55
12.3 Conditionally Permitted Uses 55
12.4 Minimum Lot Area and Width 55

12.5 Minimum Front Yard Setback 55
12.6 Minimum Side Yard Setback.....55
12.7 Minimum Rear Yard Setback 55
12.8 Maximum Height Regulations.....56

CHAPTER 14 R-SF RESIDENTIAL-SINGLE FAMILY DISTRICT
14.0 Purpose 57
14.1 Principally Permitted Uses.....57
14.2 Permitted Accessory Uses.....57
14.3 Conditionally Permitted Uses 57
14.4 Minimum Lot Area and Width 57
14.5 Minimum Front Yard Setback 57
14.6 Minimum Side Yard Setback.....57
14.7 Minimum Rear Yard Setback 57
14.8 Maximum Height Regulations.....57

CHAPTER 16 R-TF RESIDENTIAL-TWO FAMILY DISTRICT
16.0 Purpose.....58
16.1 Principally Permitted Uses.....58
16.2 Permitted Accessory Uses.....58
16.3 Conditionally Permitted Uses 58
16.4 Minimum Lot Area and Width 58
16.5 Minimum Front Yard Setback 58
16.6 Minimum Side Yard Setback.....59
16.7 Minimum Rear Yard Setback 59
16.8 Maximum Height Regulations.....59

CHAPTER 18 R-MF RESIDENTIAL-MULTIPLE FAMILY DISTRICT
18.0 Purpose.....60
18.1 Principally Permitted Uses.....60
18.2 Permitted Accessory Uses.....60
18.3 Conditionally Permitted Uses 60
18.4 Minimum Lot Area and Width 60
18.5 Minimum Front Yard Setback 61
18.6 Minimum Side Yard Setback.....61
18.7 Minimum Rear Yard Setback 61
18.8 Maximum Height Regulations.....62

CHAPTER 20 P-V PLANNED VILLAGE CENTER DISTRICT
20.0 Purpose.....63
20.1 Principally Permitted Uses.....63
20.2 Permitted Accessory Uses.....63
20.3 Conditionally Permitted Uses 63
20.4 Minimum Lot Area and Width 63
20.5 Minimum Front Yard Setback 64
20.6 Minimum Side Yard Setback.....64
20.7 Minimum Rear Yard Setback 64
20.8 Maximum Height Regulations.....65

20.9 Additional Requirements 65

CHAPTER 22 G-B GENERAL BUSINESS DISTRICT
22.0 Purpose……..… 66
22.1 Principally Permitted Uses.....66
22.2 Permitted Accessory Uses.....66
22.3 Conditionally Permitted Uses 66
22.4 Minimum Lot Area and Width 66
22.5 Minimum Front Yard Setback 66
22.6 Minimum Side Yard Setback.....66
22.7 Minimum Rear Yard Setback 67
22.8 Maximum Height Regulations.....67
22.9 Additional Requirements 67

CHAPTER 24 LIP LIGHT INDUSTRIAL PARK DISTRICT
24.0 Purpose.....68
24.1 Principally Permitted Uses.....68
24.2 Permitted Accessory Uses.....68
24.3 Conditionally Permitted Uses 68
24.4 Minimum Lot Area and Width 68
24.5 Minimum Front Yard Setback 68
24.6 Minimum Side Yard Setback.....68
24.7 Minimum Rear Yard Setback 68
24.8 Maximum Height Regulations.....69
24.9 Additional Requirements 69

CHAPTER 26 ORP OFFICE RESEARCH PARK DISTRICT
26.0 Purpose.....70
26.1 Principally Permitted Uses.....70
26.2 Permitted Accessory Uses.....70
26.3 Conditionally Permitted Uses 70
26.4 Minimum Lot Area and Width 71
26.5 Minimum Front Yard Setback 71
26.6 Minimum Side Yard Setback.....71
26.7 Minimum Rear Yard Setback 71
26.8 Maximum Height Regulations.....71
26.9 Additional Requirements. 71

CHAPTER 27 HISTORIC OVERLAY DISTRICT
27.0 Purpose…….....72
27.1 Historic District Boundaries 72
27.2 Design Review Criteria 72
27.3 Maintain Height, Shape, and Scale as Represented by Existing Buildings.....72
27.4 Maintain Existing Skyline Created by Roofline Contour and Cornice.....73
27.5 Maintain the Existing Rhythm of Façade Pattern and Detail 73
27.6 Construction Materials Appropriate to the District 74
27.7 Paint Colors Appropriate to the District… 75
27.8 Landscape Elements and Street Furniture Appropriate to the District 75

27.9 Sign Designs Appropriate to the District 75
27.10 Accessory Structures Must Enhance, Yet Be Subordinate to the Primary Structure in Size, Scale and Architectural Detail....76
27.11 Exterior Lighting Appropriate to the District in Type, Design, Location and Quantity 76
27.12 Review Procedures....76
27.13 Landscape Plan Required....76
27.14 Utilities....77
27.15 Pedestrian Circulation 77

CHAPTER 28 BUFFER YARDS AND LANDSCAPING
28.0 Purpose....78
28.1 Applicability 78
28.2 General Requirement for Submission....78
28.3 Approval 79
28.4 Buffer Yard Standards and Screen Standards....79
28.5 Screening and Buffering Required....80
28.6 Buffer Yard Requirements....81
28.7 Modification....81

CHAPTER 30 OFF-STREET PARKING AND LOADING
30.0 General Requirements....84
30.1 Off-Street Parking and Design Standards....84
30.2 Determination of Required Spaces 86
30.3 Outdoor Lighting 86
30.4 Parking Space Requirements 86
30.5 Joint or Collective Parking Facilities....88
30.6 Handicapped Parking Requirements....88
30.7 Off-Street Loading Space Requirements 88
30.8 Off-Street Loading Design Standards....88
30.9 Submission to Planning Commission 89
30.10 Modifications 89
30.11 Pavement in Required Front Yards of Residential Uses....90

CHAPTER 32 SIGN REGULATIONS
32.0 Purpose....91
32.1 Application of Chapter....91
32.2 Prohibited Signs 92
32.3 Signs Exempt From Chapter....93
32.4 Signs Partially Exempt From Chapter 93
32.5 Signs Allowed in the Right of Way and on Public Property 94
32.6 Temporary Signs....94
32.7 General Provisions....96
32.8 Permitted Signs in Non-Residential Districts 97
32.9 Permitted Signs in P-V Planned Village Districts 99
32.10 Signs Permitted in Residential Zoning Districts....101
32.11 Signs in a Planned Unit Development 102

32.12 Maintenance of Signs....102
32.13 Sign Permit Applications and Fees....102
32.14 Variances....102
32.15 Rights Reserved by the Village....103
32.16 Enforcement....103

CHAPTER 34 PLANNED UNIT DEVELOPMENT
34.0 Purpose....104
34.1 Types of Planned Unit Developments and Permitted Uses....104
34.2 Required Open Space....104
34.3 Required Contents of the Concept Plan....104
34.4 Conditions of Approval....105
34.5 Increase in Density....106
34.6 Planning Commission and Village Council Action....106
34.7 Detailed Site Development Plan Approval Procedure....106
34.8 Amendments to an Approved Planned Unit Development....107

CHAPTER 36 ADMINISTRATION
36.0 Purpose....108
36.1 Responsibilities of the Building Commissioner....108
36.2 Village Planning Commission....108
36.3 Conditional Use Permits....110
36.4 Village Council....112
36.5 Text Amendments and Changes of Zoning Districts....113
36.6 Site Plan Review....114
36.7 Board of Zoning Appeals....117
36.8 Zoning Certificates....122

CHAPTER 38 ENFORCEMENT
38.0 Enforcement by Village Building Commissioner....123
38.1 Revocation of Zoning Certificate....123
38.2 Schedule of Fees....123

CHAPTER 90 VIOLATION, REMEDIES AND FEES
90.0 Violation....124
90.1 Notice of Violation....124
90.2 Remedies....124
90.3 Fees....125

CHAPTER 1
GENERAL PROVISIONS

1.0 Preamble

An ordinance of the Village of Newtown enacted in accordance with a comprehensive plan and for the purpose of promoting the public health, safety, morals, convenience, and general welfare, establishing land use classifications, dividing the Village into districts, imposing regulations, restrictions, and prohibitions on the use and occupancy of real property, limiting the height, area, and bulk of buildings and other structures, providing for yards and other open spaces around them, establishing standards of performance and design, and providing for the administration and enforcement thereof.

1.1 Title

This Code shall be known and may be cited and referred to as the Zoning Code of the Village of Newtown, Ohio.

1.2 Interpretation of Standards

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements. Wherever this Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or ordinances, the provisions of this Code shall govern.

1.3 Severability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1.4 Rules for Text Interpretation

In the interpretation of the text of this Code, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules shall apply to the text:

A. The particular shall control the general.
B. In case of any difference of meaning or implication between the text and any table, the text shall control.
C. The word “shall” shall be mandatory and not discretionary. The words “may” or “should” shall be permissive.
D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
E. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

CHAPTER 2
DEFINITIONS

2.0 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

2.001 Adult Entertainment Facility. A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

A. Adult Book Store. An establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films or mechanical or non-mechanical devices, which constitute adult materials.

B. Adult Material. Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch and:

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination; or
2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.

C. Adult Motion Picture Theater. An enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from, adult material for observation by patrons therein.

D. Adults Only Entertainment Establishment. An establishment which features services which constitute adult material, or which features exhibitions of persons totally nude, topless, or bottomless, or strippers, male or female impersonators, or similar entertainment which constitute adult material.

2.002 Agriculture. The use of land for agricultural purposes, including farming of crops, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; however, the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

2.003 Alley. Any public or private thoroughfare less than thirty (30) feet wide affording only secondary means of access to abutting properties.

2.004 Apartment. See **Dwelling, Multi-family.**

2.005 Assisted Living Facility. A residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to

this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.

2.006 Automotive Service. Any general repair or the replacement of parts of motor vehicles or trailers.

2.007 Automotive Sales Area or **Trailer Sales Area.** An open lot, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

2.008 Automotive Filling Station. Any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories.

2.009 Automotive Wash or **Automatic Car Wash.** A building or structure where chain conveyors, blowers, steam cleaners, or other mechanical devices are employed for the purpose of automatically or manually washing motor vehicles.

2.010 Automotive Wrecking Yard. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

2.011 Basement. A story partly underground and having at least one-half of its height above the average adjoining grade.

2.012 Bed and Breakfast Establishment. Any owner- occupied dwelling unit that contains no more than four rooms where lodging, with or without meals, is provided for compensation.

2.013 Block. In describing the boundaries of a district, **Block** refers to the legal description. In all other cases, **Block** refers to the property abutting on one side of a street between two intersecting streets or a street and a railroad right-of-way or watercourse.

2.014 Board. The Board of Zoning Appeals of the Village of Newtown.

2.015 Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property.

2.016 Building, Height of. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

2.017 Building Line. The line, parallel to the street line, beyond which no building or part thereof shall project.

2.018 Buildable Lot Area. The portion of a lot remaining after required yards have been provided.

2.019 Bulk Storage or Display. The display of two or more items which are identical or nearly identical. Examples include, but are not limited to, raw materials, firewood, mulch, fertilizer, building materials, building maintenance products, packaged food products, soft drinks, salt products, furniture and household goods, statuary and other manufactured concrete products, and like items.

2.020 Business Services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective service, equipment rental and leasing (without outdoor storage), commercial research, development and testing, photo finishing, and personal supply services.

2.021 Cellar. An enclosed space within the foundation walls of a building and having more than one-half of its height below the average adjoining grade.

2.022 Cellular/Personal Communications Antenna. Any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, computers, or other personal communications devices and ground-wired communications systems, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips and other equipment utilized to service personal communication services.

2.023 Cellular/Personal Communications Services Site. A tract, lot or parcel of land that contains the cellular communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular/personal communications services transmissions.

2.024 Cellular/Personal Communications Services Support Structure. Any building or structure accessory to, but necessary for the proper functioning of the cellular/personal communications antenna or tower.

2.025 Cellular/Personal Communications Services Tower. Any freestanding structure used to support a cellular/personal communications services antenna. The height of a Cellular/Personal Communications Services Tower shall be measured from the base of the structure to its top, including any antenna located thereon.

2.026 Cemetery. Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries, if operated in connection with, and within the boundaries of, such Cemetery.

2.027 Clinic. A place used for the care, diagnosis, and treatment of sick, ailing, infirm, and injured persons who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

2.028 Club. A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, recreational, charitable, political, patriotic or athletic purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

2.029 Commercial Communication Antenna. A tower, pole, or other similar device erected on the ground or rooftop for the purpose of transmitting or receiving radio, micro, cellular, or other electromagnetic waves between terrestrial and orbital uses.

2.030 Commission. The Village Planning Commission of the Village of Newtown, Ohio.

2.031 Conference Center. A facility which can be used for conferences and seminars, which may have accommodations for sleeping, food preparation, eating, recreation, entertainment, resource facilities, and meeting rooms.

2.032 Convalescent Care Facility. A building or group of buildings, public or private, which provides personal care or nursing to ill, physically infirm or aged persons who are not related by blood or marriage to the operator.

2.033 Council. The Village Council of the Village of Newtown, Ohio.

2.034 Court. An open, unoccupied, and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides and is fully open to the sky.

2.035 Day Care Center. A building or structure where care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week, to at least five persons at one time, including any relation of the day care provider.

2.036 District. A portion of the territory of the Village, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. The term R-District means any R-SF, R-TF or R-MF District.

2.037 Drive-in or Drive-through Facility. Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

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

2.039 Dwelling, Multi-family. A building or portion thereof designed for or used by three or more families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.

2.040 Dwelling, Secondary. A second independent dwelling, attached or detached to the primary single family dwelling, housing a relative related by blood or marriage on the same lot.

2.041 Dwelling, Single-family Detached. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.

2.042 Dwelling, Two-family. A building designed for or used exclusively by two families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.

2.043 Eating and Drinking Establishment. A retail establishment selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on-site consumption.

2.044 Educational Institution. A facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and technical and collegiate level schools.

2.045 Entranceway Sign. A type of ground sign located at the entrance or entrances of residential, commercial or industrial subdivisions that incorporate high quality building materials and landscaping to create a uniquely identifiable landmark for the subdivision.

2.046 Essential Services and Utilities. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, 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 health, safety, or general welfare.

2.047 Family. One or more individuals living together as a single housekeeping unit in a dwelling, and maintaining and using the same and certain other housekeeping facilities in common.

2.048 Fence. An artificial barrier made of wire, wood, metal, masonry or other material typically used as fencing or determined appropriate by the Building Commissioner, used as a screen, enclosure, or divider intended to prevent escape or intrusion, to mark a boundary, or to enclose an area for a yard or open space. The term Fence includes a wall, gate or other structure used as a fence, but does not include underground containment mechanisms, such as “invisible fences” for pet containment.

2.049 Financial Institution. Any building, property or activity of which the principal use or purpose is the provision of financial services, including but not limited to, banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions, and mortgage companies.

2.050 Floor Area. The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

2.051 Floor Area Ratio. The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

2.052 Frontage. All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or Village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. The Frontage of a lot shall be measured along the front property line.

2.053 Funeral Home. Any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

2.054 Garage, Private. A detached accessory building or portion of the principal building, including a carport, car porch, or membrane structure, used only for the storage of automobiles or trailers by the family resident on the premises.

2.055 Garage, Public. A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair, or refinishing of automobiles or trailers.

2.056 Group Home. Any licensed residential facility designed to allow no more than eight (8) persons, needing specialized care, counseling, ongoing medical treatment or supervision, to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.

2.057 Hedge. A growth of shrubbery planted to function as a boundary, fence or screen.

2.058 Heliport. An area on the ground or on a roof used by helicopters or steep gradient aircraft to pick up or discharge passengers or cargo.

2.059 Home Occupation. Any occupation or profession conducted entirely within a dwelling and carried on by the inhabitants thereof, which is an accessory use clearly incidental and secondary to the use of the structure for dwelling purposes. Home Occupation shall not include any retail or wholesale business of any kind or any similar intensity of activities regardless of remuneration involving in-person transactions on the premises.

2.060 Hospital. An institution providing health services primarily for inpatient medical or surgical care for sick or injured persons, including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

2.061 Hotel. A facility with room entrances accessed through an interior corridor, offering transient lodging accommodations on a daily rate to the general public and possibly providing additional services, such as restaurants, meeting rooms, and recreational facilities.

2.062 Impervious Surface Ratio. A measure of the intensity of land use determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot.

2.063 Industry. Any storage, manufacture, preparation, or treatment of any article, substance or commodity for commercial use.

2.064 Institutional Use. A building, structure or land owned or operated publicly or by a non-profit or religious institution (or entity) used for educational, religious, or similar types of purposes. This includes, but is not limited to, schools, universities, churches and other places of worship, and cemeteries.

2.065 Kennel. Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, sold, or which offers provisions for minor medical treatment of animals.

2.066 Kitchen. Any room in a building or dwelling unit which is used for cooking or preparing food.

2.067 Land Use Plan or **Comprehensive Master Plan.** The Comprehensive Plan Update of the Village of Newtown as adopted by Village Council indicating the desirable use of land in the Village as officially adopted and as amended by the Village Planning Commission. Such plan serves as a guide in the zoning and progressive changes in zoning of land to meet the changing needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools and public buildings.

2.068 Loading Space. An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

2.069 Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces required by this chapter, and having frontage on a public street.

2.070 Lot Area. The computed horizontal area contained within the lot lines.

2.071 Lot, Corner. A lot abutting on two or more streets at their intersection or on two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

2.072 Lot Depth. The average horizontal distance between the front and the rear lot lines.

2.073 Lot Line, Front. The line separating the lot from the street on which it fronts.

2.074 Lot, Interior. A lot other than a corner lot and with frontage on one street.

2.075 Lot Lines. The property lines bounding the lot.

2.076 Lot Line, Rear. The lot line opposite and most distant from the front lot line.

2.077 Lot Line, Side. Any lot line other than a front or rear lot line.

2.078 Lot Line, Street or Alley. A lot line separating the lot from a vehicular public or private right-of-way.

2.079 Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Hamilton County, Ohio, or a lot described by metes and bounds, the description of which has been recorded in such office.

2.080 Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

2.081 Lot Width. The width of the lot measured at right angles to the building setback lines.

2.082 Medical Marijuana. Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose, regardless of whether such marijuana is, or is not, in a form or intended for incorporation into a form permitted under Ohio Revised Code Section 3796.06.

2.083 Membrane Structure. Air supported or inflated, membrane-covered cable, frame, or tensioned structures, including circus and carnival tents, entertainment, recreational and food service establishments and other similar structures.

2.084 Manufacturing. The process of making or fabricating raw materials by hand, machinery or the combination thereof into finished parts or products.

2.085 Mobile Food Vending Unit shall mean a food service operation or retail food establishment that is operated from a food truck, food trailer, pedi-food cart, or pushcart, and that can or does routinely change location, but will be fixed on-site. For the purposes of this definition a mobile food vending unit excludes food delivery operations and vending machines.

2.086 Motel. A facility with exterior room entrances, offering transient lodging accommodations on a daily rate to the general public and perhaps providing additional services, such as restaurants, meeting rooms, and recreational facilities.

2.087 Nameplate: A permanent sign no larger than one square foot placed on the front of a residential structure, or mounted in the front lawn of a residential property. A nameplate will be included in the calculation of the maximum signage area allotted to a parcel.

2.088 Non-conforming Use. See Use, Non-conforming.

2.089 Nursing Home. A privately operated state-licensed place of domicile or other facility which offers skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of persons who are convalescing from illness or incapacitation. Also see Convalescent Care Facility.

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

2.091 Open Space. Land used for resource protection, recreation, amenity and/or buffers.

2.092 Park or Parkland. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

2.093 Parking Area, Private. An open area for the same uses as a private garage.

2.094 Parking Area, Public. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

2.095 Parking Space. A paved area of not less than 162 square feet and having a width of not less than nine (9) feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

2.096 Personal Services. Establishments primarily engaged in providing services involving the care of people or their personal goods or apparel, such as normally conducted by a barber, beautician, tailor, dressmaker, doctor, attorney, architect or a photocopy duplication center.

2.097 Pet. A domestic animal that is customarily kept for personal use or enjoyment within the home. Typical household pets include, but are not limited to, cats, dogs, rabbits and birds.

2.098 POD. Any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

2.099 Printing and Related Trades. Establishments that provide duplicating services using photocopy, blueprint and/or offset printing equipment, including the collating of booklets

and reports. Copy service centers or self-service copy centers that primarily utilize photocopy machines as their source of duplication are not printing and related trades.

2.100 Public Building. A structure or portion of a structure owned, operated or controlled by a government agency for the performance of certain specialized governmental activities required for day-to-day functions.

2.101 Recreation, Active. The use of improved land, open to the general public, which provides facilities serving the recreational needs of the community. Active recreational areas shall include, but are not limited to, swimming pools, athletic fields, tennis courts, amphitheaters, community centers, and playgrounds.

2.102 Recreation, Commercial. Land or facilities operated as a business that are open to the general public for a fee including, but not limited to, roller blade rental, billiard parlors, video amusement arcades, pay-to-play athletic fields, golf courses, ice skating rinks and swimming pools.

2.103 Recreation, Non-commercial. Any land or facility operated by a governmental agency or non-profit organization and open to the public or members of the non-profit organization without a fee including, but not limited to picnic areas, bike/hike trails, public golf courses, athletic fields and swimming pools.

2.104 Recreation, Passive. The use of unimproved land, in its natural state and open to the general public, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreational areas shall include, but are not limited to unimproved backpacking trails, unimproved hiking trails, primitive camping areas, canoeing, swimming, rafting, scientific and scholastic studies. Lands may be improved for handicapped access.

2.105 Recreational Vehicle. Recreational vehicle shall be defined as any of the following: any privately owned boat, boat trailer, folding tent trailer, personal water craft, motorized home, pick-up camper, snowmobile, travel trailer, a three or four wheel all-terrain vehicle or other similar equipment.

2.106 Religious Places of Worship. An institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.

2.107 Research and Development Laboratory. A building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory.

2.108 Restaurant. An establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in

individual servings, or in non-disposable containers, provided that no drive-through window may be permitted.

2.109 Restaurant, Fast Food. An establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.

2.110 Rest Home. See Convalescent Care Facility.

2.111 Retail Business. Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale.

2.112 Right-of-way. Land dedicated to or owned by the public for use as a roadway, walk or other way.

2.113 Roadside Stand. A temporary business use devoted strictly to the sale of seasonal agricultural and horticultural products to the general public located in a wholly or partially enclosed structure.

2.114 Satellite Dish. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or tower. Such device shall be used only to receive radio or electromagnetic waves between terrestrial and orbital uses. Satellite dishes include, but are not limited to, television reception only satellite dish antennas and satellite microwave antennas.

2.115 Setback. The required minimum horizontal distance between the building line and the related front, side or rear property line.

2.116 Shopping Center. A grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking as an integral part of the unit.

2.117 Sign. An outdoor advertising structure, device, or visual communication designed or intended to convey information to the public in written or pictorial form.

2.118 Sign, Aerial. Any airborne floatation device which is tethered to the ground or to a building or other structure which directs attention to a business, commodity, service, or entertainment conducted, sold or offered.

2.119 Sign, Construction. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

2.120 Sign, Directional. Any on-premise sign giving directions, instructions, or facility information that does not contain the name or logo of an establishment or any advertising copy.

2.121 Sign, Freestanding. Any permanent sign not attached to a building. This shall include signs attached to poles and signs attached directly to the ground.

2.122 Sign, Government. Signs designed for control of, or to provide information to, traffic and other regulatory functions, and signs of public utilities and/or common carriers indicating danger and/or location of facilities and/or components, and aids for service or safety which are erected by the order of a public officer in the performance of his/her public duty.

2.123 Sign, Ground Mounted. Any freestanding sign, other than a pole mounted sign, independently supported by the ground or mounted on a decorative wall or fence.

2.124 Sign, Informational. Any off-premises sign located in the public right-of-way that is intended to direct vehicular or pedestrian traffic, giving direction or instructions, that does not contain any commercial message or advertising copy.

2.125 Sign, Non-conforming. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

2.126 Sign, Political. A temporary sign which announces the candidacy of a person or slate or persons running for elective office, or a political party or issue.

2.127 Sign, Portable Sandwich Board. A sign with two display surfaces that is not permanently anchored to the ground or a structure and has a hinged or A-frame construction that allows the sign to be displayed indoors or outdoors.

2.128 Sign, Portable. A sign which is movable and which is not permanently attached to the ground, a structure or other signs, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

2.129 Sign, Public. Any sign required or specifically authorized for a public purpose by any law, statute, or ordinance which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute, or ordinance under which the signs are erected (see government sign).

2.130 Sign, Projecting. A sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.

2.131 Sign, Real Estate. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

2.132 Sign, Snipe. Any sign that is posted on trees, landscaping, utility poles or structures, streetlights, fences, fire hydrants, bridges, curbs, sidewalks, park benches, streets, right of ways, or other locations on public property.

2.133 Sign, Subdivision. Any ground mounted or wall sign identifying a recognized subdivision, condominium complex, or residential development.

2.134 Sign, Temporary. Any sign not constructed or intended for long-term use that is not permanently mounted.

2.135 Sign, Wall. Any sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.

2.136 Sign, Window. A sign installed inside a window and intended to be viewed from the outside.

2.137 Sign, yard. A temporary sign, which is mounted on a stake or a frame structure) often made from wire) that includes one (1) or more stakes.

2.138 Sign, Area of. The entire area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. The area of signs composed of individual letters, numerals, symbols, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices with no interior angles greater than 180 degrees.

2.139 Sign Permit. The official written approval for the creation, erection or construction of a sign issued by the Village of Newtown.

2.140 Sign, Walker. An individual carrying a portable sign intended to convey a commercial message to vehicular traffic.

2.141 Site Plan. A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

2.142 Site Sign: A sign located on any parcel for which a building permit has been issued but on which construction related to such building permit is incomplete.

2.143 Standard, Performance. Criteria established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

2.144 Story. That portion of a building, included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any basement or cellar used for residence purposes shall be deemed a full story.

2.145 Story, First. The lowest story or the ground story of any building, the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.

2.146 Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story. Any partial story used for residence purposes shall be deemed a full story.

2.147 Story, Mezzanine. A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story if it covers more than one-third of the area of the story directly underneath the mezzanine story.

2.148 Street. A public right-of-way which provides a public means of access to abutting property for motor vehicles.

2.149 Structure. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

2.150 Structure, Accessory. See Use, Accessory.

2.151 Structural Alteration. Any change in the structural members of a building, such as walls, columns, beams, or girders.

2.152 Swimming Pool. Any structure located in-ground or above ground containing, or normally capable of containing, water to a depth at any point greater than 24 inches for the purpose of recreation, sports activity, or swimming.

2.153 Tavern. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

2.154 Thoroughfare Plan. The approved roadway plan adopted by the Village Council, establishing the location and official right-of-way width of principal highways and streets in the Village.

2.155 Trailer Home or **Mobile Home** (including **Motor Home, Automobile Trailer, Trailer Coach,** or **House Trailer**). Any vehicle or structure constructed to permit occupancy thereof as sleeping quarters, the conduct of any business, trade, or occupation, use as a selling or advertising device, or use for storage or conveyance for goods, equipment, or

machinery and so designed that it is or can be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motor power.

2.156 Trailer, Educational. Any trailer, mobile unit, or van that is used exclusively for the purpose of instruction or activities related to instruction by a school of general education.

2.157 Trailer Home Park or **Mobile Home Park.** Any lot or part thereof, or any parcel of land which is used or offered as a location for two or more trailers used for any purpose set forth in **Trailer Home** or **Mobile Home** above.

2.158 Use. The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

2.159 Use, Accessory or **Accessory Structure.** A use or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use. An accessory building or structure size and location is regulated by section 8.3 (A).

2.160 Use, Conditional. A use which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission in accordance with Chapter 34.

2.161 Use, Non-conforming. Any building, structure, or premises legally existing or used at the time of adoption of this chapter, or any amendment thereto, and which does not conform to the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.

2.162 Use, Principal Permitted. A use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Administrator provided that the applicant meets the applicable requirements of the Code.

2.163 Used. Arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

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

2.165 Vehicular Use Area. A paved lot utilized for the parking of motor vehicles.

2.166 Veterinary Hospital. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

2.167 Village. All of the land located within the jurisdictional boundaries of the Village of Newtown, Ohio.

2.168 Wireless Communication Systems. See Cellular or Personal Communication.

2.169 Wholesale Warehousing. An establishment engaged in the storage and selling of merchandise to retail establishments rather than to consumers.

2.170 Yard. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward.

2.171 Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot, usually the building line. The front yard shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line) to the closest point of a principal building, however, if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the official map of the Village differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Thoroughfare Plan or official map. Corner lots shall have two front yards.

2.172 Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line to the closest part of a principal building.

2.173 Yard, Side. A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line to the side of a principal building, and a line parallel thereto on the lot. The least width of a side yard shall be measured from the nearest side lot line to a principal building.

2.174 Zoning Permit. A document issued by the Building Commissioner authorizing buildings, structures, or uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions.

2.175 Zoning Map. The zoning map of the Village, together with all amendments subsequently adopted.

CHAPTER 3
DISTRICT ESTABLISHMENT AND MAP

3.0 Division of Village into Districts

The Village is hereby divided into twelve use districts as follows:

Abbreviation	District
A	Agricultural
R-SFE	Residential Single Family Estates
R-SF	Residential Single Family
R-TF	Residential Two-Family
R-MF	Residential Multiple Family
P-V	Planned Village Center
G-B	General Business
ORP	Office Research Park
LIP	Light Industrial Park
FF	Floodway Fringe Overlay
PUD	Planned Unit Development
HO	Historic Overlay

3.1 Official Zoning Map

The districts established in Section 3.0 are shown on the Official Zoning Map which, together with all explanatory matter therein, is hereby adopted as part of this Zoning Code and is hereby incorporated by reference into this Zoning Code. The Official Zoning Map, properly attested, shall remain on file in the office of the Village Administrator or his/her designee.

3.2 Interpretation of District Boundaries

Except where referenced on the map to a street or alley line or other designated line by dimensions shown on the map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of adoption of this Chapter, but where a district line obviously does not coincide with the lot lines as such, or center lines of streets or alleys, or where it is not designated by dimensions, it shall be determined by the use of the engineer's scale as measured on the Official Zoning Map.

When the streets or alleys on the ground differ from the streets or alleys on the Official Zoning Map, the Board of Appeals may apply the Zoning District designations on the map to the property on the ground in such a manner as to conform to the intent and purposes of this Section in the judgment of the Board.

3.3 Lot Divided, Extension of District

Where a district boundary line established in this Section or as shown on the Zoning Map divides a lot which was in single ownership at the time of enactment of this Chapter, the use authorized thereon and the other district requirements applying to the more restricted potion of such lot under this Chapter shall be considered as extending to the entire lot.

3.4 Vacated Street or Alley

Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district.

3.5 Annexations

All territory which may hereafter become a part of the Village of Newtown by annexation shall automatically be classed as lying and being in the same District as it was designated by the jurisdiction which the annexed territory was under state law. If there be a similar District in existence under these regulations; insofar as the use, area and height of buildings erected thereon can fit into a similar zone, such District shall be applied. If no such use or District is available, then such portion annexed shall automatically be classified as lying in the district in the Newtown Zoning ordinance that is most similar in description until such classification shall have been changed by an amendment to the Zoning Regulation, as provided for by law.

3.6 Conformance with Regulations

Except as hereinafter specified:

A. No land shall be used except for a use permitted in the Zoning District, in which it is located, or for a use conditionally permitted and subject to the issuance of a Conditional Use Permit.

B. No building shall be erected, converted, enlarged, reconstructed, nor shall any building be moved onto a zoning lot or within the same zoning lot, unless it is a use permitted in the Zoning District in which such building is located, except as provided for elsewhere in this Code.

C. No parcel of land or lot shall hereafter be created which does not conform to and meet the requirements of these regulations.

D. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.

CHAPTER 4
SUPPLEMENTAL DISTRICT REGULATIONS

4.0 Residential Conversions to Accommodate a Greater Number of Dwelling Units

This Section shall enable the owner of a dwelling unit to convert the structure to accommodate additional dwelling units, provided the following criteria are met:

A. When completed, the conversion shall conform to all the requirements for new construction of the Zoning District in which it is located, including use, density, lot size, yard requirements, and all other restrictions mandated by this Zoning Code.
B. Additional off-street parking must be provided in accordance with the requirements of Chapter 22, Off-Street Parking and Loading.
C. In no case shall a conversion result in the creation of a new dwelling unit which has a floor area of less than 400 square feet.
D. Each proposed dwelling unit shall be served by municipal water and sewer facilities.

4.1 Regulations for Drive-In, Drive-Through, or Carry-Out Eating and Drinking Establishments

In addition to the other relevant District regulations, drive-in, drive-through or carry-out eating and drinking establishments shall be reviewed by the Planning Commission during Site Plan Review as required by Chapter 34 and shall be further regulated as follows:

A. The location must be located on or near an arterial road; said road must be adequate to carry the additional traffic generated by the establishment. The Village may require the preparation of a traffic impact study by a qualified traffic engineer to determine the adequacy of the roadway.
B. A minimum of five (5) stacking spaces per drive-thru lane shall be required.
C. Exterior lighting, including illuminated signage, shall be so shaded, shielded or directed that the light intensity or brightness shall not extend beyond the subject property line to be determined by the submission of a photometric lighting plan.
D. A solid fence or wall four (4) to six (6) feet in height shall be constructed where any off-street parking area is located, adjacent to a dwelling unit or any residentially zoned parcel of land. An evergreen hedge maintained in good condition may be substituted for the required fence or wall, provided however, that the evergreen hedge provides an opaque screen to prevent the glare of headlights onto adjoining properties and provided that the Planning Commission approves such.

4.2 Restrictions and Limitations on Floodway Fringe Development

All underlying development within the floodway fringe shall be compatible with the requirements of the underlying Zoning District, Ordinance 13-1992, Special Purpose Flood Damage Prevention, or subsequent update, and the following regulations:

A. Residential Development: New construction, or substantial improvement or expansion, shall have the lowest floor (including the basement), elevated to a minimum of 1-foot above the base flood elevation. If placed on fill, the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon.

B. Commercial Development: New construction, or substantial improvement or expansion, shall have the lowest floor (basement included), elevated to a minimum of 1-foot above the base flood elevation. Accessory uses may be situated on lower elevations.

C. Manufacturing, Office, Warehouse and Industrial Development: Manufacturing and industrial buildings, structures and appurtenant works shall be raised 1-foot above the base flood elevation. Measures should be taken to minimize interference with normal plant operations, especially for streams having protracted flood durations. Certain accessory uses such as yards, railroad tracks and parking lots may be at lower elevations.

4.3 Reduction of Required Area or Space

Unless a variance is specifically granted by the Board of Zoning Appeals, no lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Code. No part of a yard, court, parking area or other space provided about or for any building or structure for the purpose of complying with the provisions of this Chapter, shall be included as part of the yard, court, parking area or other space required under this Chapter for another building or structure. Furthermore, any part of a yard, court, parking area or other space provided which is already less than the required minimum shall not be reduced further.

4.4 Clear Sight Distance at Street and Access Drive Intersections and Corner Lots

To insure that landscape materials do not constitute a driving hazard, a "clear sight triangle" will be observed at all street and access drive intersections. A clear sight triangle is the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines. See Figure 4.4A.

A. Design: The entire area of the clear sight triangle should be designed as illustrated in Figure 4.4A to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine (9) feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.

B. Restrictions Within Clear Sight Triangles: No landscape material with a mature height greater than twelve inches (12") shall be permitted within the sight triangle, except for trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine (9) feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to fire hydrants, public utility poles, street markers, governmental signs, traffic control devices, and existing natural grades which, by

reason of natural topography, rise twelve (12) or more inches above the level of the center of the adjacent intersection.

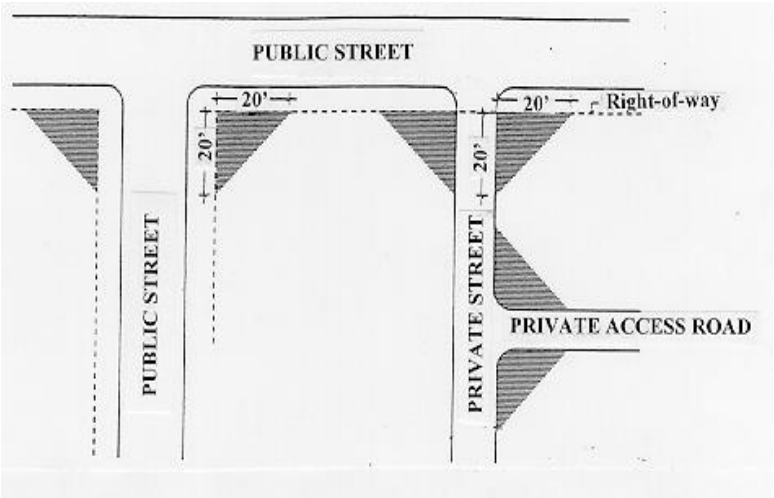


Figure 4.4A
Sight Distance Diagram

4.5 Fences and Hedges

Fences and hedges are permitted in all districts, subject to the following conditions:

A. A fence may be located on the corner of the lot in the front yard of any property if it is primarily of a decorative nature, rather than an enclosing nature and meets the following conditions:

1. Maximum height of four (4) feet.
2. Permitted fencing materials include picket (wood or simulated wood), wood split rail, and wrought iron (metal or simulated metal). Permitted piers include natural stone or brick.
3. Length may not exceed 25% of the total perimeter of the front yard beyond the front building line.
4. The face of the fence must be at least 75% open when viewed from a position perpendicular to the fence.
5. The requirements of this section shall not prevent the location of not more than six (6) masonry, (natural stone or brick) piers, per residential use, with size not to exceed 1'4" x 1'4"x 4' high.
6. No fence shall extend further than 15' from the corner of the lot.
7. Hedges may be permitted in the required front yard provided the hedge height does not exceed three (3) feet.
8. If no structure exists on said residential property, no fence, wall, or hedge may project past the front building line of the average of the adjacent properties or the minimum front yard setback, whichever is greater.

9. Any fence in which the supporting structure for the fence, including but not limited to, the footers, posts, beams, braces, cross braces, rails, or any part thereof, are visible only on one side of the fence, shall be constructed so that the supporting structure shall not be visible from the properties which are adjacent to the property on which the fence is being constructed.

Nothing in this section shall prevent the construction of screening or buffering as required by Sections 28.5 and 30.1.

B. Fences shall not exceed six (6) feet in height in the rear yard and four (4) feet in height in the side yard. Fences shall not exceed eight (8) feet in height in the ORP or LIP Districts or where approved by the Planning Commission for screening purposes in other districts. Such fences or hedges shall not be permitted within the required front yard.

C. Fences shall not contain an electric charge or barbed or razor wire.

D. No fence or hedge shall violate the sight distance requirements found in Section 4.4 of this Zoning Code.

E. The Building Commissioner may require that a property survey be prepared and submitted when the location of a proposed fence is such that the property lines or setbacks are in question.

4.6 Satellite Dishes

When permitted as an accessory use, satellite dishes are subject to the following conditions.

A. Satellite dishes shall be set back a minimum three (3) feet from all property lines. Satellite dishes shall be prohibited in the required front yards and shall be conditionally allowed in the required side yards of the property on which they are located.

B. The maximum height of any ground-mounted satellite dish shall not exceed fifteen (15) feet above the finished grade and its surface area shall not exceed three (3) square feet or the industry minimum. The maximum height of any roof-mounted satellite dish shall not exceed the roof height it is mounted on by more than four (4) feet and its diameter shall not exceed three (3) feet.

C. The satellite dish apparatus shall bear no advertising, lettering, picture or visual image except for the manufacturer's standard identification.

D. The satellite dish apparatus where mounted to the ground shall be screened with shrubbery or trees to provide a visible barrier to adjacent properties. The satellite dish apparatus, landscaping and shrubbery shall be properly maintained to prevent both unsightly and unsafe conditions.

4.7 Home Occupations

Customary home occupations may be permitted by conditional use permit from the Planning Commission. Home occupations shall be subject to the following conditions in addition to use regulations in various districts:

A. No person other than members of the family residing on the premises shall be engaged in such home occupation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

C. The external appearance of the structure in which the use is conducted shall not be altered. Furthermore, no external alteration, construction or reconstruction of premises to accommodate the use shall be permitted.

D. One (1) non-illuminated sign of not more than one (1) square foot in area, attached flat against the building, shall be permitted.

E. The home occupation may increase parking and traffic flow by no more than one (1) vehicle at a time.

F. There shall be no outside storage of any kind related to the home occupational use and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.

G. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use, shall be created.

H. No equipment, process, materials or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances detectable to normal senses off the premises. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

I. The neighborhood shall not be adversely affected by said home occupation.

4.8 Cellular or Wireless Communication Systems

Cellular or wireless communication systems shall be regulated as follows:

A. In recognition of the quasi-public nature of cellular and/or wireless communication systems, it is the purpose of these regulations as set out here in this Section, and known as “Cellular or Wireless Communications Systems” to:

1. Accommodate the need for cellular or wireless communication towers while regulating their location and number in the Village;

2. Minimize adverse visual effects of communi399cation towers and support structures through proper sitting, design and screening;
3. Avoid potential damage to adjacent properties from communication towers and support structure failure; and
4. Encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures needed in the future.

B. The following use regulations shall apply to cellular or wireless communication antennas and towers:

1. A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular purposes or not), smoke stack, water tower or other tall structure, shall be permitted as of right in districts where permitted as specified in this Code. Cellular or wireless communications antenna may also be located on the top of buildings which are fifty (50) feet in height or greater. Any cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.
2. A cellular or wireless communications antenna that is not mounted on an existing structure or is more than fifteen (15) feet higher than the structure on which it is mounted, is permitted in all zoning districts, with the exception of any single household or multi-household zoning district, as a conditional use.
3. All other uses accessory to the cellular or wireless communications antenna and towers (except a building to house mechanical equipment) including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.
4. Cellular or wireless communications sites shall not be located in any single household or multi-household residential zoning district nor shall they be located any closer to any residential zoning district as follows:

    a. Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 400 feet to any residential zoning district.
    b. Cellular or wireless communication towers less than 150 feet in height shall be located no closer than 650 feet to any residential zoning district.
    c. Cellular or wireless communication towers 150 feet in height and greater shall be located no closer than 850 feet to any residential zoning district.

C. The following standards shall apply to all conditionally permitted cellular or wireless communications antennas and towers:

1. The cellular or wireless communications company shall be required to demonstrate, using the latest technological evidence, that the antenna or tower must be placed where it is proposed in order to satisfy its necessary function in the company's grid system.
2. If the cellular or wireless communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, asked for permission to install the cellular or wireless communications antenna on those structures, and the reason for denial. "Tall structures" shall include, but not be limited to, smoke stacks, water towers, church steeples, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles. The Village may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

D. Standards of Approval of All Cellular or Wireless Communications Antennas and Towers

1. Antenna/Tower Height: The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height shall be approved, unless it is demonstrated that the additional height will allow the structure to support future co-location.
2. Setbacks from the Base of the Tower: If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the <u>greater</u> of the following:

    a. Forty (40) percent of the tower height;
    b. The minimum setback in the underlying zoning district; or
    c. Fifty (50) feet.

3. Cellular or Wireless Communications Tower Safety: The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris. Furthermore, all cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufactures.
4. A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an

existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access to non-authorized personnel.

5. Landscaping shall be required to screen as much of the support structures as possible, the fence surrounding the cellular or wireless communications tower, support structure(s) and any other ground level features and, in general, soften the appearance of the cellular communications site. The Village may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside of an existing structure, landscaping shall not be required. The operator of the facility shall be required to maintain the landscaping and to replace dead or severely damaged plants. Any freestanding cellular or wireless communications tower shall incorporate landscaping which includes trees, shrubs and other landscaping vegetation that is subject to review and is acceptable to the Planning Commission. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
6. In order to reduce the number of antenna support structures needed in the Village in the future, the proposed cellular or wireless communications tower shall be required to accommodate other users, including other cellular communications companies, and local police, fire and ambulance departments.
7. The cellular or wireless communications company must demonstrate to the Village that it is licensed by the Federal Communications Commission (FCC).
8. Required Parking: If the cellular or wireless communications site is fully automated (i.e., not requiring employees for daily operations), adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Zoning Code.
9. Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular communication tower or antenna shall contain any signage containing a commercial message.
10. A full site plan shall be required for all proposed cellular or wireless communications sites, at a scale of 1 inch to 100 feet (1”=100’), indicating, as a minimum, the following. This information shall be submitted in addition to other application requirements specified in this Code.

a. The total area of the site.
b. The existing zoning of the property in question and of all adjacent properties.
c. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
d. Existing topography with a maximum of five (5) foot contours intervals.
e. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals.
f. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings.
g. The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
h. All existing and proposed sidewalks and open areas on the site.
i. The location of all proposed fences, screening and walls.
j. The location of all existing and proposed streets.
k. All existing and proposed utilities including types and grades.
l. The schedule of any phasing of the project.
m. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts.
n. Any other information as may be required by the Planning Commission to determine the conformance with this Zoning Code.

Upon submission of a complete application for site plan review to the Building Commissioner, the application shall be transmitted to the Planning Commission where they shall review the site plan to determine if it meets the purpose and requirements as established in this Section, of the zoning district where the proposed cellular or wireless communications site is located and of any other applicable Section of this Zoning Code. No public notice or public hearing shall be required in conjunction with the review, approval, approval with modifications or disapproval of the site plan.

The Planning Commission shall act upon all site plans within thirty-five (35) days after the receipt of the complete application from the Building Commissioner. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted. Within the said thirty-five (35) day period, a majority of the members of the Planning

Commission present at a meeting thereof may vote to extend the said period of time, not to exceed an additional sixty (60) days.

E. Maintenance: Any owner of property used as a cellular or wireless communications site shall maintain such property, structures and landscaping in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

4.9 Performance Standards to Regulate Potential Hazards and Nuisances

The following minimum standards shall apply to all uses in the Light Industrial Park District, General-Business District, Office Research Park District and Planned Village Center District:

A. Fire and Explosion Hazards: All activities including storage, involving flammable or explosive materials, shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

B. Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendment, as amended from time to time, as enforced by the Ohio Environmental Protection Agency.

C. Glare, Heat and Exterior Light: Any operation producing intense light or heat, such as high temperature processes like combustion, welding or otherwise, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.

D. Dust and Erosion: Dust or silt shall be minimized through landscaping, paving or other adequate means in a manner as to prevent their transfer by wind or water to points off of the lot in objectionable quantities.

E. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property lines of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.

G. Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

4.10 Regulations for Automotive Service Stations and Automotive Filling Stations

The following requirements shall apply to automotive service stations and automotive filling stations (which lack automotive service facilities) in the Village which are conditionally permitted uses in the P-V and G-B Districts and shall be indicated on a Development Plan submitted with the application fulfilling the following specifications:

A. There shall be a minimum of two (2) separate driveways providing ingress and egress from the property, located not closer than fifty (50) feet from one another, twenty-five (25) from any adjacent residentially zoned district, or a minimum of seventy-five (75) feet from a street intersection. The Planning Commission and appropriate engineering authority shall determine the number of driveways to such an establishment. The Village may require the submission of a traffic study prepared by a qualified traffic engineer to evaluate the locations of proposed driveways.

B. In the case of an automotive service station in the P-V District, all hydraulic lifts, oil pits and all lubricants, greasing, automobile washing and repair equipment, shall be conducted entirely within an enclosed building.

C. The entire lot area, exclusive of the area covered by the building, shall be paved and/or landscaped. A minimum four (4) inch high curb shall separate all paved areas from all landscaped areas.

D. In the case of an automotive service station or automotive filling station in the P-V District, the light from exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to any surrounding residential area.

E. A solid fence, wall or evergreen hedge, four (4) to six (6) feet in height shall be constructed or planted, and maintained in good condition wherever such use abuts a residentially zoned district.

F. Motor vehicle fuel pumps, compressed air connections and similar equipment shall be erected no closer than fifteen (15) feet to any right-of-way line.

G. Canopies erected on an automotive filling station site shall be erected no closer than fifteen (15) feet to any right-of-way line.

H. Other uses permitted in a district in which automotive service stations are permitted may be combined on the same premises with automotive filling station uses provided that, before the commencement of such combined uses, a development plan shall be submitted to the Planning Commission for its review and approval. In determining the approval, approval with modifications or disapproval of such development plan, the Planning Commission shall consider the following factors, and its approval or disapproval shall be based on the following factors alone:

1. Access, ingress, egress and traffic circulation;
2. Off-street parking and loading spaces as required by this Zoning Code;
3. Adequate and safe separation of uses; and
4. Compliance with the requirements of this Chapter.

I. No vehicle not owned by an employee or owner of such facility shall be permitted to stand out of doors on such premises for more than 7 (seven) days.

J. The following shall regulate the abandonment of automotive service stations:

1. If any automobile filling station is abandoned for a period at least six (6) consecutive months in any twenty-four (24) month period, such station shall be presumed to be a nuisance affecting or endangering surrounding property values and to be detrimental to the public health, safety, convenience, comfort, property or general welfare of the community and shall be abated.
2. Such abandoned condition shall be abated within sixty (60) days either by placing the station in operation in accordance with this section and other applicable laws and regulations of the Village and State, adapting and using the building or structure for another permitted use in the district in which it is located, or by razing the station, removing the pumps and signs, abandoning the underground storage tanks in accordance with safe accepted practices as prescribed by the National Fire Protection Association in Appendix C to N.F.P.A. No. 30, under the supervision of the Village's Fire Chief or other designated officials, and filling depressions to the grade level of the lot, however, if the station is in operation at the time notice is given and remains in operation for ninety (90) consecutive days thereafter, the provision of this sub-section shall not apply.
3. Whenever the Building Commissioner shall find any automotive service station or automotive filling station to be abandoned within the meaning of this Section, the Commissioner or shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at the last known address or the address to which tax bills are sent, or by a combination of the foregoing methods.
4. On the failure, neglect or refusal of any owner to comply with the notice to abate such abandonment, the Building Commissioner shall take such action as may be necessary to abate such nuisance.
5. Inoperative stations which do not come within the definition of an abandoned station shall be maintained in accordance with the provisions of this section and other applicable laws and regulations, and the owner shall maintain the premises, mowing grass and removing all weeds and rubbish. The parking of motor vehicles on the premises shall be strictly prohibited, and the owner shall place in the window of such station a sign of at least ten (10) square feet in area, notifying the public of this fact. Notwithstanding any other provision of this section, if the Building Commissioner shall find that such notice is not complied with by the

public, he may order the owner of the premises on which any station is inoperative for more than six months to install fencing or barricade, approved by the Building Commissioner, which will be sufficient to block motor vehicles access to the property.

4.11 Regulations for Active Outdoor Recreation Areas

Active commercial and non-commercial recreation areas and facilities such as swimming pools, recreation clubs, golf courses and country clubs are conditionally permitted uses within several Districts and shall meet the following additional requirements:

A. The site shall contain not less than one (1) acre.
B. Front yards shall be fifty (50) feet; except when fronting on a state highway, then front yards shall be 100 feet. Side yards shall be forty (40) feet, and rear yards shall be fifty (50) feet.
C. The site shall have adequate access onto a hard surfaced state highway or Village thoroughfare that is regularly maintained and adequate to handle the additional traffic generated by the use.
D. When such uses are conditional uses, the development approval process shall be as specified in Chapter 36.
E. A Landscape Plan, including quantities, sizes and varieties of landscaping, shall be submitted with the application.
F. Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
G. Outdoor artificial lighting shall be approved by the Planning Commission.

4.12 Outdoor Bulk Storage or Display

The outdoor storage or display of bulk goods including seasonal items such as firewood and mulch shall be controlled by the following regulations:

A. The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways. Furthermore, no outdoor storage or display area may occupy any required parking space.
B. The outdoor storage or display of merchandise, inventory or materials shall not be located in any required yard area within the lot.
C. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
D. Outdoor storage areas shall be required to be fully screened with an opaque fence or wall not to exceed eight (8) feet in height.
E. Outdoor storage or display locations shall be approved by the Planning Commission upon the application of the record owner of the property.
F. Applications for outdoor storage or display areas shall be on a form provided by the Planning Commission and shall be submitted with a site plan depicting the location of the said storage or display areas with supporting documentation indicating the impact of the storage or display area on the property as a whole. The Building Commissioner may request the specific review and approval of the Planning Commission of any application. The review and approval of the

Planning Commission may also be requested by any applicant whose application has been rejected or modified by the Building Commissioner, which request must be made in writing and must be made within ten (10) days of such rejection or modification.

4.13 Adult Entertainment Facility

An Adult Entertainment Facility is a conditional use within the G-B District. A conditional use for such facilities shall not be approved unless the following minimum conditions shall be complied with:

A. No Adult Entertainment Facility shall be established within five hundred (500) feet of any Residential (R) District; or any public, private, governmental or commercial library, school, teaching facility, park, recreational facility, religious place of worship, child day care facility, day care facility, playground or swimming pool; or any other Adult Entertainment Facility.

B. No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

C. All building openings, entries, windows, etc. for Adult Entertainment Facilities shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

D. No screens, loudspeakers or sound equipment shall be used for motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

E. The interior of any adult book store shall be lighted and constructed in such a manner that every portion thereof (except restroom facilities) is readily visible to the clerk or supervisory personnel from the facilities' counter or other regular work station.

4.14 Regulations for Multiple Family Dwellings

Multiple family dwellings shall conform to the following requirements:

A. The following minimum zoning lot size and density requirements shall be observed unless an exception is granted as authorized under the Planned Unit Development provisions of these regulations, as provided for in the Planned Unit Development Chapter:

1. A total minimum lot area of 7,500 square feet shall be required for the first three (3) dwelling units.
2. An additional 6,000 square feet shall be required for the fourth unit.
3. An additional 6,000 square feet shall be required for the fifth unit.
4. An additional 8,000 square feet shall be required for each unit over the fifth unit.

B. In the case of a total landholding proposed for multiple family development of one acre or more, no portion or phase of the development shall exceed a maximum gross density of 8 dwelling units per acre, unless an exception is granted under the Planned Unit Development Provisions in the Planned Unit Development Chapter.

C. The applicant for a conditional use permit for a multiple family use shall furnish assurances from the developer that the following criteria have been satisfied:

1. The disposal of sewage shall meet with the approval of all applicable health authorities.
2. Storm water run-off shall be properly channeled so as to eliminate the possibility of flooding, either on or off the property.
3. The street(s) providing access to the site shall be adequate to carry the additional traffic generated by the development.

4.15 Regulations for Convalescent Care, Assisted Living Facilities, and Nursing Homes

Convalescent Care and Assisted Living Facilities and Nursing Homes shall require conditional use approval by the Planning Commission and shall conform to the following requirements:

A. The minimum lot size shall be two (2) acres.

B. In determining the "density" for such a facility, the Planning Commission should consider the nature of the use as a care giving facility, which does not the same as a multiple family dwelling unit. The number of units for each facility should be evaluated by the Planning Commission on a site specific basis, according to the operational elements of the facility and the site design characteristics.

C. The applicant for a conditional use permit for a convalescent care facilities, nursing homes, and assisted living facilities shall furnish assurances from the developer that the following criteria have been satisfied:

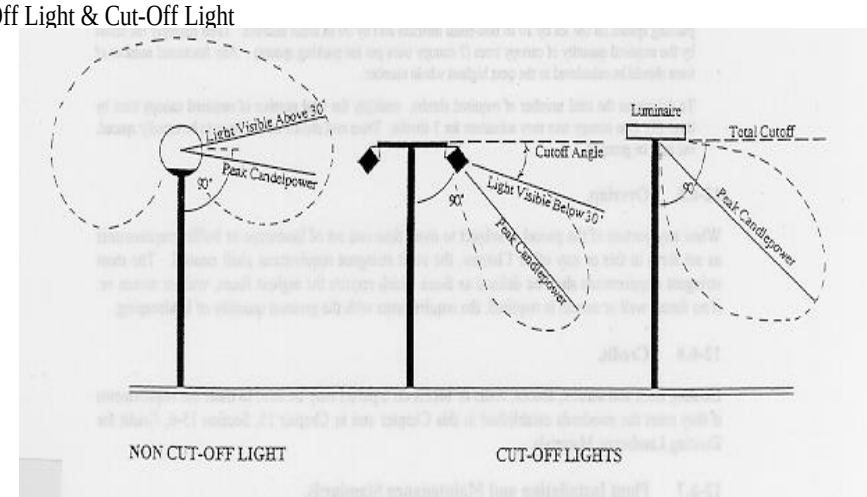
1. The disposal of sewage shall meet with the approval of all applicable health authorities.
2. Storm water run-off shall be properly channeled so as to eliminate the possibility of flooding, either on or off the property.
3. The street(s) providing access to the site shall be adequate to carry the additional traffic generated by the development.

4.16 Regulations for Outdoor Lighting.

The following restrictions shall apply to any outdoor lighting located in any district on parcels, including parking areas and areas where on-building lighting or other security lighting is utilized.

A. All outdoor lighting shall be designed, located, and mounted at heights no greater than sixteen feet (16') above grade for non-cutoff lights and twenty-four feet (24') above grade for cutoff lights A greater height may be authorized in any district by

Non Cut-Off Light & Cut-Off Light



a Variance approved by the Board of Zoning Appeals. Cutoff and non-cutoff lights are illustrated below.

B. All outdoor lighting shall be designed and located with a maximum illumination of 0.5 foot-candles at the property line.

C. All outdoor lighting for non-residential and residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

D. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

E. The following factors shall be considered in the evaluation of lighting plans: pole height, type of luminaries, average maintained site coverage, maximum-minimum uniformity, average-minimum uniformity, and intensity at the property line.

F. Outdoor lighting need not comply with the yard requirements of this Resolution, except that no such light shall obstruct sight triangles as defined in Section 4.4.

4.17 Dumpster and Trash Handling Areas for Non-Single Family Districts.

Dumpsters, trash handling areas and related screening shall be located in the rear yard and in compliance with the same minimum setbacks as a main building as determined by the Zone District in which such structure is constructed.

Any such accessory use or structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties or districts per Chapter 28.5. Any fence or wall required under this Section shall have a height no greater than seven (7) feet and no less than the height of the dumpster. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than 25 percent of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and or planks with a minimum diameter or width of three (3) inches and with a solid surface.

4.18 Swimming Pools and Spas

The wall of an in-ground swimming pool/spa shall not be within six (6) feet of a rear or side property line or within ten (10) feet of any street. All swimming pools/ spas shall be placed in the rear yard.

Above ground swimming pools shall be placed in an area which is structurally acceptable, provided no part of the pool, pool enclosure or deck exceeds six (6) feet in height above grade.

Any pool 24 inches or more in depth shall have an enclosure surrounding the pool area. The enclosure shall extend not less than four (4) feet above the ground. All gates shall be self-closing and self-latching with the latches placed at least four (4) feet above the ground.

4.19 Mobile Storage Structures

A. A portable on-demand storage structure may be utilized as a temporary structure within the Village when in compliance with the standards of this subsection upon the issuance of a Temporary Structure Permit from the Village Zoning Inspector. Any use of such structures within the Village not in compliance with this subsection shall be unlawful.

B. The term "portable on-demand storage structures" (POD) shall be defined to be: any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

C. POD Standards.

1. A POD storage structure may be located as a temporary structure on property within the Village for a period not exceeding thirty (30) days in duration from time of delivery to time of removal. A POD structure shall be located on a paved or hard surfaced area and not located in the grass area in any yard within the Village.

2. Permit Required. Permits for such temporary uses and structures may be issued by the Zoning Inspector after submission of a completed Temporary Storage Structure Permit Application and payment of the permit application fee. An approved permit is valid for the specified 30-day time frame only. Such POD structure may not be located on a specific property more than three (3) times in any given calendar year period. Applicants seeking to extend the time frame consistent with the provisions in this subsection must complete a new application and submit a new permit application fee payment for each time period sought. No POD may be stored for more than a continuous 90-day period.

3. No more than one (1) POD storage structure may be located on a specific piece of property within the Village at one time;

4. Such structure may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length.

5. All such temporary structures shall comply with the appropriate building code provisions and such other requirements as are imposed by the Village or the Chief Building Official to ensure the safety of the public.

D. It shall be the obligation of the owner of the property on which the POD is located or the user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such temporary structure.

E. Any portable on-demand storage structure which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a law enforcement officer for removal of such temporary structure for safety reasons, may be removed by the Village immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary structure was located and may be filed as a lien against such property by the Village. Such lien shall be superior in priority to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in priority to the lien of ad valorem taxes.

4.20 Parking of Recreational Vehicles

A. The parking of any recreational vehicle in any residential district shall be prohibited, except that one (1) recreational vehicle may be parked or stored in a garage or other accessory building or on a paved surface in a rear yard or a side yard in any residential district. No occupancy for human habitation shall be maintained or business conducted therein while such recreational vehicle is so parked or stored. The wheels or any similar transporting devices of any such trailer permitted within a residential district shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

1. For the purposes of this Section, recreational vehicle shall be defined as any of the following: any privately owned boat, boat trailer, folding tent trailer, personal water craft, motorized home, pick-up camper, snowmobile, travel trailer, a three or four wheel all terrain vehicle or other similar equipment.

B. Temporary Parking Permitted. The temporary parking of one (1) additional recreational vehicle in any residential district is permitted for a period not to exceed seventy-two (72) continuous hours within any single calendar month.

C. Non-Residential Zoning Districts. The parking of a recreational vehicle in any non-residential zoning district is prohibited unless the recreational vehicle is an integral part of a permitted or conditionally permitted land use within the district.

4.21 Medical Marijuana Prohibitions

Medical marijuana cultivation, processing, and retail dispensaries, as regulated by State of Ohio law, is prohibited within all Zoning Districts.

4.22 Handicapped Accessible Ramps. A temporary handicapped accessible ramp may be installed in any yard without Board of Zoning approval provided that the Building Permit application includes that such ramp is necessary for access to a dwelling, or when such access is required to a building in accordance with the Americans with Disabilities Act.

The accessible ramp shall be installed in the side yard when possible. The owner shall remove the accessible ramp from a dwelling when the medical necessity for the ramp access no longer exists.

4.23 Mobile Food Vendors Requirements.

A. Each operator of a mobile operation shall obtain a Conditional Use approval and Certificate of Occupancy, renewable on an annual basis. The application for Conditional Use approval shall include at a minimum the following information:

1. Narrative from the applicant describing the operation and its hours of operation

2. For mobile food vendor service operators, a copy of the required State of Ohio and Hamilton County license for mobile food vendor service establishments

B. Zoning District Restrictions. Mobile food vendor operations are permissible as a Conditional Use in all districts except agricultural and residential districts.

C. Site Restrictions.

1. Shall not be located:
   a. On the public right-of-way
   b. In any driveway aisles, no parking zones, loading areas, or parking lanes, nor may mobile operations impede the on-site circulation of motor vehicles

2. Shall be located:
   a. On improved property

D. Hours of Operation. Mobile food vendor operations are permissible between the hours of 7:00 a.m. to 10:00 p.m. on weekdays and on weekends

E. Sale of Alcoholic Beverages. The sale or serving of alcoholic beverages shall be in accordance with State of Ohio Division of Liquor Control regulations.

F. Music or Sound. The use of any sound amplification is prohibited regardless of the intended purpose.

G. Signs

1. Menu Boards. An A-frame menu board is permitted to be placed by the mobile foods vendor operation and within the vending area. An operation is allowed to display this sign only during hours of operation, otherwise the board shall be removed.

H. Electric Service Connections. Electric service connection to an on-site approved outlet is permitted provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons. The vending area includes the space taken up by: a portable stand, vehicle, or trailer; signs; equipment; products, canopies or awnings.

I. Property Owner's Responsibility for Mobile Food Vendor Operations.

1. In addition to the Certificate of Occupancy obtained by the mobile food vendor operation, the property owner shall also ensure that these regulations are followed.
2. The number of days mobile food vendor operations may continue on a given site shall be limited to a 90 day time period within a calendar year.

J. Site Restrictions. Square footage for one mobile food vendor per site shall be a minimum of 10,000 square feet of net lot area.

CHAPTER 6
LOTS OF RECORD

6.0 Dwelling on Any Lot of Record

In any district where dwellings are permitted, a single family detached dwelling may be erected on any lot of official record at the effective date of this Chapter, irrespective of its area or widths, provided the applicable yard and other open space requirements satisfy the following requirements. On lots of record which do not meet the minimum yard requirements for the corresponding district as of the effective date of this code, the minimum yard setback shall be determined by the proportional application of the requirements specified in that corresponding district. However, those modified setbacks shall not be greater than 50% of the minimum setback required in that district except as otherwise provided by this code.

6.1 Non-Conforming Dwelling Units

Any legally permitted dwelling unit existing within a non-residential district on the effective date of the adoption of this Code may continue as a dwelling use provided that the dwelling conforms to the regulations set forth in Chapter 9, Non-Conforming Uses.

CHAPTER 7
HEIGHT MODIFICATIONS

7.0 Height Limitations

The height limitations stipulated elsewhere in this Chapter may be modified pursuant to the provisions in Sections 7.1 through 7.3, with approval of the Planning Commission following a site plan review.

7.1 Architectural Features and Farm Buildings

Church spires, domes, flagpoles, antennas, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height. Cellular or wireless communications systems are not subject to this exception and shall be regulated according to Section 4.8, Cellular or Wireless Communication Systems, of this Code.

7.2 Places of Public Assembly

Public, semi-public or public service buildings, hospitals (except as otherwise provided), institutions, or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and similar places of worship may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building or structure is built.

7.3 Single Family Dwellings

Single family dwellings in the R-SF, R-TF or the P-V Districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, in any event, they shall not exceed three (3) stories or forty-five (45) feet in height.

CHAPTER 8
FRONTAGE AND YARD MODIFICATIONS AND PROJECTIONS

8.0 Building on Through Lots

Buildings on through lots shall conform to the front yard requirements for each street. In case of reversed frontage, an accessory building shall not extend beyond the setback line of the rear street.

8.1 Average Depth of Front Yards

In any district, where the average depth of at least two existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Chapter, the required depth of the front yard on such lot may be modified. In such case, this modification shall not be less than the average depth of the existing front yards on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet. A request for a reduction in the front yard depth shall require review and approval by the Board of Zoning Appeals.

8.2 Rear and Side Yard Depth Computation

In computing the depths of a rear yard or the width of a side yard, where the rear or side yards abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

8.3 Required Yard Requirements

The following requirements shall apply to the required yards in districts:

A. Accessory buildings which are not a part of the main building may be built in a rear yard provided that they are not less than three (3) feet from the rear and side lot lines. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard, shall not exceed the size or area of the principal structure or 800 square feet (whichever is less) and shall be located at least sixty (60) feet away from any front lot line, except as provided elsewhere by this Code. However, in the ORP and LIP District, the accessory building(s) may exceed 800 square feet. PODS shall not be considered an accessory building.

B. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in the rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features. This requirement shall not prevent the construction of fences as regulated in Section 4.5, Fences and Hedges.

8.4 Corner Lot Yard Requirements

A corner lot shall be considered to contain two front yards. Front yard setbacks shall apply from both street rights-of-way.

8.5 Projection of Architectural Features

Terraces, open porches, platform, ornamental features and fire escapes may project into a required yard, provided these projections are a distance at least two (2) feet from the adjacent side lot line, and provided that they project no more than ten (10) feet into the front yard. For the purpose of this section, terraces, open porches and platforms shall be defined as projections that are not more than 30 inches above the finished grade.

8.6 Yard Requirements Where Lot Includes More Than One Main Building

Where a lot is used for institutional, commercial, industrial or multiple family purposes, and where the zoning compliance plan is specifically approved by the Building Commissioner, more than one main building may be located on the lot, but only when such buildings conform to all yard and open space requirements at the perimeter of the lot for the district in which the lot is located.

CHAPTER 9
NON-CONFORMING USES

9.0 Existing Non-Conforming Uses Continuation

Except as otherwise specified in these regulations, any use, lot, building or structure that exists as of the enactment date of these regulations or on the date of an amendment to the zoning map may be continued even though such use, lot, building or structure may not conform to the provisions of the Zoning District in which it is located. The provisions of this chapter shall apply.

Nothing contained in these regulations shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of these regulations; provided, however, that construction under such permit or approval shall have been started within six (6) months and the ground floor framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of these regulations.

9.1 Discontinuance of Use

In the event that a non-conforming use of any dwelling, building or structure and/or of any land or premises is voluntarily discontinued for six (6) months or more, any future use must be a lawful conforming use.

9.2 Improvement to an Existing Non-Conforming Use

Unless specifically accepted elsewhere in these regulations, no existing building or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a permitted use or a conditionally permitted use under this Zoning Code.

9.3 Exceptions to the Non-Conforming Regulations

Exceptions to the non-conforming regulations may be permitted by the Board of Zoning Appeals in the following cases:

A. A non-conforming residential use may be substantially improved once by increasing the size of the residential structure up to twenty-five (25) percent.

B. Nothing in these regulations shall be interpreted to prevent normal maintenance or repair of premises, or the alteration, repair, or improvement of a premise to comply with an order to improve the property to minimum building code standards.

C. An existing facility or operation may be permitted to replace existing structures or machinery in order to modernize such facility. No such replacement shall result in the expansion by more than ten (10) percent of the floor area of the structure or facility existing at the time, or more than ten (10) percent of the land coverage on the site existing at the time of enactment of these regulations. Further, such replacement for modernization purposes must be reviewed and approved by the

Planning Commission to be in compliance with these provisions. The replacement of an existing structure for modernization or any associated expansion shall require that the property comply with the regulations of this Zoning Code, including but not limited to parking regulations, setback requirements, landscaping requirements, buffer requirements and sign regulations.

9.4 Replacing Damaged Non-Conforming Structures

When a non-conforming building, use or structure is damaged or destroyed to the extent of more than sixty (60) percent of its replacement value, it shall not be restored except in the case of residential uses being granted an exception under Section 9.3.A above.

CHAPTER 10
AGRICULTURAL DISTRICT

10.0 Purpose

It is the purpose of the A Agricultural District to establish an area for agricultural uses and to prevent lands from indiscriminate development until such time as development pressures materialize and more appropriate rezoning can take place.

10.1 Principally Permitted Uses

Principally permitted uses shall be agriculture and related uses, single family dwellings, and parkland and open space.

10.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

10.3 Conditionally Permitted Uses

Conditionally permitted uses are home occupations (see Section 4.7 regarding regulations), bed and breakfast establishments, clubs, cellular or wireless communications systems (see Section 4.8 regarding regulations), educational institutions, public buildings, religious places of worship, essential services and utilities, and active recreation areas.

Any other use deemed to be of a similar nature as those above by the Planning Commission.

10.4 Minimum Lot Area and Lot Width

Properties in the A Agricultural District shall have a minimum lot area of not less than 5 acres and a width of not less than 300 feet. Single family detached dwelling units and other permitted uses shall have a minimum lot area of not less than 3 acres and a width of not less than 100 feet.

10.5 Minimum Front Yard Setback

The minimum front yard setback for properties in the A Agricultural District shall be not less than 50 feet.

10.6 Minimum Side Yard Setback

The minimum side yard setback for properties in the A Agricultural District shall be not less than 15 feet per side yard.

10.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the A Agricultural District shall be not less than 35 feet.

10.8 Maximum Height Regulations

No principal structure shall exceed 35 feet in height, except as permitted in Chapter 7, Height Modifications. No accessory structure shall exceed 15 feet in height.

CHAPTER 12
R-SFE RESIDENTIAL SINGLE FAMILY ESTATES

12.0 Purpose

It is the purpose of the R-SFE Residential-Single Family Estate District to establish and maintain high quality areas for single family detached dwellings on large lots.

12.1 Principally Permitted Uses

Principally permitted uses shall be single family detached dwellings, parkland and open space, religious places of worship, and educational institutions.

12.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

12.3 Conditionally Permitted Uses

Conditionally permitted uses are home occupations (see Section 4.7 regarding regulations), active recreation areas, bed and breakfast establishments, clubs, and essential services and utilities.

Any other use deemed to be of a similar nature as those above by the Planning Commission.

12.4 Minimum Lot Area and Width

Single family detached dwelling units shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet in the R-SFE Residential-Single Family Estate District. Other uses shall have a minimum lot area of not less than one (1) acre and a width of not less than 150 feet.

12.5 Minimum Front Yard Setback

Single family detached dwellings shall have minimum front yard setback of not less than 40 feet in an R-SFE Residential-Single Family Estate District. All other uses shall have a minimum front yard setback of not less than 50 feet.

12.6 Minimum Side Yard Setback

Single family detached dwellings shall have a minimum side yard setback of not less than 15 feet each side in an R-SFE Residential-Single Family Estate District. All other uses shall have a minimum side yard setback of not less than 20 feet each side.

12.7 Minimum Rear Yard Setback

Single family detached dwellings shall have a minimum rear yard setback of not less than 30 feet in the R-SFE Residential-Single Family Estate District. All other uses shall have a minimum rear yard setback of not less than 40 feet.

12.8 Maximum Height Regulations

No principal structure shall exceed 35 feet in height. No accessory structure shall exceed 15 feet in height.

CHAPTER 14
R-SF1 RESIDENTIAL-SINGLE FAMILY DISTRICT

14.0 Purpose

It is the purpose of the R-SF1 Residential-Single Family District to establish and maintain high quality areas for single family detached dwellings on medium to small sized lots consistent with the existing Village character, while allowing for infill in certain areas.

14.1 Principally Permitted Uses

Principally permitted uses shall be single family detached dwellings, parkland and open space, religious places of worship, and educational institutions.

14.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

14.3 Conditionally Permitted Uses

Conditionally permitted uses are home occupations (see Section 4.7 regarding regulations), active recreation areas, bed and breakfast establishments, clubs, and essential services and utilities. Any other use deemed to be of a similar nature as those above by the Planning Commission.

14.4 Minimum Lot Area and Width

Single family detached dwelling units shall have a minimum lot area of not less than 7,500 square feet and a width of not less than 60 feet in the R-SF1 Residential-Single Family District. Other uses shall have a minimum lot area of not less than one (1) acre and a width of not less than 150 feet.

14.5 Minimum Front Yard Setback

Single family detached dwellings shall have minimum front yard setback of not less than 30 feet in the R-SF1 Residential-Single Family District. All other uses shall have a minimum front yard setback of not less than 40 feet.

14.6 Minimum Side Yard Setback

Single family detached dwellings shall have a minimum side yard setback of not less than 5 feet each side in the R-SF1 Residential-Single Family District. All other uses shall have a minimum side yard setback of not less than 20 feet each side.

14.7 Minimum Rear Yard Setback

Single family detached dwellings shall have a minimum rear yard setback of not less than 30 feet in the R-SF1 Residential-Single Family District. All other uses shall have a minimum rear yard setback of not less than 40 feet

14.8 Maximum Height Regulations

No principal structure shall exceed 35 feet in height. No accessory structure shall exceed 15 feet in height.

CHAPTER 16
R-TF RESIDENTIAL-TWO FAMILY DISTRICT

16.0 Purpose

It is the purpose of the R-TF Residential-Two Family District to encourage high quality single and two family developments in the older areas of the Village and to protect these areas from encroachment by commercial and industrial uses.

16.1 Principally Permitted Uses

Principally permitted uses are single family dwelling units, two family dwelling units, parkland and open space, religious places of worship, and educational institutions.

16.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

16.3 Conditionally Permitted Uses

Conditionally permitted uses are home occupations (see Section 4.7 regarding regulations), active recreation areas, bed and breakfast establishments, clubs, essential services and utilities.

Any other use deemed to be of a similar nature as those above by the Planning Commission.

16.4 Minimum Lot Area and Width

The minimum lot area and width for properties in the R-TF Residential-Two Family District are as follows:

A. Two family dwellings of one and one half (1 1/2) stories or less shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.
B. Two family dwellings of two (2) stories or greater shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 50 feet.
C. Single family detached dwelling units shall have a minimum lot area of not less than 7,500 square feet and a width of not less than 50 feet.
D. Other uses shall have a minimum lot area of not less than one (1) acre and a width of not less than 150 feet.

16.5 Minimum Front Yard Setback

Two family and single family dwellings shall have a minimum front yard setback of not less than 30 feet in an R-TF Residential-Two Family District. Other uses shall have a minimum lot area of not less than 40 feet.

16.6 Minimum Side Yard Setback

Two family and single family dwellings shall have a side yard setback of not less than 5 feet each side in an R-TF Residential-Two Family District. All other uses shall have a side yard setback of not less than 15 feet each side.

16.7 Minimum Rear Yard Setback

Two family and single family dwellings shall have a rear yard setback of not less than 30 feet in an R-TF Residence-Two Family District. All other uses shall have a rear yard setback of not less than 40 feet.

16.8 Maximum Height Regulations

No principal structure shall exceed 35 feet in height. No accessory structure shall exceed 15 feet in height.

CHAPTER 18
R-MF RESIDENTIAL-MULTIPLE FAMILY DISTRICT

18.0 Purpose

It is the purpose of the R-MF Residential-Multiple Family District to encourage areas of high quality multiple family residential development.

18.1 Principally Permitted Uses

Principally permitted uses are multiple family dwelling units, two family dwelling units, single family dwelling units, parkland and open space, religious places of worship, and educational institutions.

18.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

18.3 Conditionally Permitted Uses

Conditionally permitted uses are convalescent care facilities, nursing homes, and assisted living, active recreation areas, bed and breakfast establishments, clubs, and essential services and utilities.

Any other use deemed to be of a similar nature as those above by the Planning Commission.

18.4 Minimum Lot Area and Width

The minimum lot area and width for properties in the R-MF Residential-Multiple Family District are as follows:

A. Multiple family dwelling units shall have a minimum lot area as follows:

1. Multiple family dwellings consisting of three units shall have a minimum lot area of not less than 7,500 square feet and a width of not less than 80 feet.
2. Multiple family dwellings consisting of four units shall have a minimum lot area of not less than 13,500 square feet and a width of not less than 80 feet.
3. Multiple family dwellings consisting of five units shall have a minimum lot area of not less than 19,000 square feet and a width of not less than 80 feet.
4. Each dwelling unit over five units shall provide an additional 8,000 square feet per dwelling unit to the minimum 19,000 square feet.

B. Two family dwellings of one and one half (1 1/2) stories or less shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 100 feet.

C. Two family dwellings of two (2) stories or greater shall have a minimum lot area of not less than 12,000 square feet and a width of not less than 60 feet.
D. Single family detached dwelling units shall have a minimum lot area of not less than 7,000 square feet and a width of not less than 90 feet.
E. Convalescent care facilities, nursing homes, and assisted living facilities shall have a minimum lot area of not less than two (2) acres and a width of not less than 200 feet. Density shall be approved by the Planning Commission based on the overall merits of the site design.
F. Other uses shall have a minimum lot area of not less than one (1) acre and a width of not less than 150 feet.

The maximum density for multiple family dwelling unit developments shall not exceed eight (8) dwelling units per acre.

18.5 Minimum Front Yard Setback

The minimum front yard setback for properties in an R-MF Residential-Multiple Family District shall be as follows:

A. Multiple family dwellings shall have a front yard setback of not less than 35 feet.
B. Two family and single family dwellings shall have a front yard setback of not less than 30 feet.
C. Convalescent care facilities, nursing homes, and assisted living facilities shall have a front yard setback of not less than 50 feet.
D. All other uses shall have a front yard setback on not less than 40 feet.

18.6 Minimum Side Yard Setback

The minimum side yard setback for properties in an R-MF Residential-Multiple Family District shall be as follows:

A. Multiple family dwellings shall have a side yard setback of not less than 12 feet each side.
B. Two family dwellings of one and one-half (1 1/2) stories or less shall have a side yard of not less than 8 feet each side.
C. Two family dwellings of two (2) stories or greater shall have a side yard of not less than 9 feet each side.
D. Single family dwellings shall have a side yard setback of not less than 7 feet each side.
E. All other uses shall have a side yard setback of not less than 15 feet each side.

18.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in an R-MF Residential-Multiple Family District shall be as follows:

A. Multiple family, two family, and single family dwellings shall have a rear yard setback of not less than 35 feet.

B. Convalescent care facilities, nursing homes, and assisted living facilities shall have a rear yard setback of not less than 50 feet.

C. All other uses shall have a rear yard setback of not less than 40 feet.

18.8 Maximum Height Regulations

No principal structure shall exceed 40 feet in height. No accessory structure shall exceed 15 feet in height.

CHAPTER 20
P-V PLANNED VILLAGE CENTER DISTRICT

20.0 Purpose

It is the purpose of the P-V Planned Village Center District to reflect the existing mix of business and residences in the older, central portion of the Village, allowing for the continued development of the area as a mixed use district. The use requirements are designed to promote small-scale infill development on appropriate sites and to encourage a "Walking Village Business District" in harmony with the Village of Newtown Comprehensive Plan.

20.1 Principally Permitted Uses

Principally permitted uses shall be single family detached and two family dwellings.

20.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district.

20.3 Conditionally Permitted Uses

Conditionally permitted uses are multiple family dwellings, parkland and open space, religious places of worship, upper story dwellings, automotive service stations, business and professional offices, business services, eating and drinking establishments, financial institutions, clubs, funeral homes, nursery school and day care centers, printing and publishing establishments, retail sales and service shops, personal services, government buildings, automotive filling stations, drive-through windows in association with a permitted or conditional use, and theaters.

Any other use deemed to be of a similar nature as those above by the Planning Commission.

20.4 Minimum Lot Area and Width

The minimum lot area and width for properties in the P-V Planned Village Center District shall be as follows:

A. Single family and two family dwellings shall have a minimum lot area of 6,000 square feet and a width of not less than 50 feet.

B. Multiple family dwelling units shall have a minimum lot area as follows:

1. Multiple family dwellings consisting of three units or less shall have a minimum lot area of not less than 7,500 square feet and a width of not less than 80 feet.

2. Multiple family dwellings consisting of four units shall have a minimum lot area of not less than 13,500 square feet and a width of not less than 80 feet.
3. Multiple family dwellings consisting of five units shall have a minimum lot area of not less than 19,000 square feet and a width of not less than 80 feet.
4. Each dwelling unit over five units shall provide an additional 8,000 square feet per dwelling unit to the minimum 19,000 square feet.

C. Automotive service stations, automotive filling stations, and repair garages shall have a minimum lot area of 10,000 square feet and a width of not less than 90 feet.
D. All other uses shall have a minimum lot area of 6,000 square feet and a width of not less than 50 feet.

20.5 Minimum Front Yard Setback

All uses in a P-V Planned Village Center District shall have a minimum front yard setback of 30 feet, except that no required front yard depth shall exceed the average of the front yard depth of the lots on each side, if such lots are within the same block and within 100 feet of the proposed use or structure. Automotive service stations and gasoline sales fuel pumps and canopy structures covering such pumps shall have a minimum front yard setback of 15 feet.

20.6 Minimum Side Yard Setback

The minimum side yard setback for properties in a P-V Planned Village Center District shall be as follows:

A. Single family and two family dwellings shall have a side yard setback of not less than 5 feet each side.
B. Multiple family dwelling units and automotive service stations shall have a side yard setback of not less than 10 feet either side.
C. All other uses shall have no side yard setback unless the use abuts a residential use, then the side yard setback shall be not less than 5 feet each side. If such other use abuts a residential zoning district, then the side yard setback shall be not less than 8 feet each side.

20.7 Minimum Rear Yard Setback

The minimum rear yard setback for property in a P-V Planned Village Center District shall be as follows:

A. Single family, two family, and multiple family dwellings shall have a rear yard setback of not less than 30 feet.
B. Automotive service stations and automotive filling stations shall have a rear yard setback of not less than 20 feet.
C. All other uses shall have no rear yard setback unless the use abuts a residential use, then the rear yard setback shall be not less than 5 feet. If such other use abuts

a residential zoning district, then the rear yard setback shall not be less than 10 feet.

20.8 Maximum Height Regulations

No principal structure shall exceed 35 feet in height. No accessory structure shall exceed 15 feet in height.

20.9 Additional Requirements

In addition to the standards established in this Chapter, uses within the P-V Planned Village District must conform to the standards established in Chapter 28, Bufferyards and Landscaping and Chapter 30, Off-Street Parking and Loading. Any changes to the exterior of the building or lot shall require site plan review by the Planning Commission for all uses within the P-V Planned Village District, except single family and two family dwellings. Such review shall be conducted according to the standards and processes outlined in Chapter 36 and shall include review of the proposed building materials and design. Conditional uses must be approved by the Planning Commission according to the standards and processes outlined in Chapter 36.

CHAPTER 22
G-B GENERAL BUSINESS DISTRICT

22.0 Purpose

It is the purpose of G-B General Business Districts to provide for a full range of business, office, professional and commercial uses and is intended for those areas which are strategically located along primary arterial thoroughfare frontage and at major intersections where they may take advantage of heavy traffic flow.

22.1 Principally Permitted Uses

Principally permitted uses are retail sales and service shops, personal services, building and related trades, business and professional offices, business services, commercial recreation establishments, eating and drinking places, entertainment establishments, financial institutions, funeral homes, garden centers, greenhouses and nurseries, motels and hotels, and printing and publishing establishments.

22.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district. Outdoor storage shall comply with the regulations specified in Section 4.12 - Outdoor Storage or Display.

22.3 Conditionally Permitted Uses

Conditionally permitted uses are automotive service stations, automotive filling stations, other similar sales, service, professional or business establishments, essential services and utilities, drive-through windows in association with a permitted or conditional use, adult entertainment facilities, and automotive washes.

Any other use deemed to be of a similar nature as those above by the Planning Commission.

22.4 Minimum Lot Area and Width

The minimum lot area for properties in the G-B General Business District shall not be less than 6,000 square feet and a width of not less than 50 feet.

22.5 Minimum Front Yard Setback

The minimum front yard setback for properties in a G-B General Business District shall be not less than 30 feet.

22.6 Minimum Side Yard Setback

There shall be no minimum side yard setback in the G-B General Business District except when property abuts any R-District; then the minimum side yard setback shall be not less than 10 feet each side.

22.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in a G-B General Business District shall be not less than 10 feet.

22.8 Maximum Height Regulations

No principal structure shall exceed 45 feet in height. No accessory structure shall exceed 25 feet in height.

22.9 Additional Requirements

In addition to the standards established in this Chapter, uses within the G-B General Business District must conform to the standards established in Chapter 28, Buffer yards and Landscaping and Chapter 30, Off-Street Parking and Loading. Any changes to the exterior of the building or lot shall require site plan review by the Planning Commission for all uses within the G-B General Business District. Such review shall be conducted according to the standards and processes outlined in Chapter 36 and shall include review of the proposed building materials and design. Conditional uses must be approved by the Planning Commission according to the standards and processes outlined in Chapter 36.

CHAPTER 24
LIP LIGHT INDUSTRIAL PARK DISTRICT

24.0 Purpose

It is the purpose of the LIP Light Industrial Park District to provide for areas along highway frontages and well suited areas for uses which generate large amounts of truck traffic and which, for other reasons, should be separated from residential developments; and further, to encourage development of light industrial, warehousing or manufacturing uses in an attractive setting with uses and intensive activity areas within enclosed buildings.

24.1 Principally Permitted Uses

Principally permitted uses are research and development establishments, warehouse and wholesale establishments, manufacturing establishments, business and professional offices, building materials sales and storage yards, and active recreation areas.

24.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district. Outdoor storage shall comply with the regulations specified in Section 4.12 - Outdoor Storage or Display.

24.3 Conditionally Permitted Uses

Conditionally permitted uses are financial institutions and retail sales accessory to a principal permitted use, provided such retail area shall occupy not more than fifteen (15) percent of the gross floor area of the building of the permitted use.

Any other use deemed to be of a similar nature as those above by the Planning Commission.

24.4 Minimum Lot Area and Width

The minimum lot area for properties in the LIP Light Industrial Park District shall be 20,000 square feet and a minimum lot width of not less than 100 feet.

24.5 Minimum Front Yard Setback

The minimum front yard setback for properties in the LIP Light Industrial Park District shall be 40 feet.

24.6 Minimum Side Yard Setback

The minimum side yard setback for properties in the LIP Light Industrial Park District shall be 15 feet with a combined setback of 50 feet for both side yards.

24.7 Minimum Rear Yard Setback

The minimum rear yard setback for properties in the LIP Light Industrial Park District shall be 40 feet.

24.8 Maximum Height Regulations

No principal structure shall exceed 45 feet in height, No accessory structure shall exceed 25 feet in height.

24.9 Additional Requirements

In addition to the standards established in this Chapter, uses within the LIP Light Industrial Park District must conform to the standards established in Chapter 28, Buffer yards and Landscaping and Chapter 30, Off-Street Parking and Loading. Any changes to the exterior of the building or lot shall require site plan review by the Planning Commission for all uses within the LIP Light Industrial Park District. Such review shall be conducted according to the standards and processes outlined in Chapter 36 and shall include review of the proposed building materials and design. Conditional uses must be approved by the Planning Commission according to the standards and processes outlined in Chapter 36.

CHAPTER 26
ORP OFFICE RESEARCH PARK DISTRICT

26.0 Purpose

It is the purpose of the ORP Office-Research District to provide an area where certain office and professional uses can coexist with research and development type facilities and light industrial uses conducted completely within enclosed buildings arranged in a campus or park like setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects.

26.1 Principally Permitted Uses

The Principally Permitted uses shall be professional offices, financial institutions (excluding freestanding automated teller machines), public buildings, medical and dental offices or clinics, medical and dental laboratory services, medical research laboratories, conference centers, research and development facilities, residences existing at the time of enactment of these regulations, and light industrial; provided however, that the processing, storage assembling or general operation involved occurs within a fully enclosed building, and further provided that such use does not emit air contaminants, cause vibration or create noise or odor in excess of the requirements of Section 4.9 - Performance Standards to Regulate Potential Hazards and Nuisances.

26.2 Permitted Accessory Uses

Permitted accessory uses are satellite dishes (see Section 4.6 regarding regulations), signs (see Chapter 32 regarding regulations), and any use or structure customarily accessory and incidental to any of the permitted uses within this district. Outdoor storage shall comply with the regulations specified in Section 4.12 - Outdoor Storage or Display.

26.3 Conditionally Permitted Uses

Conditionally permitted uses shall be warehousing accessory to principal permitted use (provided such warehousing is for the storage of goods, products or materials associated with the principal use), motels and hotels, printing and publishing establishments, eating establishments, pharmacies and business services that are designed to serve the occupants of the primary tenants of a building within the ORP District (provided such establishments and services are accessed from and conducted within a principal building to which they serve as a subordinate use), veterinary hospitals, kennels (provided that all animals are housed in buildings), day care centers, retail sales accessory to a principal permitted use (provided such retail area shall occupy not more than fifteen (15) percent of the gross floor area of the building of the permitted use), private, non-commercial recreation areas and establishments, and temporary buildings to house a permitted use during construction or reconstruction of the permanent building (provided the temporary building shall be removed from the property within fifteen (15) days of the date of the occupancy permit, the temporary building shall comply with the regulations of the Village of Newtown Building Department, and adequate landscaping and screening are provided as required).

Any other use deemed to be of a similar nature as those above by the Planning Commission.

26.4 Minimum Lot Area and Width

The minimum lot area for properties in the ORP Office Research Park District shall be 1 acre and a width of not less than 100 feet.

26.5 Minimum Front Yard Setback

The minimum front yard setback in the ORP Office Research Park District shall not be less than 50 feet.

26.6 Minimum Side Yard Setback

The minimum side yard setback in the ORP Office Research Park District shall not be less than 20 feet with a total side yard setback of 45 feet.

26.7 Minimum Rear Yard Setback

The minimum rear yard setback in the ORP Office Research Park District shall be 40 feet.

26.8 Maximum Height Regulations

No principal structure shall exceed 45 feet in height. No accessory structure shall exceed 25 feet in height.

26.9 Additional Requirements

In addition to the standards established in this Chapter, uses within the ORP Office Research Park District must conform to the standards established in Chapter 28, Buffer yards and Landscaping and Chapter 30, Off-Street Parking and Loading. Any changes to the exterior of the building or lot shall require site plan review by the Planning Commission for all uses within the Office Research Park District, except single family and two family dwellings. Such review shall be conducted according to the standards and processes outlined in Chapter 36 and shall include review of the proposed building materials and design. Conditional uses must be approved by the Planning Commission according to the standards and processes outlined in chapter 36.

CHAPTER 27
HO HISTORIC OVERLAY DISTRICT

27.0 Purpose

The Village of Newtown has been a continuously settled community since the establishment of a military station in 1792 by Captain Aaron Mercer. It is the desire of this community to celebrate its heritage by preserving architectural elements and regulating new development to recall and amplify the rich history of Newtown.

To achieve this stated desire, the Historic Overlay District has been created, as set forth in this chapter.

27.1 Historic District Boundaries

The Historic Overlay District shall include all legal lots abutting the following streets:

Along Church Street, south to south boundary of 3433 Church Street. The north boundary is the railroad track on Church Street. The East boundary on SR 32 is the west boundary of Drake Street. The West boundary on SR 32 is the western corporation line.

27.2 Design Review Criteria

The following controls shall prevail throughout for remodeling and new construction. The following design review criteria are in addition to the specific regulations and requirements set forth in the underlying zoning districts. All proposals in the Historic Overlay District shall comply with the following:

27.3 Maintain height, shape, and scale as represented by existing buildings

A. Maximum building height shall be determined by the existing height of the neighboring buildings and/or across the street. In no case shall the building exceed 35 feet to the roof line as measured from the grade line to the gutter.

B. The building's vertical and horizontal dimensions shall be in proportion to one another without overemphasis of either dimension. Horizontally long buildings shall be broken up through the use of recesses or setback variations to cause the façade to appear as a series of proportionally correct masses.

C. Overall building mass must consider the depth of a building in relation to both adjoining buildings and the lot upon which the building is intended. This building mass must be in appropriate proportion to other buildings adjoining this structure, the lot upon which the building is intended, as well as other similar buildings in the district in order to maintain the overall compatibility of historic design characteristics.

27.4 Maintain existing skyline created by roofline contour and cornice

A. Primary structures should have pitched gables and/or sloped shed roofs.

B. The design of a gabled roof pitch may vary in design, but should not be less than 25% of the building height as measured from the grade line to the gutter. Roofs of attached sheds may have less pitch than the roof over the main structure.

C. The cornice of new buildings should be strong, well articulated and in proportion to traditional or classical architectural design.

D. The top of the exposed foundation of a new building should be set within 10% of the average height of the foundation of the building on either side and must meet flood plain guidelines.

27.5 Maintain the existing rhythm of façade pattern and detail

A. The shape and configuration of windows and doors for new construction and rehabilitation of buildings should be based on historic and traditional design. The first and second story openings should have a strong relationship to one another. Alterations to window or door size or shape will be permitted on existing buildings only to the extent that such a change would bring about greater historical accuracy.

B. Window and door openings should occupy between 25% and 30% of residential building facades.

C. Window emphasis should generally be vertical, with the height of a window being approximately two times its width. The spacing between windows in historic structures is between one and two times the width of the window. If spacing is only one times the width, shutters should be used. Shutters should be constructed of wood and be proportioned as if they would cover the entire window opening if closed. They should be operable or mounted on hinges.

D. Windows can be fixed or operable and shall be compatible with the historic structures. Window openings in masonry buildings should be traditional by retaining the sense of sill, lintel, and sides of opening.

E. Windows shall be glazed in clear glass rather than tinted glass. For historic buildings, windows should be repaired when possible. When replacement is necessary, an all wood window is the only acceptable replacement. If the window unit is to be divided into smaller panes, then it must have true divided lights. For non-historic buildings, windows shall be compatible with the Historic District. Narrow line windows should be avoided, and proportions shall be similar to Historic buildings. Simulated true divided light sashes may be used, however snap on grills or grills in airspace (GIS) are not acceptable. Windows should be painted wood. Painted aluminum cladding over wood or composite material may be approved by the Planning Commission on existing buildings that are within the Historic District, but which are not otherwise compatible with the desired 19th century Village architecture.

F. Windows for commercial buildings, especially those on the first story, can be larger than those typical of residential buildings. They must show symmetry and proportion to the building and to the windows of the second floor.

G. The length of a hypothetical rectangle that encompasses all first story windows and doors shall be the same length as that of a rectangle, which encompasses all second story windows. Commercial buildings may possess a greater amount of building façade occupied by windows and doors than what is appropriate for residential buildings. Commercial buildings need not have first story windows which emphasize the vertical dimension, nor do they have to be the same height as second story windows, but compatibility with the 19th century Village design characteristics is required.

H. For residential buildings, doors should be approximately the same width as the windows. Doors must be constructed of wood and be paneled, either solid or with glass panes. Trim around doors should be the same as windows. Transoms above doors with glass panes are acceptable. The main entry of a building should face the street if possible. The entry of a corner building can face the street or be at an angle to the street. Entries may be flush with the building or recessed.

27.6 Construction Materials Appropriate to the District

A. Approved construction materials in the district include brick, stone, natural wood, clapboard, wood board and batten, wood shingles, and traditionally applied stucco. Prohibited construction materials include vinyl, aluminum, steel siding, or exterior insulation-stucco systems. A fiber cement material may be used as siding on new construction and as a replacement on non-historic buildings built after 1950. New composite materials are allowed.

B. The only material approved for windows and/or doors is wood. For commercial properties, four or six paneled steel doors will be allowed when required by the Fire Code. Vinyl, fiberglass, aluminum, steel, or manmade materials are prohibited except as specified herein. Exterior storm/screen windows of extruded painted aluminum in a design approved by the Commission may be allowed as an alternative to replacing existing sash or on a new unclad sash. Alternative materials may be considered.

C. Brick in new buildings or additions to existing buildings must be similar in color, size and texture of brick and mortar joint detail to the historic examples of other historic buildings. The color of the brick is in the red-orange range. The color should be uniform rather than being mottled or speckled. Unpainted brick is preferred, unless the building has been previously painted.

D. Wood clapboard siding and brick should be used on the exterior of frame buildings, must be run horizontally and should have appropriate lap exposure on siding or course height of brick.

E. Slate, copper, wood, or standing seam metal roofs are preferred; however, asphalt or fiberglass shingles may be used as well. When asphalt shingles are used, they must be ‘three tab’ or dimensional. When replacing roofing, every effort must be made to duplicate the original roofing material.

27.7 Paint Colors Appropriate to the District

A. The more simple the building design, the fewer the number of colors should be used on it, but never more than three different colors on the same building unless it was appropriate to the architecture of that era. The main body of the building should be painted all the same color.

B. The body and trim of the building should be painted different, but complimentary colors. Colors selected should complement abutting buildings.

C. Acrylic paint or alkyd stain in a flat or satin finish shall be used.

D. Final color selection must be approved by the Planning Commission.

27.8 Landscape Elements and Street Furniture Appropriate to the District

Improvements in the public right-of-way must conform to the Village of Newtown Historic District Streetscape Plan. Fences, non-structural walls, railings, and trellises shall be made of natural materials or painted iron. Steps, stairs, or railings shall be made of wood, concrete, stone or brick.

27.9 Sign Designs Appropriate to the District

A. Signs should respect the overall architectural composition of the building and its scale, while not overwhelming the façade. Sign colors must be harmonious with the building's materials and colors and must be from the approved list of sign colors adopted by the Commission. Signs may not cover architectural features.

B. Wall signs should be affixed on a continuous, flat, vertical, opaque surface and cannot project more than 6" from the building surface.

C. Wall signs should not extend higher than the bottom of the sill of the second story window, or above the lowest point of the roof, or over 25' above grade, whichever is lowest. They must be at least 6" from the lintel or other trim of the window above or below it.

D. No more than one right angle sign, projecting not more than 4' is allowed for each business establishment. The bottom of the sign should be at least 8' above ground level (sidewalk). The top of the sign may not extend higher than the bottom of the second story window, the lowest point of the roof, or 25' above grade, whichever is lowest.

E. Window signs may only be applied directly to the inside surface of the window glass. The letters should be 4" or less and symbols cannot be larger than 8". Window signs shall not exceed more than 10% of the front building face.

F. Wall signs should have a simple design and shall not have more than three lines of letters.

G. Signs may be externally illuminated. Neon lighting, internally illuminated, and backlit signs are not permitted, unless historically significant to Newtown. Letter styles shall be appropriate to the district. Ground signs shall include the street address.

H. Sign materials may be of any wood, cast metal, natural stone, brick or glass with painted faces or letters. Vinyl letters may be used only for window signs.

27.10 Accessory structures must enhance, yet be subordinate to the primary structure in size, scale and architectural detail

A. All accessory structures shall be limited to the rear yard. Accessory structures shall not exceed the height of the principal structure or 1 ½ stories in height. The roof style should be limited to either gable or shed roof designs. Flat or gambrel roofs are not allowed.

B. Garages shall be limited to two cars in size and may be limited to one car based on the size of the principal structure. Garage doors shall be made only of wood, but engineered or composite wood may be acceptable.

C. Decks, patios and porches must be compatible with the era of the building. On historic buildings, masonry and concrete patios directly on grade are permissible. Porches are permitted if they are compatible in design to the rest of the building and the era. New porches should not be more than four feet above grade. Porches in conjunction with walk out basements are discouraged. Above-grade decks are not permitted as additions to historic buildings. On non-historic buildings, masonry and concrete patios directly on grade are encouraged. Decks are permitted, but must be painted or stained (not clear) and be compatible to the era of the building.

D. Arbors, trellises, fences and other accessory structures must be of a natural material. If they are made of wood, they must be painted or stained (not clear.) They should be designed to be compatible with the era of the building.

27.11 Exterior Lighting Appropriate to the District in Type, Design, Location and Quantity

Lighting should be used in a very limited manner and only to highlight architectural details on a building, illuminate a sign, or to illuminate walkways and/or parking areas. The use of incandescent, natural gas, or halogen lights is allowed. Sodium lights are prohibited, however color or neon light may be allowed if of historic significance and approved by the Planning Commission. Lighting must also comply with other sections of this code.

27.12 Review Procedures

The Building Commissioner, subject to approval by the Village Council, shall adopt certain rules and regulations setting forth the palate of colors, roof materials, building materials, and other construction materials acceptable in the Historic Overlay District for the enforcement of this Code. The Planning Commission shall have the final approval of all exterior building materials, finish methods and colors. Any appeal of the decisions of the Planning Commission shall be made to the Council of the Village of Newtown.

27.13 Landscape Plan Required

All remodeling and new development proposals shall include a landscape plan which shall show the total site to be developed, including landscape treatment of the structures, parking areas and screen planting along adjacent property lines.

27.14 Utilities

Below grade utility services are preferred. All above ground utilities, including poles, transformers, riser, poles and meter locations and building attachments shall be approved by the Planning Commission prior to installation.

27.15 Pedestrian Circulation

All site development plans shall give preference to pedestrian circulation and shall give entry and egress from the street sidewalk major emphasis. Lighting of parking areas in excess of 5 cars shall have an average illumination level of 1.5 foot candles. All outdoor lighting shall be designed and located with a maximum illumination of 0.5 foot candles at the property line.

.

CHAPTER 28
BUFFERYARDS AND LANDSCAPING

28.0 Purpose

The purpose of this Chapter is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties, to screen visually undesirable uses from view, to require screening between incompatible land uses, and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

28.1 Applicability

This Section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family and two family dwellings and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined as an increase of the existing structure by twenty (20) percent or more.

28.2 General Requirement for Submission

Any property to which this Section applies shall submit a buffer yard plan to the Planning Commission as part of the Site Plan Review process required in Chapter 36. Buffer yard plans shall be prepared by a nursery and/or certified by a design professional practicing within their areas of competence. The site plan shall contain the following information:

A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:

1. North arrow and scale.
2. The name of applicant/owner.
3. The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.
4. The dates the plans are submitted or revised.
5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
6. All existing plant material to be removed or retained and all new landscaping materials to be installed.
7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
8. All property lines and easements.
9. Any other information which is deemed appropriate by the Zoning Commissioner.

B. Details shall be shown for the planting of the types of trees, shrubs and ground cover within the buffer yard or landscaped area.

28.3 Approval

No site or development plan required under this Zoning Code shall receive final approval unless a landscaping plan has been submitted and approved. No Certificate of Zoning Release shall be issued unless such plan has been fully implemented on the site, or such plan cannot be implemented immediately due to seasonal conditions, but has been guaranteed by a postponed improvement agreement between the developer and the Village.

28.4 Buffer yard and Screen Standards

A. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The Owner of the property shall be responsible for the continued maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Building Commissioner to refuse an occupancy permit, require replacement of the landscape material, revoke a zoning certificate or institute legal proceedings to enforce the provisions of this Section.

B. Once a buffer yard has been approved by the Planning Commission and established by the owner, it may not be used, disturbed or altered for any purpose.

C. All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen. All plant material shall be free from disease and damage. All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic. All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of "American Standards for Nursery Stock", after all construction activity in the area of the new planting has ceased.

D. Canopy trees shall be deciduous trees with a minimum of twelve (12) feet overall height or a minimum caliper of two (2) inches when installed, and have an expected height of at least 35 feet at maturity. Evergreen trees shall be a minimum of five (5) feet in height when installed. Understory trees shall be a minimum of five (5) feet in height in clump form or a minimum caliper of 1.5 inches in single stem form when installed. Shrubs shall be at least eighteen (18) inches in height or 24 inches in spread when installed.

E. The objective of providing a screen is to visually hide whatever is behind the screen. The screen shall be completely opaque. The following standards for each screening material shall be required.

1. When plant material is used as screening it shall meet all height requirements in accordance with this Chapter. Height requirements will be considered met when plants are selected whose height at maturity as certified by a licensed Landscape Architect or Certified Horticulturist.
2. To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as defined in this Section. Spreading evergreen trees should be planted eight (8) feet on center. Narrow evergreen trees should be planted four (4) feet on center. Designation of evergreen trees as spreading or narrow shall be certified by a licensed Landscape Architect or certified Horticulturist. Evergreen shrubs should be planted at a maximum of four (4) feet on center.
3. Plant material may be used in conjunction with fences, walls and berm, but the overall effect shall be a completely opaque continuous screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a completely opaque screen.
4. Fences should be used where appropriate to create an effective screen between incompatible uses. Fences to be used as screens should be approved by the Planning Commission during review of the landscape plan and shall be in conformance with regulations as established in Section 4.5.

28.5 Screening and Buffering Required

In order to provide protective screening and buffers for residential areas adjacent to nonresidential areas, the Planning Commission shall require a wall, fence or greenbelt to be provided by the nonresidential property owner in accordance with the Buffer yard Requirements set forth in Section 28.6. The Planning Commission shall also use the following criteria to evaluate proposed screening and buffer yard requirements:

A. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
B. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.
C. The Planning Commission may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

28.6 Buffer Yard Requirements

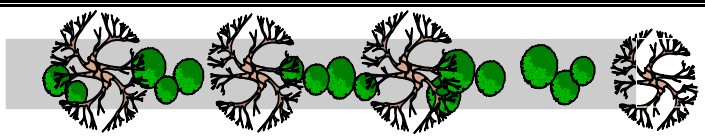
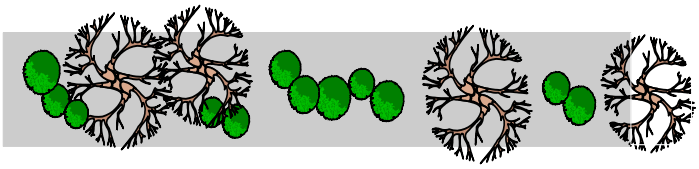
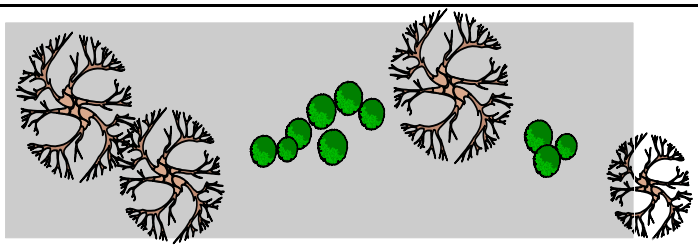
WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...
Any commercial land use	Any residential zone or land use	Evergreen trees planted at the boundary at a standard of one tree per 25 feet of linear distance; a fence should be six feet in height and placed at the nonresidential property line. The area between such fence and the property line shall be treated with plantings to form a permanent landscaped area.
Any office land use	Any residential zone or land use	
Any industrial land use	Any residential, office or commercial zone or land use	
Any multiple family land use	Any R-SFE, R-SF OR R-TF, zone or land use	A buffer yard as specified in Figure 28A.
Any institutional land use	Any residential zone or land use	
Any non-residential or parking lot	Any public right-of-way	A streetscape buffer as specified in Figure 28B.

28.7 Modification

The Planning Commission shall have the authority to modify any of the aforementioned requirements in this Chapter, in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will develop a compatible buffer or screen with the surrounding neighborhood at the time of application.

Figure 28A Boundary Buffer yard

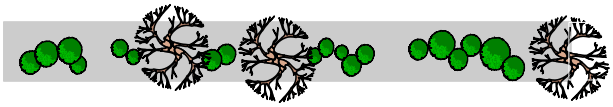
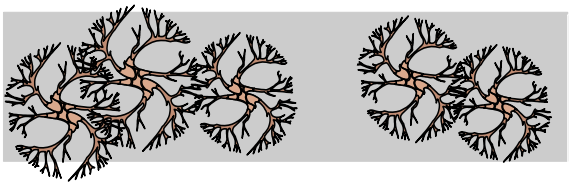
Figure 14B: Alternatives For Boundary Buffer B

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	15
15 ft.		3.3	12.5
25 ft.		3.3	10

Notes:

1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A fence, wall, or berm 6 ft. to 8 ft. in height may be used and can substitute for shrub requirements
3. All landscape material required for the buffer shall be confined to the boundary buffer.

Figure 28B Streetscape Buffer Yard

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1 10 ft.		2.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		5 (or existing woodland area)	

Notes:

1 Berms shall be a minimum 3 ft. height.

2 A fence or wall 3 ft. to 4 ft. in height with 50% or less of its surface open or a minimum 3 ft. grade drop from the right-of-way to the vehicular use area may be used and can be substituted for 50% of the shrub requirements.

3 All landscape material required for the buffer shall be confined to within the required landscape strip.

CHAPTER 30
OFF-STREET PARKING AND LOADING

30.0 General Requirements

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this Chapter. A parking plan shall be required for all uses. The parking plan shall be submitted to the Village as part of the site plan review. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this ordinance 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. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

30.1 Off-Street Parking and Design Standards

All off-street parking facilities, including entrances, exits, circulation areas and parking spaces, shall be in accordance with the following standards and specifications:

A. Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles and shall be of useable shape and condition. All parking spaces must be a minimum of 9 feet wide and 18 feet long. Stacking spaces for drive-through windows must provide a space equal to the required parking space size.

B. There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:

1. For single family detached dwellings or two family dwellings, the access drive shall be a minimum of eight (8) or maximum of (20) feet in width.
2. For all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
3. All parking spaces, except those required for single family detached and two family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

4. Parking for uses not permitted in a residential zone shall not be permitted in a residential zone, nor shall any R-District property be utilized as access for uses not permitted in that R-District.

C. Setbacks

1. No parking shall be permitted within the front yard of a single family or two-family dwelling except on a paved driveway. Parking and vehicular areas for non-residential uses and multiple-family dwellings shall be located a minimum of 10 feet from the front right-of-way line and at least 5 feet from a side or rear property line. Front parking setback areas shall be landscaped according to the regulations for streetscape buffer yard as established in Chapter 28.

2. Within the street right-of-way, it shall be unlawful, except for mailboxes, to place any structure, landscape feature, boulders or signage, unless specifically approved by the Village of Newtown within the Village right-of-way and the area between the street and public sidewalk.

D. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces any premises situated in any residential district or institutional premises, by a masonry wall or a solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet nor more than six (6) feet in height, and shall be maintained in good condition without any advertising. The space between such wall or fence and the lot shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition, free of debris and weeds. In lieu of such wall or fence, a strip of land not less than fifteen feet in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted and this shall be maintained in good condition.

E. Any off-street parking area and its driveway shall be surfaced with a pavement having an asphalt or concrete surface of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface. All parking areas shall be paved.

F. All parking spaces, together with driveways, aisles and other circulation areas, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

G. Wherever a parking lot extends to a property line, fencing, wheel stops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle form extending beyond the property line and destroying the screening materials.

H. Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.

I. All parking areas for more than five (5) vehicles shall be marked with paint lines, curb stones or in some other manner approved by the Village and shall be maintained in a clearly visible condition.

J. Any owner of property used for parking areas shall maintain such areas in good condition without holes and free from all dust, trash, weeds and other debris.

K. Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Chapter 32, Signs, of this code.

30.2 Determination of Required Spaces

In computing the number of parking spaces required by this Code, the following shall apply:

A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross floor area of a specified use.

B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for each twenty (20) lineal inches of seating facilities.

C. Fractional numbers shall be increased to the next highest whole number.

D. Parking space requirements for a use not specifically mentioned in this ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Planning Commission.

E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

30.3 Outdoor Lighting

Outdoor lighting shall be reviewed by the Building Commissioner and Planning Commission according to the standards established in Section 4.16.

30.4 Parking Space Requirements

For the purpose of this zoning ordinance, the following parking space requirements shall apply:

- Automotive Service: Two spaces for each service bay.
- Automotive Washes: Automobile car washes shall provide sufficient stacking space for three vehicles per bay.
- Automotive Filling Stations: Two spaces per fuel pump.
- Automotive Sales: One space for each 800 square feet of floor area.
- Bed and Breakfast: One space for each guest room plus two spaces for the permanent residence.

- Clinics - Medical and Dental: One space for each 200 square feet of floor area.
- Not for Profit or Service Clubs: One space for each 250 square feet of floor area.
- Contractor Yard: One space for each 1,000 square feet of floor area plus one space for each facility vehicle.
- Convalescent Care Facilities/Assisted Living Facilities/Nursing Homes: One space for each four beds.
- Convenience Store: One space for each 250 square feet of floor area.
- Day Care Center: One space for each four persons of design capacity.
- Educational Institution: Two spaces for each classroom plus one space for each four seats in the auditorium. High schools shall also include one space for each ten students at design capacity.
- Financial Institution: One space for each 100 square feet of floor area plus sufficient stacking space to accommodate the number of automobiles equal to five times the number of teller windows.
- Funeral Home: One space for each 50 square feet of floor area plus one reserved space for each hearse or company vehicle.
- Group Home: One space for each four beds.
- Hospitals: One space for each two beds.
- Hotels/Motels: One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space accessory to the hotel/motel.
- Industrial/Manufacturing: One space for each 400 square feet of floor area.
- Office and Personal Service: One space for each 200 square feet of floor area.
- Printing and Related Trades: One space for each 400 square feet of floor area.
- Public Assembly Hall: One space for each 50 square feet of floor area.
- Public Buildings: One space for each 200 square feet of floor area.
- Recreational, Non-Commercial: One space for each participant at maximum utilization.
- Recreational, Commercial: One space for each three seats or one space for each 100 feet of floor area, whichever is greater.
- Religious Places of Worship: One space for each eight seats in the place of assembly.
- Residential, Multiple Family: Two spaces for each dwelling unit.
- Residential, Single Family: Two spaces for each dwelling unit.
- Residential, Two Family: Two spaces for each dwelling unit.
- Research and Development Laboratories: One space for each 500 square feet of floor area.
- Restaurants: One space for each 100 square feet of floor area.
- Restaurants, Fast Food: One space for each 100 square feet of floor area plus sufficient stacking space for five vehicles at each drive through window.
- Retail Business: One space for each 150 square feet of floor area.
- Taverns: One space for each 100 square feet of floor area.
- Veterinary Hospital: Four spaces for each examination room.
- Warehouse and Wholesale: One space for each 1,000 square feet.

30.5 Joint or Collective Parking Facilities

The joint or collective parking provision of required off-street parking areas shall comply with the following standards and requirements:

A. Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap.

B. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.

C. The total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various uses computed separately.

D. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel of the Village and filed with the application for a zoning permit.

E. The Planning Commission may reduce the amount of required parking for uses within the P-V Planned Village Center District if such use is within 800 feet of a public parking facility and the Planning Commission finds that such reduction in parking is justified by the applicant.

30.6 Handicapped Parking Requirements

Parking facilities serving buildings and facilities required to be accessible to the physically disabled shall have conveniently located designated parking spaces to be provided as established by the Ohio Basic Building Code.

30.7 Off-Street Loading Space Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, funeral home, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise.

30.8 Off-Street Loading Design Standards

All off-street loading spaces shall be in accordance with the following standards and specifications:

A. Each loading space shall have a minimum dimension not less than 10 feet in width, 25 feet in length and a vertical clearance of not less than 14 feet in height.

B. Notwithstanding other provisions of this regulation and other setback requirements, off-street loading spaces may be located in the required rear or side yard of any G-B, LIP or ORP District provided that not more than 80% of the

required rear yard or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet from any right-of-way or residential district unless wholly enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.

C. In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any residential district unless completely enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height. Screening shall include an evergreen hedge or planting no less than six (6) feet in height and maintained in good condition. Screening shall be provided within the required parking setback.

D. All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.

E. Any required off-street loading spaces, together with its appurtenant driveways, aisles and other circulation areas, shall be surfaced with a pavement having an asphalt or concrete binder of sufficient strength to support vehicular loads imposed on it while providing a durable, dustless surface.

F. All loading spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

G. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from any adjacent properties or right-of-way and in conformance with Section 4.16.

30.9 Submission to Planning Commission

Detailed drawings of the location, width and number of entrance driveways to necessary parking and off-street loading facilities shall be submitted to the Planning Commission, with the exception of single family detached dwellings and duplexes, for approval prior to the granting of any Zoning Certificate. Such drawing shall show the number of spaces and locations, dimensions and descriptions of all features enumerated in this Section or as required elsewhere in this Zoning Code. The Planning Commission may require, in addition to those enumerated, further structural or landscaping features such as bumper guards, curbs, walls, fences, shrubs, trees, ground cover or hedges to further the intent and purposes of this zoning code. The Planning Commission, in addition, may recommend such changes in location, width and number of driveways as it shall determine are necessary to eliminate any potential traffic hazards.

30.10 Modifications

The Board of Zoning Appeals may authorize a modification, reduction, or waiver of the foregoing requirements if it should find that the peculiar nature of the residential, business, trade, and industrial, other use, exceptional situation or condition would justify such action.

30.11 Pavement in Required Front Yards of Residential Uses

The impervious surface ratio (ISR) of the required front yard shall not exceed fifty (50) percent. ISR calculations shall include porches, sidewalks, driveways, and any other permanent impervious surfaces which project into the required front yard.

CHAPTER 32
SIGN REGULATIONS

32.0 Purpose

It is the purpose of these sign regulations to permit the use of signs as a means of communication in the Village; to maintain and enhance the Village's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

In establishing these purposes, the Village has determined that, without adequate regulation and design standards, signs are a nuisance. Excessive signs create dangerous traffic conditions, obstruct views, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the Village, and as such are detrimental to the public health, safety and general welfare of the Village.

In view of the foregoing, any sign that does not conform to the regulations of this Chapter, or any subsequent amendment thereto, shall therefore be deemed a public nuisance, and as such, must be abated as provided herein. The regulations contained in this Chapter are the minimum regulations necessary to abate the nuisance and to achieve the purposes of this Chapter.

This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of the Chapter which can be given effect without the invalid provision.

32.1 Application of Chapter

A. The provisions of this chapter shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, unless such sign is otherwise specifically regulated by special use provisions relating to variances.

B. Any sign already established on the effective date of this Zoning Code, which sign is rendered nonconforming by the provisions of this Zoning Code, and any sign which, as a result of subsequent amendments of this Zoning Code, shall be rendered nonconforming, shall be subject to the provisions of Section [concerning Non-conformities].

C. Wherever a commercial sign is allowed or permitted under this Chapter, an owner may place a non-commercial sign, subject to the time, place and manner provisions of this Chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial sign on the lot;

provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

D. All non-commercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this section.

E. Notwithstanding any other provision herein, signs that display a non-commercial message are entitled to the maximum square footage allowed any sign within the same zoning district.

F. Notwithstanding any other provision herein, signs that display a non-commercial message are not subject to the temporal limitations otherwise set forth in this Chapter; however, such signs remain subject to the provisions of Section [concerning maintenance of signs].

32.2 Prohibited Signs.

A. The following signs and sign components are prohibited:

1. Signs not constructed in compliance with the ordinances of the Village of Newtown and any other applicable regulations, or a variance granted pursuant to Section 32.14.

2. Any sign requiring a permit in accordance with this Chapter and not having said permit.

3. Mobile or portable signs as depicted below:

4. Signs that rotate, or incorporate animation, moving parts, flashing lights, or changing color.

5. Portable signs carried by sign walkers.

6. Snipe signs.

7. Deteriorated signs.

8. Abandoned signs.

   a. Unattended signs on public property, including, but not limited to, parks and right of ways, shall be considered abandoned signs. Such abandoned signs may be disposed of or destroyed without notice. Such destruction or disposal is not subject to appeal.

32.3 Signs Exempt from this Chapter

A. The provisions of this Chapter shall not apply to the following:

1. Signs not legible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfares or right of way.
2. Government signs.
3. Public signs.
4. Seasonal or holiday displays that contain no commercial message.
5. Signs on a truck, bus, trailer or other vehicle while such vehicle is operated in the normal course of business which is not primarily the display of such signs.
6. Flags and pennants that contain no commercial message.
7. Tablets, grave markers, headstones, statuary or remembrances of persons or events that contain no commercial message.
8. Works of art containing no commercial message.
9. Cornerstones containing no advertising message incorporated into the building design as an architectural feature.
10. Corporate limit signs.

32.4 Signs Partially Exempt from Chapter

A. The following signs may be erected or constructed without a permit, but may be subject to additional regulations under this Chapter. Where a sign is erected pursuant to a federal or state statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance:

1. Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;

2. Signs required by an order of a court of competent jurisdiction;
3. Signs installed by a transit company with a franchise or other right to operate in Village where such signs are installed along its routes and bear no commercial message.
4. Residential nameplates.
5. Temporary signs as indicated in Table 32.6.

32.5 Signs Allowed in the Right of Way and on Public Property

The following signs, and only the following signs, shall be allowed in the public right of way in the Village or in parks or on other public property controlled by the Village:

A. Government signs.
B. Public signs.
C. Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message.
D. Signs required by a court of competent jurisdiction.
E. Signs installed by a transit company with a franchise or other right to operate in the Village, where such signs are installed along its routes and bear no commercial message.
F. Signs installed and maintained by [the Member] that may contain either commercial or non-commercial messages as part of a logo sign/directional sign program, through which space is made available to users on a nondiscriminatory basis in accordance with separately published criteria and with payment of a fee.
G. Corporate limit signs.
H. Signs located in parks that relate to the use of one or more facilities (including temporary uses by particular entities or individuals), provided that such signs shall not be legible from any public right of way outside of the park.
I. Signs for concessionaires and event sponsors inside stadiums, arenas or ball fields or such other facilities. Signs located inside an outdoor facility, if such facility is located more than 400 feet from the nearest right of way, shall be deemed not to be legible from such right of way even if they may be legible from some locations outside the facility.
J. Street banners as permitted by the Village's banner policy.

32.6 Temporary Signs

Temporary signs shall be permitted as specified in this Section, including the Temporary Sign Standards Table below.

1. Temporary signs bearing a commercial message shall be located on the premises to which they refer.
2. Temporary signs shall not be illuminated.
3. Temporary signs are prohibited in the right of way.
4. Temporary signs shall be securely fastened or attached to a stationary structure or ground in such a manner as to prevent swinging or other significantly noticeable movement.

5. Temporary signs shall be maintained in good condition. Any temporary sign that is constructed of lightweight wood and cardboard, or of wire frame and plastic, is deemed to have a lifespan of sixty (60) days, after which time, such temporary sign is deemed dilapidated and shall be replaced or removed.
6. Any temporary sign violating the requirements of this section is declared to be a public nuisance and the Zoning Inspector is authorized to remove the same or cause it to be removed.
7. Temporary signs shall not be posted on any traffic control device, utility pole, railroad sign or signal.

Table 32.6

Type of Temporary Sign	District(s)	Type of Sign Permitted	Maximum Sign Area	Maximum Height	Maximum Number	Permit Required	Setback/ Location	Permitted Duration
Signs on vacant lots, buildings or tenant spaces.	All	Freestanding, Wall (multi-family, commercial, industrial properties only)	8 sq. ft. 16 sq. ft.	4 ft. N/A	1 per road or building frontage	No	Outside of RoW	Remove within 30 days lot or building is no longer vacant
Site Sign – Residential	Residential	Freestanding	8 sq. ft.	4 ft.	1 per road frontage	No	Outside of RoW	Remove within 30 days after work is complete
Site Sign – Non-residential	GB, ORP, LIP, P-V	Freestanding Wall (banner)	16 sq. ft. 32 sq. ft.	6 ft. N/A	1 per road or building frontage	Yes	Outside of RoW	Remove within 30 days after work is complete
Yard Sign – Residential	Residential	Freestanding	8 sq. ft.	4 ft.	1 per road frontage	No	Outside of RoW	Remove within 60 days.
Yard Signs and Banners – Non-residential	GB, ORP, LIP, P-V	Freestanding Wall (banner)	16 sq. ft. 32 sq. ft.	6 ft. N/A	1 per road or building frontage	Yes	Outside of RoW	2 times per year not to exceed 30 days each.
Public Issue Sign /Non-Commercial Sign	All	Freestanding Wall (banner)	The maximum area permitted in the zoning district where the sign is located.	The maximum height permitted in the zoning district where the sign is located.	4	No	Outside of RoW	Faded, worn, cracked, or ripped signs are to be removed.
A-Frame or Sandwich Board	GB, ORP, LIP, P-V	Freestanding	10 sq. ft. per side	4 ft.	1	No	No closer than 1 ft from RoW or 1.5 ft from curb.	Daily provided the sign is removed at closing.

32.7 General Provisions

The following regulations shall apply to all permitted signs in the Village:

A. Signs shall not obstruct or interfere with traffic or traffic visibility.

B. Signs shall not obstruct or interfere with any ingress or egress to a building or other premises which is required by any applicable Fire or Building Codes or any window or other opening in any building providing ventilation to such building.

C. Illuminated Signs

1. When permitted under this Chapter, signs may be illuminated by either external or internal sources of light; however, illuminated signs where any part of the illumination flashes on and off or displays change in any degree of intensity shall not be permitted.
2. Any external illuminated signs located within one hundred (100) feet of any Residential district shall cease to be illuminated between the hours of 10:00 P.M. and 6:00 A.M., unless the establishment is open for business.

D. Small directional or informational signs, such as "IN", "OUT", "REST ROOMS"~~,~~ etc., shall be permitted, provided that each such sign shall be limited to two (2) square feet in any face area, with a maximum of two (2) signs per curb cut and a total of no more than four (4) signs per property. Such signs may be internally lighted but shall be located no closer than five (5) feet to any property line or right-of-way, shall not exceed four (4) feet in height and shall not obstruct the view of any drivers on or off the premises.

E. No sign, whether freestanding or attached to a building or other structure, may project over the right-of-way of any public street, sidewalk or other public right-of-way. Any sign which encroaches on a right-of-way shall be immediately removed.

F. Unsafe Signs

1. The Building Commissioner shall make an inspection of signs or other structures governed by this Code upon notice of a complaint and, if upon such inspection, the Building Commissioner shall determine that any sign is or has become defective or insecurely mounted or supported so as to constitute a public or traffic hazard, the Building Commissioner shall order such sign to be removed or repaired so as to eliminate such hazard.
2. If the Building Commissioner determines that such sign is of immediate danger, he shall place or cause to be placed signs or barriers indicating such danger, and shall be empowered to order its immediate removal or repair.
3. The Building Commissioner shall order rusted signs or signs in disrepair or with peeling paint or other damage to be repaired or removed.
4. The owner or persons in control of such sign shall bear the full cost of compliance with such order of the Building Commissioner.

32.8 Permitted Signs in Non-Residential Districts

The following provisions define the categories of signs permitted by this Chapter in the G-B General Business, ORP Office Research Park, and LIP Light Industrial Park Districts. All other provisions of this Chapter, which are by their nature applicable to any of the following categories of signs, shall apply to such categories.

A. Wall Signs: Every commercial, business, industrial or institutional use located in the G-B, ORP, and LIP Districts may erect and maintain, upon or incorporated into the structure of the building or portion of a building in which such use is maintained, one (1) wall sign per use, either illuminated or non-illuminated.

1. Signs may be attached to the exterior walls or other vertical surfaces of such buildings, but may not extend beyond the parapet of the building. The face of such signs shall be parallel to the face of the building.
2. The total wall sign area on each building shall not exceed ten (10) percent of the front building face.
3. No portion of a sign shall project more than one (1) foot beyond the face of the building, nor extend beyond the end of the building face.
4. No building shall have a sign or lettering painted directly on the building surfaces.
5. No building shall have a roof mounted sign, except for signs mounted on the face of a mansard roof.
6. A property owner may allocate up to fifty (50) percent of the allowable total wall sign area to a building wall other than the front wall of the building; however, the total wall sign area for the entire building shall not exceed ten (10) percent of the front building face.
7. No wall sign shall exceed 150 square feet in area.

B. Ground Signs

1. No portion of any ground sign shall be closer than five (5) feet to any property line or right-of-way.
2. No portion of any such sign may exceed eight (8) feet in height.
3. No ground sign shall be closer than fifty (50) feet to any other freestanding signs. Distance shall be measured on a straight line directly between signs.
4. Every commercial, business, industrial, or institutional use or multiple development located in a Non-Residential Zoning District may erect and maintain one or more ground signs as follows:

Road Frontage	Number of Signs Permitted
0 to 400 feet	One (1) sign
401 to 800 feet	Two (2) signs
801 feet or more	Three (3) signs

a. In the case of a user or multiple development located on a corner lot, the aforesaid minimum frontage shall be computed by adding together the frontages on each abutting street or road.
b. If the premises upon which a ground sign is erected fronting on more than one public street, other than a corner lot, the street frontage nearest the sign(s) shall be used in determining the maximum number of permitted signs on such streets.

5. Display surface area for ground signs:

a. The sign area for a ground sign shall not exceed fifty (50) square feet per display surface. More than one display surface shall only be permitted when such surfaces are placed back to back and cannot be viewed at the same time.
b. In the case of a multiple development, the permitted total area of display surfaces of a ground sign shall include all the display surfaces of any individual signs identifying separate uses in such multiple development.
c. In the case of a multiple development located on a corner lot, the aforesaid minimum frontage shall be computed by adding together the frontages on each abutting street or road.
d. If the premises upon which a freestanding sign is erected fronts on more than one public street, other than a corner lot, the street frontage nearest the sign shall be used in determining the maximum permitted sign area on such street.
e. The allowable area of a freestanding sign may include a section for changeable letters. Such area shall not exceed fifty (50) percent of the sign area.

C. Landscaping of Signs: Any ground mounted sign shall have landscaping beneath the sign according to the following standards:

1. The minimum landscaped area shall be equal to the area of the sign face.
2. The landscaped area shall include all points of structural support attachment to the ground.
3. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles is required. The minimum

horizontal distance between the face of any required curb and any part of the sign is 36 inches.

4. The landscaped area shall include living plantings located and maintained. The use of concrete, asphalt or other paved surface inside the required landscaped area beneath the sign is prohibited.

D. A-Frame Signs. In the non-residential zoning district, if a property has a minimum five foot (5') wide sidewalk, each business may have one (1) A-Frame sign (no permit required), similar type portable "sandwich board" style sign, provided all the following conditions are met:

1. The sign shall only be on display during business hours of the business it advertises and may contain changeable copy.
2. The sign shall not exceed 30 inches in width and 48 inches in height.
3. The sign shall be placed on the sidewalk only with the approval of the owner of the front property.
4. Its nearest edge must be placed either a maximum of one (1) foot from the right-of-way line or between one (1) and one and a half (1.5) feet from the curb.
5. Signs should be of a sturdy design and construction that resists being moved or blown over by the wind. However, they shall not be attached to publicly owned sign posts, hydrants, trees, or other street furnishings located in the right-of-way

32.9 Permitted Signs in P-V Planned Village District

The following provisions define the categories of signs permitted by this Chapter in P-V Planned Village District and set forth certain specific regulations with respect to each category. All other provisions of this Chapter, which are by their nature applicable to any of the following categories of signs, shall apply to such categories.

A. Wall Signs: Every commercial, business, industrial or institutional use located in the P-V Planned Village District may erect and maintain, upon or incorporated into the structure of the building or portion of a building in which such use is maintained, one (1) wall sign per use, either illuminated or non-illuminated signs.

1. Such signs may be attached to the exterior walls or other vertical surfaces of such buildings but may not extend beyond the parapet of the building. The face of such signs shall be parallel to the face of the building.
2. The total wall sign area on each building shall not exceed ten (10) percent of the front building face upon which they are mounted.
3. No portion of a sign shall project more than one (1) foot beyond the face of the building, nor extend beyond the end of the building face.

4. No building shall have a sign or lettering painted directly on the building surfaces.
5. No building shall have a roof mounted sign, except for signs mounted on the face of a mansard roof.
6. A property owner may allocate up to fifty (50) percent of the allowable total wall sign area to a building wall other than the front wall of the building however, the total wall sign area for the entire building shall not exceed ten (10) percent of the front wall area.
7. No wall sign shall exceed 100 square feet in area.

B. Ground Signs Every commercial, business, industrial, or institutional use or multiple development located in a P-V Planned Village district may erect and maintain one ground sign.

1. No portion of any ground sign shall be closer than five (5) feet to any property line or right-of-way.
2. No portion of any such sign may exceed five (5) feet in height.
3. No ground sign shall be closer than twenty-five (25) feet to any other ground sign. Distance shall be measured on a straight line directly between signs.
4. The sign area for a ground sign shall not exceed forty (40) square feet per display surface. More than one display surface shall only be permitted when such surfaces are placed back to back and cannot be viewed at the same time. The allowable area of a ground sign may include a section for changeable letters. Such area shall not exceed fifty (50) percent of the sign area.

C. Landscaping of Signs: Any ground mounted sign shall have landscaping beneath the sign according to the following standards:

1. The minimum landscaped area shall be equal to the area of the sign face.
2. The landscaped area shall include all points of structural support attachment to the ground.
3. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles is required. The minimum horizontal distance between the face of any required curb and any part of the sign is 36 inches.
4. The landscaped area shall include living plantings located and maintained. The use of concrete, asphalt or other paved surface inside the required landscaped area beneath the sign is prohibited.

D. A-Frame Signs. In the non-residential zoning district, if a property has a minimum five (5’) foot wide sidewalk, each business may have one (1) A-Frame sign (no

permit required), similar type portable "sandwich board" style sign, provided all the following conditions are met:

1. The sign shall only be on display during business hours of the business it advertises and may contain changeable copy.
2. The sign shall not exceed 30 inches in width and 48 inches in height.
3. The sign shall be placed on the sidewalk only with the approval of the owner of the front property.
4. Its nearest edge must be placed either a maximum of one (1) foot from the right-of-way line or between one (1) and one and a half (1.5) feet from the curb.
5. Signs should be of a sturdy design and construction that resists being moved or blown over by the wind. However, they shall not be attached to publicly owned sign posts, hydrants, trees, or other street furnishings located in the right-of-way

32.10 Signs Permitted in Residential Zoning Districts

The following provisions define the categories of signs permitted by this Chapter in Residential Zoning Districts and set forth certain specific regulations with respect to each category. All other provisions of this Chapter, which are by their nature applicable to any of the following categories of signs, shall apply to such categories.

A. Wall Signs.
   1. For residential structures utilized for home occupation or professional services use, one (1) non-illuminated wall sign may be erected and maintained. The display surface of such sign shall not exceed one (2) square feet.
   2. For semipublic, public, or institutional use, having less than 100 linear feet of frontage, one (1) non-illuminated wall sign may be erected and maintained. The display area of such sign shall not exceed four (4) square feet.
   3. For semipublic, public, or institutional use, having at least 100 linear feet of frontage, one (1) non-illuminated wall sign may be erected and maintained. The display area of such sign shall not exceed 32 square feet, provided; however, that the total signage on the lot shall not exceed 64 square feet.

B. Ground signs.
   1. For semipublic, public, or institutional use, having at least 100 linear feet of frontage one (1) non-illuminated ground sign may be erected and maintained. The area of each display surface of the sign shall not exceed 32 square feet, nor shall the total of all surfaces exceed 64 square feet. Such ground sign shall be at least five (5) feet from all front property lines and right-of-way. Total signage on the lot shall not exceed 64 square feet.

C. Nameplates. Nameplates shall subject to the following standards:

1. Single-Family Residential. There shall be not more than one nameplate, not exceeding two square foot in area, for each dwelling unit. On a corner lot, two such nameplates for each dwelling unit, one facing each street, shall be permitted.
2. Multi-Family Residential. For multi-family buildings, a single identification sign, not exceeding 24 square feet in area may be displayed. On a corner lot, two such signs, one facing each street, shall be permitted.

D. Entranceway Sign.
1. One entranceway sign is permitted located at each primary entrance leading into a residential subdivision or multi-family development.
2. A landscaping area equal to the sign area shall be provided around the sign base. The landscape area shall include living plants aesthetically located and maintained.
3. Any illumination of entranceway signs shall be from an external illumination source. Internally illuminated signs are not permitted.
4. Entranceway signs shall match or surpass the construction materials and architectural style of the housing units located within the subdivision.
5. Residential entranceway signs shall not exceed 12 feet in height or 150 square feet in area.

32.11 Signs in a Planned Unit Development

Signs in a Planned Unit Development shall conform to the regulations of the underlying or attached district.

32.12 Maintenance of Signs

All signs and the immediate surrounding premises shall be maintained by the owner of such signs or his agent in a clean condition, free and clear of all rubbish and weeds.

32.13 Sign Permit Applications and Fees.

Unless specifically exempt under this Chapter, no sign shall be erected, placed, installed or otherwise established in the Village unless a permit has been issued by the Building Commissioner. Such permit shall be obtained through the office of the Building Commissioner. A fee to be determined by Council shall be charged for each sign permit.

32.14 <u>Permit Decision, Variance and Appeal Process</u>

A. When a permit of any kind is required for a sign, the Building Commissioner shall deny, approve with conditions, or approve without conditions such permit in an expedited manner no more than twenty (20) days from the receipt of a complete application for such a permit, including the applicable fee.

B. When a permit of any kind is required for a sign, and the permit application or permit appeal demonstrates that the sign would comply with all applicable

requirements of this section, the permit application or permit appeal shall not be denied.

C. If the permit is denied or approved with conditions, the Building Commissioner shall prepare a written decision within ten (10) days of his or her decision, stating the reason or reasons for the action and describing the applicant's appeal rights and the applicant's rights to seek a variance under Section 36 of this Zoning Code and provide it to the applicant.

D. When the BZA receives an appeal from the denial or approval with conditions of a permit required for a sign, the Board shall hold a hearing as set forth in Chapter 36 of this Zoning Code.

E. Following the hearing, the BZA shall arrive at a decision as set forth in Section hearing process of this Zoning Code.

F. If the applicant elects to file an appeal from the BZA's decision in Common Pleas Court, the applicant shall follow the procedure set forth in Chapter 36 of this Zoning Code and Chapters 2505 and 2506 of the Ohio Revised Code.

32.15 Rights Reserved by the Village

The Village reserves the right to erect Village name signs, informational, seasonal and traffic signs anywhere that the public health, safety and general welfare of the Village are served.

32.16 Enforcement

Enforcement of this chapter shall be the responsibility of the Building Commissioner and such other appropriate personnel as may be designated by the Building Commissioner.

CHAPTER 34
PLANNED UNIT DEVELOPMENT

34.0 Purpose

It is the purpose of the Planned Unit Development District to permit a developer, through consultation with Village Council and the Planning Commission, to develop a site according to an established plan which would supersede normal zoning requirements of a particular zoning district, although the uses approved within a Planned Unit Development must conform to the uses as specified in the existing zoning district. Planned Unit Developments are intended to permit creative site planning and allow a developer to incorporate such amenities as common open space into the overall site design. Village Council may approve a Planned Unit Development (PUD) based on the following guidelines and procedures.

34.1 Types of Planned Unit Developments and Permitted Uses

A PUD may be approved within any zoning district, provided that the use(s) approved by Village Council for the PUD complies with those uses identified as permitted or conditionally permitted within the existing zoning district. For example, an applicant can request approval for a PUD within an R-TF Residential-Two Family District; the subsequent designation would be R-TF-PUD.

34.2 Required Open Space

A minimum land area of twenty (20) percent of the overall tract shall be reserved for use as open space. This open space may include such areas as pedestrian walkways, parkland, open areas, drainage ways, greenbelts and other lands of essentially open character. If common open space is provided, ownership of this common open space shall be transferred to a legally established Homeowners Association, or deeded with permanent restrictions for its preservation, or other method agreed upon by the Village, and the proper legal documents necessary for such transfer be prepared by the owner(s). The common open space shall be usable by residents/occupants of the PUD and shall not consist of isolated or fragmented pieces of land which would serve no useful purpose.

34.3 Required Contents of the Concept Plan

Submission of a Concept Plan is required as the initial process for the establishment of a PUD. Applicants are encouraged to engage in informal consultations with the Planning Commission prior to preparing the Concept Plan, it being understood that no statement or representation by Planning Commission members shall be binding upon the Commission. The applicant shall prepare a Concept Plan and shall submit the number of copies of this Concept Plan as specified by the Building Commissioner along with the Application for a Change of Zoning District to the Planning Commission for approval.

This Concept Plan shall contain a base map of the property showing existing and proposed land use, general topography and physical features, property boundaries, adjacent thoroughfares and access points, vehicular and pedestrian circulation, location of different land use areas, density levels of each area, location of schools, parks or other

community facility sites (if any), setback and height requirements, proposed drainage, general utility plan, parking layout, proposed sign plans, the schedule of projected development if construction is to extend beyond a two (2) year time period, all necessary legal documentation relating to the transfer of common open space, if proposed, to the legally established Homeowners Association or protection of common open space, or other mechanism approved by the Village, and other information as may be required by the Village for review.

The Planning Commission shall study the application and Concept Plan and shall hold a public hearing within sixty (60) days of the time of application. Following this public hearing, the Planning Commission shall make a report to Village Council recommending approval or disapproval and the reasons therefore. The Planning Commission may explicitly impose special conditions relating to the PUD with regard to type and extent of public improvements, maintenance of common open space, and any other pertinent development characteristics as needed in making a determination. The time period for review may be extended if agreed upon by the applicant.

34.4 Conditions of Approval

Upon receipt of the report of the Planning Commission, Village Council shall study and review the proposed Concept Plan and shall approve or disapprove the application on the basis of (1) all application submission requirements have been satisfied, and (2) finding that the following specific conditions are met:

A. That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained;
B. That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts in these regulations;
C. That the proposed internal streets and thoroughfares are suitable and adequate to carry anticipated traffic;
D. That the minimum open space area has been reserved, a means has been established to maintain the area, and is either to be dedicated to the Village of Newtown, be transferred to a legally established Homeowner's Association or other legally established entity, or other mechanism approved by the Village;
E. That any part of a PUD not used for structures, parking and loading areas or streets shall be landscaped or otherwise improved;
F. That the Planned Unit Development District is in conformance with the Village Comprehensive Plan, as may be amended from time to time;
G. That the development will not impose an undue burden on public services and facilities such as fire and police protection; and
H. That the density of each individual phase of the PUD, as well as the density of the entire project, shall not exceed the maximum allowable density as permitted in the underlying districts, except as provided for in Section 34.5.

34.5 Increase in Density

An increase in density of fifteen (15) percent may be permitted over the maximum allowable density of the underlying zoning district(s).

34.6 Planning Commission and Village Council Action

If from the facts presented, Village Council is unable to make the necessary findings specified in Section 34.4, Conditions of Approval, the application shall be denied or returned to the developer for clarification. In taking action, the Planning Commission and Village Council may deny the Concept Plan or may recommend approval of said plan subject to specified amendments.

If the application is approved by Council, the approval of the Concept Plan shall be limited to the general acceptability of the land uses proposed, density levels and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in subsequent preparation of detailed site development plans.

Approval of the Concept Plan shall constitute the creation of a separate "PUD" Planned Unit Development Zoning District. The new zoning designation shall incorporate the existing zoning classification.

At the time of adopting any Ordinance establishing a "PUD" District, Village Council shall make appropriate arrangements with the applicant, which will ensure the accomplishment of the public improvements and reservation of common open space of the public improvements shown on the approved Concept Plan. The developer shall post a bond in the amount determined by the Village to ensure completion of the necessary improvements should the developer fail to complete such improvements as agreed upon.

34.7 Detailed Site Development Plan Approval Procedure

Once the Concept Plan has been approved by the Planning Commission and Village Council, detailed site development plans for each section of the overall planned unit development landholding must each be reviewed and approved by the Planning Commission prior to the issuance of any Zoning Certificate by the Building Commissioner.

The detailed site development plans shall be in accordance with the original Concept Plan; shall be prepared for the applicant by a professionally competent engineer, architect and/or landscape architect; and shall include the following:

A. Site plan indicating lot lines, building outlines, off-street parking and loading spaces, pedestrian walkways and vehicular circulation.
B. Preliminary building plans, including floor plans and exterior elevations.
C. Landscaping and buffering plans.

D. Evidence that the development will not impose an undue burden on public services and facilities such as fire and police protection.

E. Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.

Approval of each detailed site development plan for each unit of a PUD District shall be valid for one (1) year. No Zoning Certificate or Building Permit shall be issued for any structure within the PUD until the final Subdivision Plat has been recorded with the County Recorder.

34.8 Amendments to an Approved Planned Unit Development

An approved PUD Concept Plan or Detailed Site Development Plan may be amended by following the procedures described in this Chapter. However, minor adjustments in the Detailed Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Planning Commission. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to residential property lines. Changes determined to be major shall require review and approval by Village Council.

CHAPTER 36
ADMINISTRATION

36.0 Purpose

This Chapter sets both the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council and the Building Commissioner with respect to the administration of the provisions of this Zoning Code.

36.1 Responsibilities of the Building Commissioner

A Building Commissioner shall be appointed by the Village Council. The Building Commissioner shall have the following responsibilities and powers:

A. Enforce the provisions of this Code and interpret the meaning and application of its provisions, including both map and text.
B. Receive, review and make determinations on applications for zoning permits.
C. Issue zoning permits as provided by this Code, and keep a record of same with notations of special conditions involved.
D. Review and process plans pursuant to the provisions of this Code.
E. Make determinations as to whether violations of this Code exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Code.
F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Code.
G. Maintain permanent and current records required by this Code, including but not limited to the Official Zoning Map, Zoning Permits, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the Village Council, Planning Commission, Board of Zoning Appeals and to the public.
H. Initiate the revocation of a permit or approval issued contrary to this Code.
I. Act upon all applications within thirty (30) days of their date of filing. A Zoning Certificate or written notification and explanation of refusal shall be issued to the applicant within said thirty (30) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his request to the Village Board of Zoning Appeals.
J. Examine and refer to the Planning Commission applications for a Zoning Certificate when site plan review is required as specified in Section 36.7.

36.2 Village Planning Commission

A. Composition; Terms of Office

The Village Planning Commission shall consist of five members, all of whom shall be residents of the incorporated area of the Village, and whose term shall be

for the length of time as provided in the Ohio Revised Code. The Composition of the Commission shall be as follows:

1. The Mayor;

2. One (1) member of Council (to be elected by Council); and

3. Three (3) other residents of the Village appointed by the Mayor.

B. Responsibilities

The Planning Commission shall have the following responsibilities and powers as they relate to this Code:

1. Continuously review the effectiveness and appropriateness of this Code and recommend such changes or amendments as it deems appropriate.
2. Initiate advisable Official Zoning District Map changes, or changes in the text of the Code where same will promote the best interest of the public through recommendation to the Village Council.
3. Review proposed zoning amendments, Planned Unit Development applications, Historic District Overview and Historic District Appeals as filed by a property owner
4. Conduct Site Plan Review for projects requiring such approval.
5. Review and approve/disapprove Conditional Use applications. A substitution of a previously approved Conditional Use, for a similar Conditional Use may be administratively granted by the Building Commissioner.
6. Function, in addition, as provided by all other applicable Sections of the state law, Chapter 713 of the Ohio Revised Code.

C. Decisions of Planning Commission

Any decision by the Planning Commission requires the concurrence of a majority of the members present for the vote. The Planning Commission shall render a decision within 60 days from the date of the close of the public hearing unless an extended period of time is mutually agreed upon by the applicant and the Board.

The Planning Commission shall notify the applicant in writing of the decision of the Commission, which shall include the reasons for the action taken

36.3 Conditional Use Permits

A. Conditional Use Process

1. The Planning Commission may hear and decide upon, in accordance with the provisions of these regulations, applications for a Conditional Use Permit. The purpose of a Conditional Use Permit is to allow a proper integration of uses into the Village which may only be suitable in specific locations within certain zoning district(s) or only if such uses are designated or laid out in a particular manner on the site. In the Floodway Fringe (FF) District, the Building Commissioner shall review permits.

2. In considering an application for a Conditional Use Permit, the Planning Commission must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be conditionally permitted, and that all conditions for approval of Conditional Uses have been met. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed Conditional Use and any potential nuisances.

3. A public hearing shall be held by the Planning Commission in considering an application for a Conditional Use Permit. Notice shall be given not less than ten (10) days prior to the date of public hearing, both by posting notice on or near the parcel of land involved at places which will be conspicuous to the neighboring properties and to the public, and by publishing notice in a newspaper of general circulation. The failure of any person, other than the applicant, to receive notice of any hearing or public hearing shall in no way affect the validity of action taken.

B. Conditional Use Application

An application for a Conditional Use Permit shall contain the following information:

1. The total area in the development.

2. The existing zoning of the property in question and/or all adjacent properties.

3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.

4. Existing topography with a maximum of ten (10) foot contour intervals.

5. The proposed finished grade of the development shown by contours not larger than five (5) feet.

6. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.

7. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.

8. All sidewalks and other open areas.

9. Location of all walls, fences, and buffer yards.

10. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.

11. Location of all existing proposed streets, highways and alleys.

12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.

13. The schedule of phasing of the project.

14. Such other information as required by the Planning Commission to determine the conformance with this Code.

C. Standards for Conditional Use

The Commission shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

1. The proposed Conditional Use will comply with all applicable regulations of this Code, including lot size requirements, development standards and use limitations, except that variances may be granted as allowed by this Code.

2. Adequate utility, drainage and other such necessary facilities have been or will be provided.

3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.

4. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that

such permits and licenses are obtainable for the proposed Conditional Use on the subject property.

5. All exterior lights for artificial open-air illuminations are so shaded as to avoid casting direct light upon any property located in a residential district.

6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets given access to it, shall be in harmony with the appropriate and orderly development of the district in which it is located.

7. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures,

8. Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals.

D. Conditions and Restrictions

In granting a Conditional Use Permit, the Commission may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in this Chapter to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Code.

E. Period of Validity

A Conditional Use Permit granted by the Commission shall terminate at the end of one year from the date on which the Commission grants the Conditional Use, unless within the one year period a building permit is obtained and the erection or alteration of a structure is started and completed within (2) two years from the commencement of the construction project.

36.4 Village Council

The powers and duties of the Village Council as they relate to the Zoning Code are as follows:

A. Appoint a Building Commissioner to administer and enforce the provisions of these Regulations.

B. Appoint a five-member Board of Zoning Appeals in accordance with the Ohio Revised Code, Chapter 713, to hear administrative appeals and requests for variances.
C. Initiate or act upon suggested amendments to the Zoning Regulations or the Official Zoning District Map following the recommendations of the Village Planning Commission.
D. Elect one of its own members to the Planning Commission.
E. Determine fees for permits, application review and violations. These fees shall be utilized to help cover the expenses of the Building Commissioner, the Planning Commission, and the Board of Zoning Appeals.
F. Provide for maintaining and keeping current the permanent records required by these regulations, including but not limited to the Official Zoning District Map, Zoning Certificates, inspections, and all official zoning actions of the Village Council. Such records shall be made available for use by the Village Council, Planning Commission, Board of Zoning Appeals, and the public.
G. Hear and decide appeals of decisions of the Planning Commission regarding applications for site plan review.

36.5 Text Amendments and Changes of Zoning Districts

All amendments to the Zoning Code or changes of zoning districts on the Official Zoning District Map shall be made in accordance with the provisions in the Ohio Revised Code, Chapter 713. In addition, any property owner within three hundred feet of the subject property shall be notified of the amendment application and time of any public hearings. The applicant shall provide the names and mailing addresses of the property owners.

The Village Planning Commission and Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulation text or to the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

A. Manifest error in the original Zoning Regulation text and/or designations on the Official Zoning District Map.
B. Accordance with, or more appropriate conformance to, the Village Land Use Plan.
C. Substantial change in area conditions.
D. Legitimate requirement for additional land area for the particular zoning district.

Where the Zoning District Map is amended, the Village Planning Commission and the Village Council shall not approve any petition which results in a total landholding (excluding the area in roads and highways) containing less acreage than the minimums specified for each zoning district.

36.6 Site Plan Review

Site plan review shall be as follows:

A. Applicability

This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single family and two-family dwellings and parking lots of five (5) spaces or smaller. Substantial expansion of existing structures shall be defined as an increase of the existing structure by twenty (20) percent or more. No building shall be erected or structurally altered on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan. No zoning certificate shall be issued prior to the approval of a site plan.

B. Contents of Site Plan

Before a permit is issued for construction, copies of a site plan at a scale no smaller than 1 inch to 100 feet shall be filed with the Building Commissioner setting forth, identifying and locating the following:

1. The total area in the development.
2. The existing zoning of the property in question and/or all adjacent properties.
3. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
4. Existing topography with a maximum of ten (10) foot contour intervals.
5. The proposed finished grade of the development shown by contours not larger than five (5) feet.
6. The locations of all existing and proposed buildings in the described parcels, the uses to be contained therein and the total number of buildings including dimensions, heights, gross floor area and number of stories.
7. Location and dimension of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, angles of stalls, grades, surfacing materials, drainage plans, and illumination of facilities.
8. All sidewalks and other open areas.
9. Location of all walls, fences, and buffer yards.

10. Location, size, height, colors, typeset, materials, lighting, and orientation of all signs.

11. Location of all existing proposed streets, highways and alleys.

12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades.

13. The schedule or phasing of the project.

14. A lighting plan, including a photometric plan and proposed lighting fixture types, styles, and mounting heights.

15. A landscape plan.

16. A storm water management plan.

17. Such other information as required by the Planning Commission to determine the conformance with this Code.

C. Site Plan Review Guidelines

The following principles shall guide the exercise of site planning review by the Planning Commission:

1. The natural topographic and landscape features of the site shall be incorporated into the plan and the development.

2. Buildings and open spaces should be in proportion and in scale with existing structures and spaces in the area within 300 feet of the development site.

3. Sites that have an appearance of being congested, overbuilt or cluttered should be avoided since they can evolve into a blighting influence.

4. Open spaces should be linked together.

5. Natural separation should be preserved or created on the site by careful planning of the streets and clustering of buildings using natural features and open spaces for separation. Existing vegetation removal should be kept to a minimum.

6. Screening of intensive uses should be provided by utilizing landscaping, fences or walls to enclose internal areas.

7. Buildings should be sited in an orderly, non-random fashion. Long, unbroken building facades should be avoided.

8. The location of mid-rise and high-rise buildings should be oriented to maximize the privacy of the occupants of adjacent buildings.

9. Short loop streets, cul-de-sacs, and residential streets should be used for access to low-density residential land uses to provide a safer living environment and a stronger sense of neighborhood identity.

10. Street location and design shall conform to existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets. Grades should be as flat as possible near intersections.

11. Pedestrian circulation in non-residential areas should be arranged so that off-street parking areas are located within a convenient walking distance of the use being served. Handicapped parking should be located as near as possible to be accessible to the structure. Pedestrian and vehicular circulation should be separated as much as possible, through crosswalks designated by pavement markings, signalization or complete grade separation.

12. Path and sidewalk street crossings should be located where there is a good sight distance along the road, preferably away from sharp bends or sudden changes in grade.

13. Parking lots and garages should be located to provide safe, convenient ingress and egress. Whenever possible, curb cuts should be shared by more than one facility. Parking areas should be screened and landscaped and traffic islands should be provided to protect circulating vehicles and to break up the monotony of continuously paved areas.

14. Drive-through establishments, such as restaurants and banks, should be located to allow enough automobile waiting space for peak hour operation without interference with other parking lot circulations.

D. Action by Planning Commission for Site Plan Review

Upon submission of the complete application for site plan review to the Building Commissioner, the application shall be transmitted to the Planning Commission where they shall review the site plan pursuant to this Section 36.7. No public notice or public hearing shall be required in conjunction with the review, the approval, approval with modifications or disapproval of the site plan. The Planning Commission may approve, disapprove or approve with modifications the site plan as submitted.

The Planning Commission shall act upon all site plans within 35 days after the receipt of the complete application from the Building Commissioner. Within the 35 day period, a majority of the members of the Planning Commission present at

a meeting thereof may vote to extend the said period for a period of time not to exceed an additional sixty (60) days.

E. Appeal of Planning Commission Decision for Site Plan Review

An appeal can be made to the Village Council regarding a decision by the Planning Commission regarding approval of a site plan review. An applicant or other aggrieved party may appeal to the Village Council to evaluate the decision of the Planning Commission as related to a site plan review application. Such appeal shall be filed with the Village Council by service on the Fiscal Officer within thirty days after the decision of the Planning Commission. The Council may uphold the decision of the Planning Commission, overturn the decision of the Planning Commission, or modify the decision of the Planning Commission.

36.7 Board of Zoning Appeals

A. Composition; Terms of Office

The Board of Zoning Appeals, hereinafter called the BZA, shall be appointed by the Village Council and shall consist of five (5) members who are residents of the incorporated area of the Village. At least three (3) members of the BZA shall not be members of the Planning Commission or Council. The members of the BZA shall serve a term of three (3) years.

B. Quorum; Voting, Rules and Regulations

1. A quorum for all meetings shall consist of a majority of the members of the BZA. A majority vote by the members present is required for approval of matters brought before the Board. A Chairperson, elected from the members of the Board, shall preside at the meetings.

2. The Board may adopt from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Code.

C. Meetings and Records

Meetings of the BZA shall be held at the call of the chairperson and at such times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep written minutes of its proceedings, and shall keep records of all official actions, which shall be filed in the office of the Board and shall be a public record.

D. Powers and Duties

The BZA shall have the following powers:

1. Administrative Appeals: To hear and decide appeals where it is alleged there is an error in any interpretation, judgment, decision or determination made by the Building Commissioner in the administration and enforcement of the provisions of these regulations.

2. Variances: To authorize such variances from the terms, provisions or requirements of this Zoning Code as will not be contrary to the public interest. Such variances shall be granted only when, owing to special and unusual conditions pertaining to a specific piece of property as described below, the literal enforcement of the provisions or requirements of this Zoning Code would result in practical difficulty or undue hardship, so that the spirit of the Zoning Code shall be upheld, public safety and welfare secured and substantial justice done. Variances shall not be granted for uses not permitted in the zoning district applicable to the property.

E. Decisions of the BZA

Within the limits of the powers set forth in this Zoning Code, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination being appealed, and to that end shall have all the powers of the officer from whom the appeal is taken, and it may direct the issuance of a zoning permit.

Any decision by the Board of Zoning Appeals requires the concurrence of a majority of the members present for the vote. The Board shall render a decision on the appeal within 30 days from the date of the hearing unless an extended period of time is mutually agreed upon by the applicant and the Board.

The Board of Zoning Appeals shall notify the appellant in writing of the decision of the Board, which shall include the reasons for the action taken.

F. Appeals

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, deeming himself or itself to be adversely affected by a decision of the Building Commissioner or the Planning Commission.

1. Initiation of Appeal

a. Applications for appeal shall be filed with the Building Commissioner and with the Board of Zoning Appeals within twenty (20) days after the date of any adverse order, requirement, decision, or determination.

b. The application for appeal shall include reference to the decision and the provision of this Zoning Code from which the appeal is sought.

c. The application for appeal shall also contain a detailed written description of the alleged error and may include supporting documentation including, but not limited to, photographs, maps, site plans, drawings, correspondence and any other materials deemed to be relevant to the alleged error.

d. The Building Commissioner shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action being appealed was taken. Failure to submit the administrative appeal within the twenty-day period shall forfeit the applicant's right from seeking an administrative appeal under this section.

2. Proceedings Stayed

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Commissioner certifies to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the permit, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by a court having appropriate jurisdiction.

3. Public Hearing by the Board

When an application for appeal has been filed in the proper form with the Board of Zoning Appeals and the application fee has been paid, the Building Commissioner shall place the request upon the calendar for public hearing before the Board of Zoning Appeals and give not less than twenty (20) days public notice thereof in a newspaper of general circulation in the Village. Notice of such public hearings shall be given by first class mail to the parties making the request for the appeal and to all property owners within 300 feet of the property to which such appeal relates. When notice is required to be given to parties and affected property owners, such notification shall be sent to the names and addresses of such owners appearing on the Hamilton County Auditor's current tax list. If the address appearing on the tax list is that of a lending institution or other person or entity clearly recognizable as not being the owner, then written notice shall be mailed to such institution, person, or entity at the listed address and to the named owners at the street address of the property. Failure of delivery of such notice shall not invalidate action taken on such application. Any party may appear at the hearing in person or by agent or attorney.

4. Fee

The filing fee, as adopted by municipal ordinance, shall be paid to the Village at the time the Notice of Appeal is filed. No action shall be taken on any appeal until all applicable fees are paid.

G. Variances

Where there are exceptional or extraordinary circumstances or conditions such that the literal enforcement of this Zoning Code would involve practical difficulty, or would cause unnecessary hardship, unnecessary to carry out the spirit and purpose of this chapter, the BZA shall have power to relieve such hardship. In authorizing a variance, the BZA may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use it as it may deem necessary in the interest of the furtherance of the purpose of the chapter and in the public interest. In authorizing a variance, with attached conditions, the BZA shall require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached. Variances shall not be granted for uses not permitted in the zoning district applicable to the property.

1. Standard

No such variance of the provisions or requirements of this Zoning Code shall be authorized by the BZA unless the BZA finds that any of the following facts and conditions exist:

a. Exceptional Circumstances: Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Zoning Code, or by reason of exceptional topographic conditions, 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, 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 on the same zoning district.

b. Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights which are possessed by other properties in the same zoning district and in the same vicinity.

c. Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Zoning Code or the public interest.

d. Not of General Nature: That the condition or situation of the subject property, or the intended use of the property, for which

variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulations for such conditions or situation.

2. Application for Appeal or Variance

An application for an Appeal or Variance shall contain the following information:

a. Name, address and telephone number of the applicant.
b. A brief narrative description of the existing use of the property.
c. Statement of location of the property (subdivision, township, range, section number, lot number).
d. A statement indicating the zoning of the property.
e. A brief narrative description of the proposed appeal or variance being requested, citing the section of the Zoning Code from which the appeal or variance is being requested.
f. A plan, drawn at an appropriate scale, showing the location of the property, indicating all existing and proposed structures and lot lines, locations of the nearest public rights-of-way, location of all existing or proposed access points to the site, locations of any existing or proposed easements, and locations of any existing or proposed parking areas and driveways, showing intent to comply with all parking requirements specified by these regulations.
g. Such other information as may be required by the BZA.
h. Names and mailing addresses of owners of property adjacent to the subject property as recorded by the Hamilton County Auditor's Office.

5. Public Hearing by the Board

When an application for a variance has been filed in the proper form with the Board of Zoning Appeals and the application fee has been paid, the Building Commissioner shall place the request upon the calendar for public hearing before the Board of Zoning Appeals and give not less than twenty (20) days public notice thereof in a newspaper of general circulation in the Village. Notice of such public hearings shall be given by first class mail to the parties making the request for the variance and to all property owners within 300 feet of the property to which such variance relates. When notice is required to be given to parties and affected property owners, such notification shall be sent to the names and addresses of such owners appearing on the Hamilton County Auditor's current tax list. If the address appearing on the tax list is that of a lending institution or other person or entity clearly recognizable as not being the owner, then written notice shall be mailed to such institution, person, or entity at the listed address and to the named owners at the street address of the property. Failure of delivery of such notice shall not invalidate action

taken on such application. Any party may appear at the hearing in person or by agent or attorney.

6. Fee

The filing fee, as adopted by municipal ordinance, shall be paid to the Village at the time the application for variance is filed. No action shall be taken on any application until all applicable fees are paid.

Appeals from a decision of the Village of Newtown Board of Zoning Appeals shall be reviewed by the Court of Common Pleas of Hamilton County, Ohio in accordance with chapters 2505 and 2506, as applicable, of the Ohio Revised Code.

36.8 Zoning Certificates

No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within the Village without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of these regulations.

Application for a Zoning Certificate shall be made in writing to the Building Commissioner, or secretary of the Village Planning Commission. Each written application shall include the following:

A. Three (3) copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in its use, in whole or in part;
B. The location of the lot, existing zoning and land use, including the immediately surrounding area;
C. The location, size and height of any building or structure to be erected or altered;
D. The existing or intended use of each building, structure or use of land where no buildings are included; and
E. The number of families or dwelling units each building is designed to accommodate, if applicable.

If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within a six (6) six month period, then said Zoning Certificate shall be considered null and void. If construction is not completed within eighteen months from the issuance of a building permit, the Building Commissioner shall issue a notice to the owner that an explanation of the completion schedule for the project is required.

CHAPTER 38
ENFORCEMENT

38.0 Enforcement by Village Building Commissioner

The Building Commissioner shall administer and enforce this Code in accordance with the provisions of this Chapter. All departments, officials, and public employees of the Village vested with the duty and authority to issue permits or licenses shall conform to the provisions of this Chapter.

38.1 Revocation of Zoning Certificate

Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Village Council, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with these regulations, shall be deemed guilty of a violation.

38.2 Schedule of Fees

The Village Council shall establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Code, after considering the recommendations of the Building Commissioner with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Building Commissioner, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

CHAPTER 90
VIOLATION, REMEDIES AND FEES

90.0 Violation

For any building that is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land that is proposed to be used in violation of this Code or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Building Commissioner, or any adjacent or neighboring property owner who would be specifically damaged by such violation may initiate appropriate action to prevent such activity from proceeding in violation to this Code.

90.1 Notice of Violation

Whenever the Building Commissioner determines that there is a violation of any provision of this Zoning Code, a notice of such violation shall be issued. Such notice shall identify the violation in writing, state the reason(s) for issuance and refer to the section of this Zoning Code being violated, state the time by which the violation shall be corrected, and contain a statement of right of appeal or to request variance.

A. Service of notice of the violation shall be as follows:

1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; **or**
2. By Certified Mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the first class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; **or**
3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

D. Right of appeal shall be as follows:

1. Any party with standing may appeal any decision of the Building Commissioner to the Board of Zoning Appeals within 30 days of issuance of the decision.

90.2 Remedies

No person shall fail or refuse to comply with an order issued by the Building Commissioner. A separate offense shall be deemed committed each day upon which a violation occurs or continues. No person shall construct, modify, alter, use or occupy any structure or property in violation of the Newtown Zoning Code. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

A. Penalties: Anyone who violates this section is guilty of a minor misdemeanor for each offense. If within one year of the date of the offense the offender has been

convicted of or pleads guilty to another violation of Section 90.2, the offender is guilty of a misdemeanor of the third degree.

B. Civil Remedies: The Village of Newtown, the Village Council on behalf of the Village of Newtown or any officer designated by the Village Council on behalf of the Village of Newtown may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Zoning Code, or if the violation has caused damages to the Village of Newtown for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Code may file suit for injunction or damages to the fullest extent provided by the law.

C. Revocation of Zoning Certificate: In addition to the remedies provided above, any Zoning Certificate is subject to revocation by the Building Commissioner for failure to comply with any of the requirements of this Zoning Code, failure to comply with any conditions or requirements of approval granted under this Zoning Code, or failure to bring the property into compliance with any order of the Building Commissioner.

90.3 Fees

The fees for all applicant costs incurred in this Chapter shall be established by Village Council. Furthermore, no plan shall be accepted for filing and processing, as provided in this Chapter, unless and until a filing fee is paid to the Village.

The applicant shall be responsible for the expenses incurred by the Village in reviewing the plan or any modifications to the plan. In addition to filing fees, such expenses may include professional service costs and legal fees related to reviewing the plan, report preparation, publication and mailing of required public notices, and any other reasonable expenses directly attributable to the plan.

At the time of submitting a site plan to the Planning Commission for consideration, the applicant shall make a deposit in the office of the Village clerk in the amount equal to the estimated cost of the Village's expenses.