

## **CODIFIED ORDINANCES OF GENEVA-ON-THE-LAKE**

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

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**TITLE ONE - Scope and Application**

- Chap. 1111. Intent and Application.  
 Chap. 1113. Definitions.  
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**CHAPTER 1111  
 Intent and Application**

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**1111.01 AUTHORITY.**

This Zoning Code has been passed under the authority of the Ohio Revised Code Chapter 713. (Ord. 654. Passed 5-7-73.)

**1111.02 TITLE.**

This Code is the "Zoning Code for the Village of Geneva-on-the-Lake, Ohio". (Ord. 654. Passed 5-7-73.)

**1111.03 PURPOSES AND CONSIDERATIONS.**

This Zoning Code has been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Municipality.  
(Ord. 654. Passed 5-7-73.)

**1111.04 INTERPRETATION AND APPLICATION.**

(a) In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.

(b) Whenever the regulations of this Zoning Code require a greater width or size of yards or other open spaces, or require a lower height of building or less number of stories, or require greater percentage of lot to be left unoccupied, or require a lower intensity of population, or require a more restricted use of land, or impose higher standards than are required in any other ordinance or regulations, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other ordinance, regulation or private covenant is the more restrictive, then those requirements shall govern.

(Ord. 654. Passed 5-7-73.)

**1111.05 SEPARABILITY; CONFLICTING ORDINANCES REPEALED.**

If any section, subsection, sentence, clause or phrase of this Zoning Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Zoning Code. All ordinances or parts of ordinances of the Municipality of Geneva-on-the-Lake, in conflict with any regulation, provision, amendment or supplement of this Zoning Code are, to the extent of such conflict, hereby repealed.

(Ord. 654. Passed 5-7-73.)

**1111.06 FORM OF CODE.**

This Code is subdivided by titles. Each title is subdivided by chapters. Each chapter is subdivided into sections which are numbered in sequence within the chapter, commencing with the first section of Chapter 1111 which shall be numbered 1111.01. The first four figures before the decimal signify Chapter 1111 and the two figures "01" after the decimal signify the first section in Chapter 1111. The title and chapter headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect any provisions in this Code.

(Ord. 654. Passed 5-7-73.)

**CHAPTER 1113**  
**Definitions**

<b>1113.01</b>	<b>Interpretation.</b>	<b>1113.11</b>	<b>Loading space.</b>
<b>1113.02</b>	<b>General terms.</b>	<b>1113.12</b>	<b>Lot, parcel and land.</b>
<b>1113.03</b>	<b>Areas, buildings and land.</b>	<b>1113.13</b>	<b>Maps, plans and plats.</b>
<b>1113.04</b>	<b>Automotive uses.</b>	<b>1113.14</b>	<b>Nonconforming building, lot and use</b>
<b>1113.05</b>	<b>Buildings and structures.</b>	<b>1113.15</b>	<b>Reserved.</b>
<b>1113.06</b>	<b>Family.</b>	<b>1113.16</b>	<b>Reserved.</b>
<b>1113.07</b>	<b>Dwellings and other living accommodations.</b>	<b>1113.17</b>	<b>Streets</b>
<b>1113.08</b>	<b>Reserved.</b>	<b>1113.18</b>	<b>Use.</b>
<b>1113.09</b>	<b>Height of building.</b>	<b>1113.19</b>	<b>Variance.</b>
<b>1113.10</b>	<b>Home occupations and professional offices.</b>	<b>1113.20</b>	<b>Yards.</b>

**1113.01 INTERPRETATION.**

Words in this Code are normally used in their ordinary English usage. Certain terms are, however, defined in this Chapter and wherever used in this Zoning Code, they shall have the meaning as set forth in the section and subsection of this Chapter, except where the context clearly indicates a different meaning.  
(Ord. 654. Passed 5-7-73.)

**1113.02 GENERAL TERMS.**

(a) The word "shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision; "should" is to be interpreted as expressing that the application of said criteria or standard is desired and essential unless commensurate criteria or standards are achieved.

(b) All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

(c) The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

(d) "Regulation" means a rule, restriction or other mandatory provision in this Code intended to control, require or prohibit an act.

- (e) "Standard" means a test, measure, model or example of quantity, extent or quality.
- (f) "Criterion" means a principle by which the planning of a development area shall be guided.
- (g) "Village" means the Village of Geneva-on-the-Lake, Ohio.
- (h) "Commission" means the Village Planning Commission of Geneva-on-the-Lake.
- (I) "Council" means the legislative body of the Village of Geneva-on-the-Lake.
- (j) "Board" means the Board of Zoning Appeals of Geneva-on-the-Lake.
- (k) "Inspector" means the Zoning Inspector of the Village of Geneva-on- the-Lake.
- (l) "County" means the County of Ashtabula, Ohio.
- (m) "Clerk" means the duly acting and qualified Clerk of the Village of Geneva-on-the-Lake.
- (n) "Engineer" means the Engineer of the Village of Geneva-on-the-Lake.
- (o) "Person" means an individual, firm, association, corporation, trust or any other legal entity, including his or its agents.
- (p) "Developer" means a person commencing proceedings under this Code to effect the development of land for himself or for another.
- (q) "Code" means the Zoning Code of the Village of Geneva-on-the-Lake.  
(Ord. 654. Passed 5-7-73.)

### **1113.03 AREAS, BUILDINGS AND LAND.**

- (a) "Area of Buildings" means the area at the ground level of the main building and all accessory buildings, excluding unenclosed porches, terraces and steps, measured from the outside surface of exterior walls.
- (b) "Area of Lot" means the total horizontal area within the lot boundary lines of a zoning lot. (Ord. 654. Passed 5-7-73.)

### **1113.04 AUTOMOTIVE USES.**

- (a) "Private Garage" means a building, accessory to a one-or-two-family dwelling used exclusively for the parking or temporary storage of passenger automobiles.
- (b) "Storage Garage" means a main or accessory building, other than a private garage, used for the parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

(c) "Repair Garage" means a main or accessory building used or designed for repairing motor vehicles; a service garage if accessory to an automobile salesroom.

(d) "Accessory Parking Area" means an open or enclosed private area, other than a street, used for the free parking of passenger automobiles for occupants, their guests, or customers, of a main building.

(e) "Public Parking Area" means an open or enclosed publicly owned area used for passenger automobile parking, with or without fee.

(f) "Service Station" means a building and land including pumps, tanks and grease racks used for the retail sales of gasoline, lubricants, batteries, tires and other automobile accessories, and performing minor services and repairs. (Ord. 654. Passed 5-7-73.)

### **1113.05 BUILDING AND STRUCTURES.**

(a) "Structure" means that which is constructed on or under the ground or attached or connected thereto, including but not limited to: buildings, barriers, bridges, bulkheads, chimneys, fences, garages, outdoor seating facilities, parking areas, platforms, pools, poles, streets, tanks, tents, towers, sheds, signs, walls and walks; and excluding trailers and other vehicles whether on wheels or other supports.

(b) "Building" means a structure which is permanently affixed to the land having one or more floors and a roof, being bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, or enclosure for property. The term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof".

(c) "Main Building" means the building occupied by the main use or activity on or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof.

(d) "Accessory Building" means a subordinate building, other than a private garage; detached from, but located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use.

(e) "Building Line" means a line established by this Zoning Code, generally parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground except as may be provided in said Code.

(f) "Detached Building" means a building surrounded by open space.

(g) "Basement" means the space of a building where the floor level is more than three feet below the adjoining finished grade.

(h) "Land Coverage" means that percentage of a lot covered by the main and accessory buildings. (Ord. 654. Passed 5-7-73.)

(i) "Condominiums" means a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Real Estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Both residential condominiums and commercial condominiums exist, however, for purposes of this chapter, residential only are defined. Commercial condominiums will be handled as any other commercial or business property. (Ord. 2006-20. Passed 4-3-06.)

**1113.06 FAMILY.**

(a) "Family" means either one individual, two or more persons related by blood, marriage or adoption, or not more than three persons not related by blood, marriage or adoption, who live together in one dwelling unit and maintain a common household.

(b) "Roomer" means a person, other than a member of the family as defined above, who rents one or more rooms in a dwelling from the resident family.  
(Ord. 654. Passed 5-7-73.)

**1113.07 DWELLINGS AND OTHER LIVING ACCOMMODATIONS.**

(a) "Dwelling Unit" means space, within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family.

(b) "Dwelling" means a building designed or occupied exclusively for residential use and permitted accessory uses.

(c) "One-Family Dwelling" means a building consisting of a single dwelling unit only, separated from other dwelling units by open spaces. It may be attached to another one-family dwelling by a common fireproof wall.

(d) "Two-Family Dwelling" means a building consisting of two dwelling units, which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

(e) "Townhouse" means a multi-family building comprised of single dwelling units attached by common fireproof walls, each unit having at least two separate exterior entrances.

(f) "Seasonal One-Family Cottage" means a building intended for seasonal or temporary occupancy by one family where living, dining, sleeping, cooking, and storage space may be located in common.

(g) "Rooming House" means a building operated for compensation by a resident family, in which a room or rooms are provided for living and sleeping facilities to one or more persons.

(h) "Motel" means a building or buildings, providing overnight accommodations principally for automobile travelers, in which access to each rental unit is provided directly through an exterior door or by an entrance connected to a common interior hall leading to the exterior. (Ord. 654. Passed 5-7-73.)

**1113.08 RESERVED.**

This section is reserved for future legislation.

**1113.09 HEIGHT OF BUILDING.**

"Height of Building" means the vertical distance measured from the highest point of the coping of a flat roof, or the vertical distance measured from the ridge of a pitched roof to the average finished grade across the face of the building containing its principal entrance.  
(Ord. 654. Passed 5-7-73.)



**1113.10 HOME OCCUPATIONS AND PROFESSIONAL OFFICES.**

(a) "Home Occupation" means a gainful occupation enumerated in Section 1121.03 of this Zoning Code conducted by members of a resident family, wholly within a dwelling or in a building accessory thereto.

(b) "Home Professional Office" means a secondary office in a dwelling, occupied by a person practicing a profession enumerated in Section 1121.03 of this Code.  
(Ord. 654. Passed 5-7-73.)

**1113.11 LOADING SPACE.**

"Loading Space" means an open or enclosed space, other than street used for the temporary parking of a commercial vehicle while its goods are being loaded or off-loaded.  
(Ord. 654. Passed 5-7-73.)

**1113.12 LOT, PARCEL AND LAND.**

(a) "Lot" means a division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded survey map, or by metes and bounds.

(b) "Lot Of Record" means land designated as a separate parcel on a plat, map or deed in the records of Ashtabula County, Ohio.

(c) "Zoning Lot" means a parcel of land abutting a dedicated street, occupied or intended to be occupied by a main and/or accessory use or a main or accessory building, as a unit together with such open spaces as required by this Zoning Code. Unless the context clearly indicates the contrary, the term lot is used synonymously with zoning lot in this Zoning Code and it may or may not coincide with a lot of record.

(d) "Corner Lot" means a lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees.

(e) "Interior Lot" means a lot other than a corner lot or through lot.

(f) "Lot Line" means the boundary of a lot separating it from adjoining public, common or private land, including a public street.

(g) "Front Lot Line" means the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts upon a street. Unless the context clearly indicates the contrary, it shall be construed as synonymous with "street line".

(h) "Rear Lot Line" means a lot line parallel or within 45 degrees of being parallel to the front lot line.

(I) "Side Lot Line" means a lot line which is neither a front nor rear lot line.

(j) "Lot Depth" is the mean horizontal distance of a lot measured between the front and rear lot lines.

(k) "Lot Width" means the horizontal distance of a lot measured along the building line at right angle to the mean lot depth line. Width at front lot line is measured along the street line.

(l) "Mobile Home Park" means any site, or tract of land, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

(m) "Mobile Home Site" means the portion of a mobile home park designated for the use or occupancy of one mobile home.  
(Ord. 654. Passed 5-7-73.)

#### **1113.13 MAPS, PLANS AND PLATS.**

(a) "Map" means a drawing showing geographic, topographic or other physical features of the land.

(b) "Plan" means a drawing of a proposed design or of work to be performed.

(c) "Plat" means a map of a lot, parcel, subdivision or development area on which the lines of each element are shown by accurate distances and bearings.

(d) "General Plan" means the plan and statement of the objectives and recommendations for the general location and extent of desirable future land development, community facilities and street plans for the Village of Geneva-on-the-Lake, duly adopted or officially accepted.

(e) "Preliminary Plan" means a drawing prepared by a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land or a preliminary plan of land use of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

(f) "Final Plan" means the final plan prepared by a developer based upon the approved preliminary plan of a proposed development or development area which consists of detailed drawings, specifications, cost estimates and agreements for the construction of the site improvements and buildings for the proposed development or development area.  
(Ord. 654. Passed 5-7-73.)

#### **1113.14 NONCONFORMING BUILDING LOT AND USE.**

(a) "Nonconforming Building" means a building existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the area, height, or bulk of building, yard or other regulations of the district in which it is located.

(b) "Nonconforming Lot" means a lot existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

(c) "Nonconforming Use" means the use of a building or land, existing lawfully at the time this Zoning Code, or an amendment thereto, became effective but which does not conform to the use regulations, off-street parking and loading requirements, performance standards or other use regulations of the district in which it is located.  
(Ord. 654. Passed 5-7-73.)

**1113.15 RESERVED.**

This section is reserved for future legislation.

**1113.16 RESERVED.**

This section is reserved for future legislation.

**1113.17 STREETS.**

(a) "Street" means a public way for purposes of vehicular travel, including the entire area within the rights of way. The term includes, but is not limited to, avenue, alley, boulevard, drive, highway, road and freeway. Streets shall be classified and further defined as follows:

- (1) "Major Arterial Street" means a public street which is primarily for moving fast or heavy traffic between large or intensively developed districts.
- (2) "Collector Street" means a street supplementary to and connecting the major street system to local streets.
- (3) "Local Street" means a street primarily for access to abutting residential properties and to serve local needs.
  - A. "Cul-de-Sac" means a street, one end of which connects with another street and the other end of which is a dead end which allows space for turning of vehicles.
- (4) "Private Street" means a street held in private ownership.
- (5) "Street Line" means the street right-of-way line.
- (6) "Right-of-Way" means all of the land included within an area which is dedicated, reserved by deed, or granted by easement for street purposes.
  - A. "Roadway" means that portion of a right-of-way available for vehicular travel, including parking lanes.
  - B. "Tree Lawn" means that portion of a right-of-way lying between the exterior line of the roadway and the outside right-of-line.
- (7) Other Rights-of-Way, as follows:
  - A. "Pedestrian Way" means a public or private right-of-way, solely for pedestrian circulation.
  - B. "Easement" means the right of a person to use common land or private land owned by another for a specific purpose.

(Ord. 654. Passed 5-7-73.)

**1113.18 USE.**

(a) "Use" means any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any activity conducted in a building, other structure, or on the land.

(b) "Main Use" means the principal use of an activity conducted in a building, other structure or on the land.

(c) "Accessory Use" means a use located on the same zoning lot with the main use of the building, other structure or land, which is subordinate, and related to that of a main building or main use. (Ord. 654. Passed 5-7-73.)

**1113.19 VARIANCE.**

"Variance" means a modification of the zoning regulations, permitted in instances where a literal application of the provisions of the Zoning Code would result in unnecessary hardships as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question in accordance with procedures and standards set forth in Chapter 1143.  
(Ord. 654. Passed 5-7-73.)

**1113.20 YARDS.**

(a) "Yard" means that portion of the open area on a lot extending between a building and the nearest lot line, or between an accessory use of building and the nearest lot line as established in the Zoning Code.

(b) "Front Yard" means the yard extending from the front wall of the building to the front lot line across the full width of the lot.

(c) "Rear Yard" means the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.

(d) "Side Yard" means the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard; provided, that for a corner lot, the side yard extends from the front yard to the rear lot line.

(e) "Required Yard" means the minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard in order to comply with the zoning regulations of the district in which the zoning lot is located. A required yard shall be open and unobstructed from the ground upward except for projections on buildings as permitted in the Zoning Code and except for walks, landscaping and other yard or site features.  
(Ord. 654. Passed 5-7-73.)

**CHAPTER 1115**  
**Establishment of Code and Map**

<b>1115.01</b>	<b>Establishment of districts.</b>	<b>1115.04</b>	<b>Zoning vacated property.</b>
<b>1115.02</b>	<b>Establishment of regulations.</b>	<b>1115.05</b>	<b>Zoning annexed territories.</b>
<b>1115.03</b>	<b>Map and notations incorporated.</b>	<b>1115.06</b>	<b>Rules for uncertain boundaries.</b>

**1115.01 ESTABLISHMENT OF DISTRICTS.**

In order to carry out the purpose of this Code, the Village is hereby divided into the following districts, all of which are designated on the Zone Map by symbols and boundaries. Said districts shall be known as:

<u>District Title</u>	<u>Abbreviation</u>
<u>Residential Districts</u>	
1. One-Family	R1-F
2. Two-Family	R2-F
3. Seasonal one-family	S-R1F
4. Mobile Home	MH
<u>Business District</u>	
5. Retail Business-Recreational-Resort	RB-RR
<u>Commercial-Industrial District</u>	
6. Commercial Service	CS

(Ord. 789. Passed 4-7-80.)

(b) Whenever the abbreviated terms such as R1F, RB, CS, etc., are used in this Code, they shall be construed as referring to their corresponding district titles.

(c) The above classification of districts shall not be construed as an enumeration of most restrictive to least restrictive districts, except for the specific purposes set forth in this Code.

(d) All districts are as shown on the officially adopted Zoning Map, which accompanies this Zoning Code and is declared to be a part hereof as if fully described. The map designation and the rules which accompany the Zoning Map are declared to be a part of this Zoning Code. No buildings or premises shall be erected or used except in conformity with the rules herein prescribed for the use districts for which such buildings or premises are located and with all other rules contained in this Zoning Code.

(Ord. 654. Passed 5-7-73.)

### **1115.02 ESTABLISHMENT OF REGULATIONS.**

Any building or parcel of land may be used; and the use of any building and any parcel of land may be changed or extended; and any existing building may be altered, converted, enlarged, reconstructed, moved or maintained, only for the uses specifically enumerated or referred to as permitted, or required, in the district in which the building or parcel of land is located and for no other use. The enumeration of uses within a district shall not be construed as a ranking of the most desirable to less desirable uses.

(a) Main Buildings and Uses, enumerated in the various use regulations of this Code shall be permitted, by right, as the principal building, use or activity of a zoning lot only in a district in which it is specifically permitted.

(b) Similar Uses, are uncommon uses which have characteristics similar to and compatible with those uses enumerated as permitted in a district. by right, but since they occur only infrequently it is not reasonable to enumerate all such uncommon uses; they may, however, be added to the enumerations of permitted uses by procedures established in Section 1141.07.

(c) Accessory Buildings and Uses, as enumerated in the various use regulations of this Code shall be permitted as a subordinate building or subordinate use if it is clearly incident to and located on the same zoning lot as the main building or use, and if located in a district in which it is specifically permitted. The use, change, extension, alteration, conversion, enlargement, reconstruction, relocation, or maintenance of accessory buildings and land shall be subject to all area, yard, height, off-street parking and all other regulations set forth or referred to for the district in which the accessory building or parcel of land is located and to all other applicable regulations of this Code.

(Ord. 654. Passed 5-7-73.)

### **1115.03 MAP AND NOTATIONS INCORPORATED.**

The boundaries of the districts are shown upon the Map which is attached hereto and made a part of this Zoning Code, which Map is designated as the "Zoning Map". The Zoning Map and all notations, references and other information shown thereon, are a part of the Zoning Code and have the same force and effect as if the Zoning Map and all notations, references and other information shown thereon were fully set forth or described herein.

(Ord. 654. Passed 5-7-73.)

**1115.04 ZONING VACATED PROPERTY.**

Whenever any street, alley or other public way is vacated by official action of Council, the zoning of the district adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall henceforth be subject to all appropriate regulations of the extended districts.  
(Ord. 654. Passed 5-7-73.)

**1115.05 ZONING ANNEXED TERRITORIES.**

All territory which may hereafter be annexed to the Village, if already zoned, shall be continued in its existing zoning classification until amended in conformance with the procedures outlined in this Code.  
(Ord. 654. Passed 5-7-73.)

**1115.06 RULES FOR UNCERTAIN BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map accompanying and made a part of this Zoning Code, the following rules apply:

- (a) The district boundaries are the center lines of streets or alleys, unless otherwise shown and where the districts designated on the Zoning Map are bounded approximately by street or alley center lines, such center lines shall be construed to be the boundary of the districts.
- (b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts designated on the Zoning Map are bounded approximately by lot lines, such lot lines shall be construed to be the boundary of the districts, unless the boundaries are otherwise indicated on the Zoning Map.
- (c) In unsubdivided property, the district boundary lines on the Zoning Map shall be determined by dimensions or the use of the scale appearing on the Zoning Map.  
(Ord. 654. Passed 5-7-73.)





**TITLE TWO - District and District Regulations**

- Chap. 1121. Residential Districts.  
 Chap. 1122. Mobile Home Districts.  
 Chap. 1125. Business Districts.  
 Chap. 1127. Commercial Service Districts.

**CHAPTER 1121  
 Residential Districts**

<b>1121.01</b>	<b>Intent.</b>	<b>1121.07</b>	<b>Landscape features, fences, walls and driveways</b>
<b>1121.02</b>	<b>Use regulations: Residential Districts.</b>	<b>1121.08</b>	<b>Buildings permitted on zoning lot.</b>
<b>1121.03</b>	<b>Accessory uses.</b>	<b>1121.09</b>	<b>Supplementary height regulations.</b>
<b>1121.04</b>	<b>Area, yard and height regulations.</b>	<b>1121.10</b>	<b>Location of utilities.</b>
<b>1121.05</b>	<b>Front yards of partially built-up blocks.</b>	<b>1121.11</b>	<b>Open storage prohibited.</b>
<b>1121.06</b>	<b>Yards for accessory buildings and uses.</b>	<b>1121.12</b>	<b>Signs, Residential Districts.</b>
		<b>1121.13</b>	<b>Parking, Residential Districts.</b>

**1121.01 INTENT.**

Residential Districts and their regulations are established in order to achieve, among others, the following purposes:

- (a) To regulate the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot appropriate for the district;
- (b) To regulate the density and distribution of population in accordance with the objectives of the residential plan to avoid congestion and to maintain adequate services;
- (c) To provide for the proper location of seasonal residential dwellings (cottages) in areas appropriate to other municipal uses;
- (d) To provide for the proper location of community and shopping facilities so as to increase the general convenience, safety and amenities;

- (e) To provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic and other objectionable influences; and
- (f) To protect the desirable characteristics of existing residential development, the promotion of stability, the most desirable and beneficial use of the land, and bringing about the eventual conformity with the adopted or officially accepted General Plan and other plans of the Village.  
(Ord. 654. Passed 5-7-73.)

### 1121.02 USE REGULATIONS: RESIDENTIAL DISTRICTS.

Buildings and land shall be used, and buildings shall be erected, altered, moved and maintained in Residential Districts only for the uses set forth as permitted in the following schedule:

#### Schedule of Permitted Buildings and Uses

<u>District</u>	<u>Main Buildings and Uses</u>	<u>Accessory Buildings and Uses</u>	
(a) R1F	One-family dwellings. Public and private schools, library and other public buildings; parks, playgrounds, and other public land uses; churches, public water supply reservoir, tower and pumping station; public sewage treatment works, Agricultural uses including: field crops, truck gardening, berry and bush crops, tree crops, flower gardening and nurseries.	Private garages and parking areas; private garden and recreational uses; structures, pools, fences and walls, home offices and occupations, rental of rooms, accessory living accommodations; raising of domestic animals; nameplates, bulletin boards, real estate signs; agricultural uses; produce stand and private greenhouse	
(b) R2F	Main uses permitted in R1F District. Two-family dwellings; townhouses.	Accessory uses permitted in R1F District; storage garage and parking areas for automobiles as accessory to two family and townhouse dwellings.	
(Ord. 654. Passed 5-7-73.)			
	<u>Main Uses</u>	<u>Accessory Uses</u>	<u>Conditional Uses</u>
(c) SR1F	1-Family Dwellings	Accessory uses and for parking and one access. Building (garage or shed)	Condominiums
(d) RC1	Same as SR1F	Same as SR1F	Condominiums
(Ord. 2006-18. Passed 4-3-06.)			

### 1121.03 ACCESSORY USES.

(a) Parking and Garage Facilities. Private and storage garages and open off-street parking areas shall be permitted in residential districts if accessory to a dwelling.

(b) Home Professional Offices. An office may be permitted in residential districts, except seasonal residential, in the home of a person practicing any of the recognized professions, including accountant, architect, artist, engineer, lawyer, musician, physician, provided:

- (1) No assistants other than members of the resident family work therein;
- (2) The residential character of the dwelling exterior shall not be changed;
- (3) Equipment which will create any electrical disturbances beyond the premises shall not be utilized.

(c) Home Occupations. Gainful home occupations may be permitted in residential districts, except seasonal residential, including home crafts such as baking, dressmaking, millinery, weaving, home decorating, services such as beauty shop, repairing furniture and radios, sharpening tools; office space for businesses or service, such as real estate, selling or taking orders for merchandise, contracting work, provided:

- (1) Only members of the family residing within the dwelling shall work therein;
- (2) The occupation is conducted wholly within a building and the space used for production and sale does not occupy more than 25 percent of the floor area of a detached building;
- (3) No merchandise shall be sold except that which is produced or processed on the premises;
- (4) No mechanical equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot;
- (5) The residential character of the dwelling exterior or accessory building shall not be changed; and
- (6) Trucks or other mobile equipment shall not be parking overnight in driveways or open yards.

(d) Renting of Rooms. The renting from a resident family, of not more than one room to not more than one person, shall be permitted in any residential district, except seasonal residential.

(e) Private Greenhouse and Produce Stand. Except in seasonal residential.

(f) Domestic Animals. The keeping of domestic animals is permitted in residential districts, except seasonal residential, provided:

- (1) Fowl, rabbits or fur-bearing animals may be raised or kept for owner's use on a lot of not less than 15,000 square feet in area, provided the structure containing such use shall be located not less than 35 feet from all adjoining residential lot lines or any residence; and
- (2) One horse or pony may be kept on a lot of not less than one and one-half acres, providing the structure containing such use is located not less than 100 feet from all adjoining residential lot lines, or any residence; an additional one-half acre shall be provided for each additional horse or pony.  
(Ord. 654. Passed 5-7-73.)

#### **1121.04 AREA, YARD AND HEIGHT REGULATIONS.**

Land and buildings shall be used only in accordance with the lot area regulations; and buildings shall be erected, altered, moved and maintained only in accordance with the area, yard and building height regulations set forth in the following schedule:

Schedule of Building Area, Yard and Height Regulations

District	Dwelling Type	Minimum Lot Area Per Dwelling Unit (sq. ft.)	Minimum Width of Lot (ft.)	Lot Coverage by Building (Max.) (%)	Minimum Yard Dimensions				Parking
					Front Yard Depth (ft.)	Side Yard (ft.)	Rear Yard Depth (ft.)	Height Main Building (stories)	
R1F	1 Family Dwelling	15,000	70	35	30	10	40	(35')	
R2F	1 Family Dwelling	15,000	70	35	30	10	40	(35')	
R2F	2 Family Dwelling	6,500	85	30	30	10	40	(35')	
RC1	1 Family Dwelling	4,000	70	30	25	10	25	Two stories not to exceed 35 ft.	
	Condo-minium ***	1,100	70	50	25 *	15	20	50	**
SR1F	1 Family	4,000	40	30	25	10	25	Two stories not to exceed 35 ft.	
	Condo-minium ***	1,000	70	50	25 *	15	20	(35')	**

\* No buildings shall be located within said 25 ft. front setback, and only those structures as expressly approved by the Planning Commission.

\*\* Please see parking regulations in Section 1131.05.

\*\*\* Conditional use permit.

(Ord. 1178. Passed 6-4-03; Ord. 2006-19. Passed 4-3-06.)

**1121.05 FRONT YARDS OF PARTIALLY BUILT-UP BLOCKS.**

Where 50 percent or more of the aggregate street frontage between two successive intersecting streets is occupied by buildings of the type and use permitted in the district before the effective date of this Code or any amendments thereto, with a front yard setback of less than required of this Code, the minimum front yard for new buildings shall be the average setback distance of existing buildings located within 100 feet on either side of a given lot, provided, however, the depth of the front yard resulting therefrom shall be not less than one-half of the dimensions specified in the Schedule set forth in Section 1121.04.

(Ord. 654. Passed 5-7-73.)

**1121.06 YARDS FOR ACCESSORY BUILDINGS AND USES.**

Any accessory building permitted in a residential district, except seasonal residential, may either occupy a part of the main building, occupy a separate accessory building or constitute an accessory land use. A separate accessory building shall not exceed 200 sq. ft. in area. A produce stand shall not exceed 150 sq. ft. in area. (Ord. 654. Passed 5-7-73.)

- (a) Accessory Building Locations. As defined in Section 1113.05, an accessory building in a residential district, shall meet the following criteria:
- (1) An accessory building shall not exceed 200 square feet in area, as long as the total building coverage on the lot does not exceed the maximum allowed in that district. A produce stand shall not exceed 150 square feet in area.
  - (2) On corner lots, an accessory building shall be set back from the side street line not less than required for the adjacent main building of the abutting lot plus an additional 5 feet. A produce stand shall be set back at least 25' from the nearest right-of-way line to provide off-street parking outside of the street right-of-way.
  - (3) Only one accessory building shall be located upon a lot in a residential lot and only if the lot includes a habitable dwelling meeting Village standards and such dwelling shall be connected to approved water and Village sewer or septic system approved by the County Board of Health.  
(Ord. 2016-43. Passed 11-7-16.)
- (b) For residential zones SR1F and RC1, a five (5) foot setback is permitted for accessory buildings or sheds no more than 100 square feet from back or side property lines provided that all of the following conditions are met:
- (1) No other building on the lot or adjacent lot may exist within ten feet of the accessory building.
  - (2) Within the five (5) foot setback, there are no structures, fences, shrubs, trees, or similar landscaping features.
  - (3) Side and back property lines on the lot are not located within adjacent to a public or private road, or an unimproved platted road.
  - (4) The highest point, including fixtures, of the roof of the accessory building is not more than thirteen feet above the ground.
  - (5) No portion of the accessory building, including fixtures, decorations, roof, awnings, etc., shall extend into the five-foot setback.  
(Ord. 2015-82. Passed 1-18-16.)

#### **1121.07 LANDSCAPE FEATURES, FENCES, WALLS AND DRIVEWAYS.**

Landscape features such as hedges, trees, shrubs, and yard structures such as fences, trellises, walls, pools and outdoor fireplaces, may be permitted in a required front, side or rear yard as follows:

- (a) Front Yard, Interior Lot. Fences and hedges shall be permitted along a side lot line in the front yard to a height of not more than three feet above the finished grade within 40' of the street right-of-way line.
- (b) Front Yard, Corner Lot. Landscape features within a triangle formed between points on front and side lot lines within 35 feet from their intersection shall be maintained to a height not exceeding two and one half feet above curb level.  
(Ord. 654. Passed 5-7-73.)
- (c) Side and Rear Yards. Fences, walls, and hedges shall be permitted along a side and rear yard lot line to a height of not more than six feet above the finish grade and all fences shall be treated with weather preservatives or painted and well maintained. Tool sheds and other enclosed structures shall conform to the yard regulations for accessory buildings set forth in Section 1121.06.  
(Ord. 2007-07. Passed 11-2-07.)
- (d) Driveways. Driveways to garages or parking area shall be permitted in any required yard that is not less than twelve feet wide.
- (e) Other Structures. Floodlights, search lights, loud speakers or similar structures shall not be erected or used in a residential district in any manner that will cause hazards annoyance to the public generally or to the occupants of neighboring property.

- (f) Permits. Fences and walls over four feet high, and all accessory buildings shall require a building permit.  
(Ord. 654. Passed 5-7-73.)

#### **1121.08 BUILDINGS PERMITTED ON ZONING LOT.**

(a) Except as provided for conditional use permits for condominiums, there shall not be more than 1-one family or 1-two family dwelling permitted on a zoning lot. There shall not be more than one accessory building on any 1-family or 1-two family permitted on a zoning lot, except as provided in the conditional user permit for condominiums.  
(Ord. 2006-18. Passed 4-3-06.)

(b) No one or two-family dwelling or cottage shall be located to the rear of any building on the same lot or on another lot which does not have the required frontage on a dedicated street.  
(Ord. 654. Passed 5-7-73.)

#### **1121.09 SUPPLEMENTARY HEIGHT REGULATIONS.**

Main or accessory buildings shall be erected, altered, moved or maintained only in accordance with the maximum height of building regulations as established in Section 1121.04, except that the following structures may be permitted above the aforesaid limitations:

(a) Institutional Buildings.

- (1) Schools, churches, hospitals and other institutional buildings may be erected to a height not exceeding 60 feet provided the front, side and rear yards shall not be less than the height of the building wall abutting on such yard except:
- (2) Chimneys, church spires, cupolas, domes, towers, flagpoles, penthouses, water tanks, radio or television antennae, monuments and other permitted mechanical appurtenances located upon or constituted as an integral part of a main institutional building may exceed the above height regulations, provided the height of the feature is not more than two times the width of the yard.

- (b) Residential Buildings. Only chimneys, radio or television antennae, located upon and constituted as an integral part of a main residential building, may be erected above the height limit specified, but are limited to a height not exceeding 60 feet above the average finished grade.  
(Ord. 654. Passed 5-7-73.)

#### **1121.10 LOCATION OF UTILITIES.**

Public utility uses and distributing equipment for a public utility, if essential in a district, shall be permitted in any zoning district. The regulations herein governing lot size shall not apply to any lot designed or intended for a public utility and public service use when the area involved is deemed appropriate for such use by the Planning Commission.  
(Ord. 654. Passed 5-7-73.)

#### **1121.11 OPEN STORAGE PROHIBITED.**

Boats, semi-tractors and trailers, airplanes, commercial vehicles requiring a CDL, recreational vehicles and trailers, and other equipment and supplies shall not be permitted to be stored on residential lots unless they are stored in a fully enclosed structure except as follows:

- (a) Boats, and Recreation Vehicles (RV's) and trailers, may be stored outside an enclosed structure on a residential lot provided they are properly licensed and in good order, repair, and in operable condition; and provided that they are located outside all setback requirements for structures in the zoning code and comply with lot coverage percentage requirements for all buildings and structures on the lot.

- (b) Tractors and other home maintenance equipment and supplies may be stored outside an enclosed structure provided they are in good order, repair, and in operable condition; and provided they are located outside setback requirements for structures in the zoning code and comply with lot coverage percentage requirements for all buildings and structures on the lot.
- (c) For the purpose of this section, residential lots shall mean those lots, however zoned, used for residential purposes.  
(Ord. 2007-10. Passed 4-2-07.)

**1121.12 SIGNS, RESIDENTIAL DISTRICTS.**

Signs in residential districts shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with the regulations as set forth in Chapter 1133.  
(Ord. 654. Passed 5-7-73.)

**1121.13 PARKING RESIDENTIAL DISTRICTS.**

Parking in residential districts shall be in accordance with regulations set forth in Chapter 1131. (Ord. 654. Passed 5-7-73.)





**CHAPTER 1122  
Mobile Home Districts**

<p><b>1122.01 Intent</b></p> <p><b>1122.02 Use regulations: Mobile Home Districts</b></p> <p><b>1122.03 Area, yard and height regulations.</b></p> <p><b>1122.04 Mobile home park improvements.</b></p>	<p><b>1122.05 Development plans, mobile home park area.</b></p> <p><b>1122.06 Supplementary yard regulations.</b></p> <p><b>1122.07 Ownership.</b></p> <p><b>1122.08 Signs, Mobile Home District.</b></p>
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**1122.01 INTENT.**

The intent of the Mobile Home District is to provide areas in the Village where mobile homes may be situated which create desirable living environments in terms of health, safety and aesthetics and which will blend harmoniously with surrounding residential areas.  
(Ord. 654. Passed 5-7-73.)

**1122.02 USE REGULATIONS: MOBILE HOME DISTRICTS.**

Land shall be used in a Mobile Home District only for the uses set forth in the following schedule and regulations:

(a) Main Buildings and Uses Permitted.

- (1) Buildings and uses of the type permitted and as regulated in the nearest adjacent residential district.
- (2) Mobile homes in mobile home park areas.
- (3) Retail business uses permitted and as regulated in other sections of this Code if the area has been zoned to permit such use.
- (4) Schools, libraries, churches, public and private parks and playgrounds, recreation and community buildings.

(b) Accessory Buildings and Uses.

- (1) Private garage attached to the mobile home; parking area for the use of occupants and guests of mobile home dwelling units.
- (2) Gardens, fences, walls, pools and other recreation facilities on private or common land.  
(Ord. 654. Passed 5-7-73.)

**1122.03 AREA, YARD AND HEIGHT REGULATIONS.**

In all Mobile Home Districts, mobile homes, buildings and land shall be used, and mobile homes and buildings shall be designed, erected, altered, moved or maintained in whole or in part only in accordance with the following regulations:

- (a) Mobile Home Park Area. A parcel of land used for a mobile home park shall abut a dedicated street for a distance of not less than 50 feet. The portions of the mobile home park parcel containing the mobile home sites and adjacent open area shall have a minimum width of not less than 150 feet. The minimum parcel size of any mobile home park area shall be eight acres. The mobile home park area shall have available 48 improved mobile home spaces before the first occupancy is permitted.
- (b) Mobile Home Park Area Density. In any mobile home park area there shall be not more than 6 mobile home sites per acre.
- (c) Mobile Home Site. Each mobile home site within any mobile home park area shall have a minimum site width of 40 feet and a minimum site area of 4,000 sq. ft.
- (d) Front Yard. Each mobile home site shall have a front yard depth of at least 15 feet measured from the nearest edge of a driveway pavement.
- (e) Side Yard. Each mobile home site shall have two side yards of not less than 7-1/2 ft. each.
- (f) Rear Yard. Each mobile home site shall have a rear yard of not less than 25 ft. (Ord. 654. Passed 5-7-73.)

**1122.04 MOBILE HOME PARK IMPROVEMENTS.**

- (a) Roadways.
  - (1) Each mobile home park area shall abut a hard surfaced roadway within the mobile home park area which has a clear unobstructed width of not less than 25 feet.
  - (2) Roadways within the mobile home park area shall be arranged so as to provide a continuous circulation system. Where driveways dead-end, vehicular turn-around with a minimum outside diameter of 80 feet shall be provided.
  - (3) No mobile home site shall abut or have a direct vehicular accessway to a public thoroughfare. Each roadway system in a mobile home park area shall have access to a public thoroughfare.
- (b) Drainage and Water. Land within the limits of a mobile home park area shall not be subject to inundation and shall be properly graded and drained to prevent excess runoff on adjoining property. The storm drainage system shall be approved by the Village Engineer.

Each mobile home park developer shall meet with the Ohio Water Service Company to determine the waterline and fire hydrant needs in the park area.
- (c) Parking. One hard surfaced off-street parking space shall be required for each mobile home site, plus one (1) additional space for every two mobile home sites for guest parking. Required circulation driveways may not be used to satisfy the off-street parking requirements. The requirements of Chapter 1131 shall also apply to all Mobile Home Districts.
- (d) Sidewalks. Each mobile home site shall be provided with a walkway of not less than 2 feet in width leading from the main entrance of the mobile home to an adjacent driveway or main walkway. (Ord. 654. Passed 5-7-73.)

**1122.05 DEVELOPMENT PLANS; MOBILE HOME PARK AREA.**

(a) No person, firm, or corporation shall provide or install a mobile home park or make a change or addition to a mobile home park area until the plans therefor have been submitted to and approved by the Ashtabula County District Board of Health and the Ohio State Department of Health.

(b) Site development plans shall be prepared by the developer for all proposed developments in any Mobile Home District which shall be submitted to the Planning Commission for review and approval before a building permit will be issued. Plans and specifications submitted for approval shall include:

- (1) The total area to be used for mobile home park purposes.
- (2) Entrance and exit roadways, driveways and walkways.
- (3) Location and arrangement of mobile home sites, which shall be numbered.
- (4) Layout of all parking areas.
- (5) Enlargement detail of typical mobile home site including drive, mobile home foundation, parking, etc.
- (6) Method and plan for drainage of surface and storm water.
- (7) Location and design of all utilities including sewer, water, gas and electricity.
- (8) Location and design of public and private service buildings, recreation areas and other community facilities.
- (9) Method of storage, collection, and disposal of garbage and other refuse.
- (10) Plan of mobile home park lighting.

(Ord. 654. Passed 5-7-73.)

**1122.06 SUPPLEMENTARY YARD REGULATIONS.**

Whenever a mobile home park area adjoins a residential district, a side or rear yard of not less than 25 feet shall be provided on the mobile home park lot, and the Planning Commission may require a wall or fence, 5-7 feet in height placed at least 5 feet inside the mobile home district boundary line to reduce the visual encroachment of mobile homes on adjacent residential areas. The area between such wall or fence and the property line shall be treated with plantings to form a permanent landscaped area.

(Ord. 654. Passed 5-7-73.)

**1122.07 OWNERSHIP.**

A mobile home park area shall be maintained under single ownership, the property of which shall not be subdivided and sold.

(Ord. 654. Passed 5-7-73.)

**1122.08 SIGNS, MOBILE HOME DISTRICT.**

Signs in mobile home districts shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with the regulations set forth in Chapter 1133.

(Ord. 654. Passed 5-7-73.)



**CHAPTER 1125**  
**Retail Business-Recreational-Resort District**

<p><b>1125.01 Intent</b></p> <p><b>1125.02 Use regulations: RB-RR District.</b></p> <p><b>1125.03 Uses permitted on zoning lot.</b></p> <p><b>1125.04 Area regulations.</b></p> <p><b>1125.05 Land coverage.</b></p> <p><b>1125.06 Yard regulations: RB-RR District.</b></p>	<p><b>1125.07 Height regulations.</b></p> <p><b>1125.08 Development plans: RB-RR District.</b></p> <p><b>1125.09 Sign regulations.</b></p> <p><b>1125.10 Parking.</b></p>
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**1125.01 INTENT.**

Retail Business-Recreational-Resort District and its regulations are established herein in order to achieve among others, the following purposes:

- (a) To provide in appropriate and convenient locations, zoning districts of sufficient size for the exchange of goods and services and other business activities;
- (b) To provide professional services, banking and other similar financial services and the management of commercial, industrial, public and semi-public institutions;
- (c) To provide business areas to serve the needs for convenience goods in proximity to the immediate neighborhood which do not attract large volumes of traffic;
- (d) To provide business areas which require larger land areas, which may be open in the evening and which generate large volumes of traffic serving the needs of commercial recreation services of the entire community;
- (e) To protect adjacent residential neighborhoods by regulating the types and spacing of business uses, particularly at the common boundaries, which would create hazards, noise, odors, or other objectionable influences; and
- (f) To promote the most desirable land use and traffic patterns in accordance with the objectives of the General Plan.

(Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

**1125.02 USE REGULATIONS: RB-RR DISTRICT.**

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part in RB-RR District only for the uses set forth in the following schedule and regulations:

(a) Main Buildings and Uses Permitted.

(1) Buildings and uses of the type permitted and as regulated in the nearest adjacent residential district, as well as hotels and motels.  
(Ord. 2006-18. Passed 4-3-06.)

(2) Retail stores and services conducted wholly within enclosed buildings and devoted to supplying neighborhood and community needs to the following extent:

A. Retail Sales.

1. The sale of: baked goods, confectionery, dairy products, fruits, vegetables, groceries, meats, china, hardware, paint, household appliances, decorating materials, books, magazines, newspapers, cigars, cigarettes, drugs, flowers, musical instruments, photographic equipment, sporting goods, stationery, dry goods, clothing, and furniture.

2. The sale of: soft drinks and food for consumption on the premises in lunch rooms, restaurants and cafeterias.

3. Automotive sales and services: repair and service garages and used automotive sales lots only if accessory and immediately adjacent to buildings used for the sale of new motor vehicles.

(Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

B. Services.

1. Personal services such as: barber shop, beauty shop, tailor shop, laundry, shoe repair, dry cleaning employing not more than two assistants, printing shop, radio and television repair, telephone exchange, pet shop, bus station and taxi stand.

2. Amusement, retail-recreational, resort services including: assembly hall, bowling alley, dance hall, gymnasium, skating rink, game parlors, outdoor rides, games, marine-watercraft rentals, sales, storage and service and seasonal resort recreational vehicle park in accordance with State law.

3. Automotive services and repair centers within enclosed building. (Ord. 907. Passed 9-14-87.)

C. Offices.

1. Professional offices including: real estate, insurance, architectural, clerical, engineering, legal, dental and medical, financial, banks.

(Ord. 654. Passed 5-7-73.)

- (3) Notwithstanding subsection (a)(2) above, retail stores and services may be conducted from temporary or mobile structures such as trailers, tents, kiosks or other structures or buildings not permanently attached to the ground if the owner of the land upon which the sales are to be made possesses a valid Village business license and obtains for each such temporary structure a vendor's license or transient vendor's license in accordance with Chapter 701 of the Village Codified Ordinances.
- (4) During the time a temporary structure remains on any lot, the following conditions shall be met:
- A. The structure is clean and in good order and repair without physical defects such as dents, broken or missing parts, peeling paint, rust, or other such features which would create an eyesore or present a risk to persons or property.
  - B. The structure or sales from the structure present no significant risk to the health and safety of the public.
  - C. The structures will not be moved to an area outside the described area of operation or onto public rights of way, and the structures are suitable and appropriate for the area in which they are located in such a manner so as to not degrade the appearance of the surrounding area.
  - D. There is at least 10 feet between the temporary structure and any other structure or building. The structure shall be located at least 20 feet from a public right of way, including sidewalks, and located at least 10 feet from any property line and at least 50 feet from any residential unit on any adjoining property, unless the required setback is greater, in which the setbacks shall be followed.
  - E. The structure and sales meet all federal, state and local laws and regulations. (Ord. 2007-25. Passed 5-21-07.)
- (b) Similar Main Uses Permitted. Any other retail store, shop, amusement or service not listed above, and determined as similar by the Planning Commission in accordance with the standards set forth in Section 1141.07.
- (c) Accessory Uses Permitted. Any accessory use such as storage of goods or processing operations which are clearly incidental to conducting a retail business, office, or service establishment which is permitted as a main use, provided such a use has no injurious effect on adjoining residential districts including:
- (1) Accessory off-street parking and loading facilities as required in Chapter 1131.
  - (2) Signs: business, professional nameplates, directional, real estate and project subject to the regulations as set forth in Chapter 1133. (Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)
- (d) Conditional Uses Permitted. Condominiums and cell phone and radio towers. (Ord. 2006-18. Passed 4-3-06.)

### **1125.03 USES PERMITTED ON ZONING LOT.**

In any RB-RR District, a zoning lot shall be used for only similar main uses, provided however, any dwelling located within said districts may also have as an accessory use, a home professional office or home occupation as provided in Section 1121.03. (Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

**1125.04 AREA REGULATIONS.**

In all RB-RR districts, buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part only in accordance with the following schedule:

Schedule of Minimum Lot Area and Width Requirements

<u>Main Use</u>	<u>Lot Area</u>	<u>Lot Width</u>
Dwelling	In accordance with adjacent Residential District	In accordance with adjacent Residential District
Motel	1,000 sq. ft./rental unit	250 ft.
Service Stations	22,000 sq. ft.	150 ft.

(Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

Condominiums To comply with Conditional Use Permit.  
(Ord. 2006-18. Passed 4-3-06.)

**1125.05 LAND COVERAGE.**

In RB-RR Districts, notwithstanding any other provisions of this Zoning Code, the land area occupied by main and accessory buildings shall not exceed 25% of the total area of the parcel being developed. In the Central Business District, such percentage of building coverage may be increased if the Planning Commission finds that by providing the required number of accessory parking spaces on an adjacent parcel within a reasonable walking distance from the main building, the off-street parking and loading facilities requirements set forth in Chapter 1131 will be satisfied. (Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

**1125.06 YARD REGULATIONS: RB-RR DISTRICT.**

In all RB-RR districts, buildings and land shall abut a dedicated street for the required lot width, and shall be used, and building shall be designed, erected, altered, moved or maintained in whole or in part only in accordance with the following schedule and regulations:

- (a) Yards for Dwellings. The yard requirements established for the adjacent residential districts shall apply to the buildings, or the parts thereof, used for dwelling purposes; however, dwellings which are nonconforming in regard to the area or yard regulations on the effective date of this Code, may be continued to be used in accordance with the provisions of Chapter 1135.



- (b) Schedule of Yard and Setbacks for RB-RR Uses. In RB-RR districts the yards shall be not less than set forth in the following schedule.

Schedule of Minimum Yard and Setback Dimensions

Main and Accessory Building and Use	Front Yard Setbacks (Distance from Street R.O.W.)	Side Yard Setback		Rear Yard Setback	
		Abutting Residential District	Abutting Nonresidential District	Abutting Residential District	Abutting Nonresidential District
Offices, Stores, Amusements and Services	50'	20'	None or minimum 10' between bldgs.	20'	10'
Sales and Amusement in Open Yards	35'	Not allowed	--	Not allowed	--
Parking Areas	10'	10'	5'	10'	5'
Condominiums*	25'	15'	15'	20'	20'

\* To comply with Conditional Use Permit.  
(Ord. 2006-18. Passed 4-3-06.)

- (c) Supplementary Yard Regulations. Yards may be used for off-street parking, loading, traffic circulation, illumination, landscaping and signs as regulated in other sections of this Code.
- (1) Front yards. Front yards for buildings and uses shall not be less than established in the preceding schedule, and no structure shall be erected in front of such line unless shown otherwise on the Zone Map or specifically modified in supplementary regulations.
- A. Wherever parking areas are proposed in front yards the Planning Commission may require as a condition of approval, that a front yard depth greater than set forth above is deemed proper to relate the proposed structures to surrounding developments. If parking or sales are permitted in front yards, a concrete curb or precast barrier shall be erected along the parking area or sales area, and the front yard between such line and the public right-of-way shall be landscaped and maintained attractively.

- B. Gasoline pumps constructed and operated as a part of a service station or garage may, however, be erected in front of the established building line, but not less than 20 feet from the front lot line. All driveways, platforms and curbs of the service stations, whether located on a city street, county road or state highway, shall be designed in accordance with the latest revision of the "Regulations Governing Ingress and Egress at Gasoline Service Stations Fronting on all Highways under State Jurisdiction in Ohio" adopted by the Ohio Department of Highways.
- (2) Side yards. Whenever a business building is located adjacent to another business building having one or more party walls and a common roof with one or more similar buildings, but individually owned, there shall be no side yards required. Individual business buildings shall be separated not less than 10 feet from the nearest business building.
- (3) Side yard on corner lots. Whenever a business building is located on a corner lot, the width of the side yard on the side street shall be not less than 10 feet.
- (4) Yard screening and landscaping. Wherever a business building is located on a lot which adjoins a residential district, a side or rear yard of not less than set forth on the preceding schedule shall be provided on the business lot, and the Planning Commission may require a wall or fence, 5-7' in height placed at least 10' inside the RB-RR District boundary line to reduce the visual encroachment of business buildings, signs and activity and shield adjacent residential areas from parking lot illumination, headlights, fumes, heat, blowing papers and dust. The area between such wall or fence and the property line shall be treated with plantings to form a permanent landscaped area. The Planning Commission may waive the requirement for a wall or fence if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions. (Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

#### **1125.07 HEIGHT REGULATIONS.**

The height of any main or accessory building in any RB-RR District shall not exceed 35 feet except in the Central Business District, a height of 50 feet shall be allowed if approved by the Planning Commission. (Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

#### **1125.08 DEVELOPMENT PLANS; RB-RR DISTRICT.**

(a) Site development plans shall be prepared by the developer for all proposed developments in any RB-RR District which shall be submitted to the Planning Commission for review and approval.

(b) If the site development plan is found by the Commission to be in compliance with the requirements of the applicable district and all other applicable parts of this Code, it shall approve such development plan within 30 days from the date of the meeting when all required plans and data have been received. If not found to be in compliance therewith, the Planning Commission may recommend revisions to be made by the developer.

(c) After Planning Commission approval, the developer may apply for a building permit which shall be issued by the Zoning Inspector if the building plans are found to comply with the Building Code of the Village.

(Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

**1125.09 SIGN REGULATIONS.**

Signs in the RB-RR District shall be designed, erected, altered, moved or maintained in whole or in part, in accordance with the regulation as set forth in Chapter 1133.

(Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)

**1125.10 PARKING.**

Parking in any RB-RR District shall be in accordance with the regulations as set forth in Chapter 1131.

(Ord. 654. Passed 5-7-73; Ord. 789. Passed 4-7-80.)



**CHAPTER 1127**  
**Commercial Service Districts**

<b>1127.01</b>	<b>Intent.</b>	<b>1127.06</b>	<b>Height regulations.</b>
<b>1127.02</b>	<b>Use regulations: Commercial Service (CS) District.</b>	<b>1127.07</b>	<b>Performance standards.</b>
<b>1127.03</b>	<b>Lot area, width and coverage regulations.</b>	<b>1127.08</b>	<b>Sign regulations.</b>
<b>1127.04</b>	<b>Yard regulations.</b>	<b>1127.09</b>	<b>Parking.</b>
<b>1127.05</b>	<b>Supplementary yard regulations.</b>	<b>1127.10</b>	<b>Development plans.</b>

**1127.01 INTENT.**

Commercial Service Districts and their regulations are established herein in order to achieve, among others, the following purposes:

- (a) To provide in appropriate and convenient districts sufficient areas for providing commercial services, limited manufacturing and distributing goods to serve the community, to promote employment and to strengthen the economy of the community; and
- (b) To provide appropriate and convenient areas for business, contracting, storage and distribution services, and related types of minor production processes; and
- (c) To protect adjacent residential districts by restricting the types of manufacturing and service uses in the surrounding areas to only those not creating objectionable influences beyond their district boundaries and by separating and insulating them from the most intense manufacturing and service activities; and
- (d) To promote the most desirable use of land in accordance with the objectives of the General Plan of the Village.  
(Ord. 654. Passed 5-7-73.)

**1127.02 USE REGULATIONS: COMMERCIAL SERVICE (CS) DISTRICT.**

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved and maintained, in whole or in part, in a Commercial Service District only for the uses as set forth in the following schedule and regulations:

- (a) Main Uses Permitted.
  - (1) Retail sales, services, and office uses permitted and as regulated in Retail Business Districts.
  - (2) General services, sales and storage establishments conducted wholly within enclosed building to the following extent:

- A. Cleaning establishments: laundry, towel supply, carpet and dry cleaning, and dyeing.
  - B. Food and drinks preparation, sales and distribution: wholesale produce market and salesroom, ice cream and ice manufacture, milk bottling and distribution, cold storage, wholesale bakery, manufacture of food products and confectionery, and wholesale food products.
  - C. Repair and sales establishments: automotive engine, body, paint and vulcanizing shops, electrical and household appliances; bus, truck and machinery sales.
  - D. Wholesale establishments: hardware, dry goods and groceries.
  - E. Shops and offices: painting shop, sign shop, tin shop; plumbing, carpentry, electrical, masonry, heating, ventilating, air conditioning, roofing, sheet metal and contractors shops; storage and sale of building materials and contractor equipment; burial monuments.
  - F. Warehouses and storage establishments: storage and sales yards for new lumber, public utility materials and equipment storage, parcel delivery stations provided loading and off-loading facilities are entirely within an enclosed building.
  - G. Auto wash provided entire waiting line is accommodated on the lot.
  - H. Veterinarian's office, animal hospitals and kennels.
  - I. Commercial greenhouses.
- (b) Similar Main Uses Permitted. Any other service, wholesale, storage or manufacturing use not listed above or in any use classification of a subsequent district if considered and found similar by the Planning Commission according to standards set forth in Section 1141.07.
- (c) Accessory Uses Permitted.
- (1) Storage of materials and products within buildings and processes clearly accessory to the main use, provided such a use has no injurious effect on adjoining residential districts.
  - (2) Signs; industrial, project, real estate, identification, and directional, as set forth in Chapter 1133.
  - (3) Accessory off-street parking and loading facilities as required and set forth in Chapter 1131.
- (Ord. 654. Passed 5-7-73.)

### **1127.03 LOT AREA, WIDTH AND COVERAGE REGULATIONS.**

In all commercial service districts, all buildings and land shall abut a dedicated street for the required lot width. The minimum lot area and width, and maximum lot coverage for office, production and distribution, operations in Commercial Service Districts shall be in accordance with the following schedule:

Schedule of Lot Area and Width, and Lot Coverage Regulations

District	Use	Minimum Lot Area	Minimum Lot Width	Maximum Percent Lot Covered by Building
Commercial Service		1 acre	100 ft.	40%

(Ord. 654. Passed 5-7-73.)

**1127.04 YARD REGULATIONS.**

Yards shall be provided for every main and accessory building in a Commercial Service District in accordance with the following schedule and regulations:

Schedule of Yard Regulations - Commercial Service District

Minimum Yard Dimensions in Feet

Commercial Service District Use	Setback from Street R-O-W Line	Setback from Side Lot Line		Setback from Rear Lot Line	
		Lot Adjoins Residential District	Lot Adjoins Or Within Non-Residential District	Lot Adjoins Residential District	Lot Adjoins or Within Nonresidential District
Main and accessory building or use	75(a)	50(b)	20	50(b)	25
Parking and Drives	25 (officials only)	10(b)	5	10(b)	5
Loading	Not allowed in front yard	Not allowed adjacent to Residential District	-	Not allowed adjacent to Residential District	-

(a) With minimum 25 ft. wide landscaped area.

(b) With 5-7 ft. high solid fence within 10' and parallel to District boundary. Fence to extend full length of District boundary and to within 50' of a street line.

(Ord. 654. Passed 5-7-73.)

**1127.05 SUPPLEMENTARY YARD REGULATIONS.**

(a) Front yard, setbacks shall be not less than established in the above schedule unless shown otherwise on the Zone Map. If a portion of the front yard is used for parking in accordance with the above schedule, a poured concrete curb or precast concrete barrier shall be erected or installed along the parking area line not less than the distance set forth above from the front property line, and the yard between such curb or barrier and street line shall be attractively landscaped and maintained.

(b) Side and rear yard, where adjoining a residential district, shall be provided as set forth in the above schedule and shall apply to all buildings, structures, parking and open yard uses, provided however, that the side and rear yards may be less than scheduled for the addition and alteration to a service, storage, or industrial building existing on the effective date of this Code, if approved by the Planning Commission. A solid fence approximately five to seven feet high shall be required by the Planning Commission along a side or rear yard line of a commercial service or general industrial lot where adjoining a residential lot.

(c) Side yard on corner lot, whenever an industrial building is located on a corner lot, the width of the side yard on the side street shall be not less than 25 feet in Commercial Service Districts. (Ord. 654. Passed 5-7-73.)

#### **1127.06 HEIGHT REGULATIONS.**

The height of any main or accessory building used for limited manufacturing assembly, distribution or storage, in any Commercial Service District shall be not more than one-half the width of the yard on the non-residential lot where adjoining any residential district, and the height of any main building, or part thereof, used for office purposes shall be not more than equal to the width of the yard on the non-residential lot where adjoining any residential district. (Ord. 654. Passed 5-7-73.)

#### **1127.07 PERFORMANCE STANDARDS.**

Any use established in a Commercial Service District, after the effective date of this Code, shall comply with the performance standards set forth hereinafter for the district in which such use shall be located as a precedence to occupancy and use. Any use already established in such districts shall not be altered, added to or otherwise modified so as to conflict with, or further conflict with the performance standards set forth hereinafter for the district in which such use is located as a precedence to further use. Statements in writing may be required by the Planning Commission from the owner that such uses comply or will comply. In cases of doubt, the City shall select and arrange for an independent survey by a Professional Engineer qualified in the particular field and the costs for the services shall be paid by the owner.

- (a) Enclosure. All permitted main and accessory uses and operations except off-street parking and loading of trucks shall be performed wholly within an enclosed building or buildings. All raw materials, finished products, mobile and other equipment shall be stored within enclosed buildings.
- (b) Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved.
- (c) Dust - Smoke. The emission of smoke, soot, fly ash fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity deposited at any other district shall not be detrimental to or endanger the public health, safety, comfort, welfare or adversely affect property values.



- (d) Odorous Matter. The emission of odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the use shall not be permitted.
- (e) Toxic or Noxious Matter. The emission of toxic, noxious or corrosive fumes or gases which would be demonstrably injurious to property, vegetation, animals, or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.
- (f) Noise. The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the nearest residential district, and no sound shall be objectionable due to intermittence, beat frequency and shrillness.
- (g) Vibration. Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.
- (h) Radioactive or Electrical Disturbances. Radioactive or electrical disturbances shall not be created which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use.
- (i) Incineration Facilities. Incineration facilities emitting neither smoke nor odor shall be provided and located within the main building. No garbage, rubbish, waste matter, or empty containers shall be permitted outside of buildings.
- (j) Waste Materials. Liquid wastes shall not be discharged into an open reservoir, stream or other open body of water or a sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines and other chemicals shall not exceed the amount permitted by other codes of the State, County or City. (Ord. 654. Passed 5-7-73.)

#### **1127.08 SIGN REGULATIONS.**

Signs in Commercial Service Districts shall be designed, erected, altered, moved or maintained, in whole or in part, in accordance with the regulations set forth in Chapter 1133. (Ord. 654. Passed 5-7-73.)

#### **1127.09 PARKING.**

Parking and loading facilities in Commercial Service Districts shall be in accordance with regulations set forth in Chapter 1131. (Ord. 654. Passed 5-7-73.)

#### **1127.10 DEVELOPMENT PLANS.**

Preliminary and final site development plans shall be prepared by the developer for all proposed developments in any Commercial Service District and shall be submitted to the Planning Commission for review and approval.

- (a) Plans Required. Plans for a development shall be drawn at a scale of not less than 50 feet to the inch and a plan for a division or development of a group of lots shall be drawn at a scale of not less than 100 feet to the inch and shall include:
  - (1) Survey: Property and topography, showing land owned and proposed for development, surrounding streets, and the adjoining streets, the adjoining lots and their uses.

- (2) Buildings: Locations, size, height and use of all proposed main and accessory buildings; the general design, materials and color; the nearest building on adjoining lots and their use.
  - (3) Traffic: Proposed system of on-site vehicular circulation, details for accessways to streets, methods for control of traffic, type of pavement.
  - (4) Parking areas: Layout and estimate of number of spaces, landscaping and other design features, type of pavement.
  - (5) Utilities: Location, size and grade for all utility installations, connections to present or proposed facilities.
  - (6) Site development: Grading plan, designs of landscaped yards, planting areas and fence screens adjoining residential areas; the size, location and type of all outdoor signs, exterior lighting.
  - (7) Agreements: Preliminary drafts of all agreements, contracts, dedications, deed restrictions, sureties and other instruments as may be required.
- (b) Approval of Plans.
- (1) A preliminary development plan designed in accordance with the planning standards, regulations and criteria established in this Code and the Subdivision Regulations of the Village shall be submitted to the Planning Commission for review and approval.
  - (2) If the preliminary Development Plan, together with any modifications thereof proposed by the developer is found by the Planning Commission to be in compliance with the requirements of the applicable District and any other applicable parts of this Code and the Subdivision Regulations of the Village, it shall approve such preliminary Development Plan within 30 days from the date of the meeting when all required plans and data have been received; if not found to be in compliance therewith, the Planning Commission may recommend revisions to be made by the developer.
  - (3) Upon approval of a preliminary Development Plan, the developer may prepare and submit to the Planning Commission a final Development Plan which shall include the final grading plan, detailed plans and specifications for all streets, storm and sanitary sewers, water distribution, and all other site features, designed in accordance with the Subdivision Regulations and other construction codes of the Village.
  - (4) Upon receipt of a final Development Plan, the Secretary of the Planning Commission shall transmit a copy of the final Development Plan including detailed construction plans and specification to the Engineer for his review, report and recommendation. The Engineer shall, within thirty (30) days after receiving the final Development Plan, provide and furnish to the Planning Commission, a report upon the Development Plan's compliance to those regulations within the jurisdiction of the Engineer.

- (5) If after evaluating the Engineer's report, the Planning Commission finds that a proposed final Development Plan is in accordance with and represents a detailed expansion of the Preliminary Plan heretofore approved, that it is in conformance with the provisions of this Code, the Building Code and the Subdivision Regulations of the Village, and that it complies with all of the conditions which may have been imposed in the approval of the Preliminary Plan, or in the review of the final Plan, by the Engineer, the Planning Commission shall approve such Final Plan within ten (10) days from the date of the meeting when all required final plans and data have been received.
  - (6) After approval, the developer may apply for a building permit which shall be issued by the Zoning Inspector.
- (c) Revision; Lapse of Approval.
- (1) The final Development Plan may be revised by the developer and resubmitted through the same procedure required for the original final Development Plan.
  - (2) Failure to begin the construction of all or a substantial portion of the improvements approved in the final Development Plan within one year after the issuance of a permit shall make null and void the plan as approved unless an extension of time is granted by the Planning Commission.  
(Ord. 654. Passed 5-7-73.)



**TITLE THREE - Regulations Applying to all Districts**

Chap. 1131. Parking and Loading Facilities.

Chap. 1133. Sign Regulations.

Chap. 1135. Nonconforming Uses.

Chap. 1136. Conditional Use Permits.

**CHAPTER 1131  
Parking and Loading Facilities**

<b>1131.01</b>	<b>Intent.</b>	<b>1131.07</b>	<b>Parking limitations; automotive service stations.</b>
<b>1131.02</b>	<b>Scope of regulations.</b>	<b>1131.08</b>	<b>Parking area improvements.</b>
<b>1131.03</b>	<b>Measurement units.</b>	<b>1131.09</b>	<b>Illumination of parking areas.</b>
<b>1131.04</b>	<b>Application and design.</b>	<b>1131.10</b>	<b>Driveways to parking areas.</b>
<b>1131.05</b>	<b>Schedule of parking requirements.</b>	<b>1131.11</b>	<b>Loading facilities.</b>
<b>1131.06</b>	<b>Modifications of requirements.</b>	<b>1131.12</b>	<b>Approval of facilities.</b>

**1131.01 INTENT.**

Off-street parking and loading requirements and regulations are established in order to achieve, among others, the following purposes:

- (a) To relieve congestion so that streets can be utilized more fully for movement of vehicular traffic;
- (b) To promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;
- (c) To protect adjoining residential neighborhoods from on-street parking;
- (d) To promote the general convenience, welfare, and prosperity of business, service, production, limited manufacturing and distribution developments which depend upon off-street parking facilities; and
- (e) To provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with the objectives of the General Plan of the Village.

(Ord. 654. Passed 5-7-73.)

**1131.02 SCOPE OF REGULATIONS.**

Accessory off-street parking and loading facilities shall be provided as a condition precedent to occupancy of all residential, institutional, business, office, research, production, distribution, service and industrial uses in conformance with the provisions of this chapter:

- (a) Whenever a building is constructed or a new use established;
- (b) Whenever an existing building is altered and there is an increase in the number of dwelling units, seating capacity, the floor area of building; and
- (c) Whenever the use of an existing building is changed to a more intensive use which requires more off-street parking facilities.  
(Ord. 654. Passed 5-7-73.)

### **1131.03 MEASUREMENT UNITS.**

For the purpose of determining the off-street parking and loading facilities required as accessory to a use, definitions and standards are established as follows:

- (a) Off-Street Parking Space shall mean an open or enclosed area directly accessible from a public street for parking of automobiles of owners, occupants, employees, customers, or tenants of the main use. Each space shall be directly accessible from a drive or aisle, and not less than 10 feet wide by 19 feet long, exclusive of all drives, aisles, ramps, and turning space.
- (b) Floor Area, used in determining parking requirements shall mean the total area of all the floors of the building used by the principal activity as specified in the Schedule, Section 1131.05 measured from the exterior faces of the building. The areas used for storage or otherwise not occupied by people may be excluded from the floor area calculation if approved by the Planning Commission.
- (c) Gross Floor Area, used in determining loading requirements means the total floor area used for the main and accessory activities, and storage areas of the building served.
- (d) Seating Capacity, means the number of seating units installed or indicated on plans for places of assembly. Where not indicated on plans, it shall be assumed that a seating unit will occupy six square feet of floor area exclusive of all aisles.
- (e) Employees, wherever the parking requirement is based on employees, it shall mean the maximum number of employees on duty on the premises at one time or on any two successive shifts, whichever is the greater.
- (f) Off-Street Loading Space, shall mean an open space or enclosed area as part of a building, directly accessible to a public street and available whenever needed for the loading and unloading of goods and products to the main use.  
(Ord. 654. Passed 5-7-73.)

### **1131.04 APPLICATION AND DESIGN.**

(a) Application for Providing Facilities. Any application for a permit to construct a building or parking area, or for a certificate of occupancy for a change in use of land or building, shall include a site plan drawn to scale and fully dimensioned showing the proposed design of the parking area and loading facilities to be provided in compliance with the provisions of this Chapter.

(b) Determination of Required Parking Facilities. The minimum number of spaces required for accessory off-street parking shall be determined by applying the Measurement Units in Section 1131.03, the Parking Area Design Standards in the following subsection (c), the Schedule of Parking Requirements for the various uses in Section 1131.05, and any other applicable provisions of this Code. Where the computation results in a fractional space, it shall be counted as one additional space required.

(c) Parking Area Design Standards. The plan for parking spaces of a parking area included with an application to construct a building or parking area, or change in use, shall be designed and dimensioned in accordance with the drawing Appendix - I, Parking Area Design Standards, which is a part of this Code.  
(Ord. 654. Passed 5-7-73.)

### 1131.05 SCHEDULE OF PARKING REQUIREMENTS.

Accessory off-street parking facilities shall be provided in quantities not less than set forth in the following schedule:

<u>Building and Use</u>	<u>Minimum Spaces Required</u>
(a) <u>Residential.</u>	
(1) One-family dwellings	2 spaces per dwelling unit
(2) Two-family dwellings	1 space per dwelling unit
(3) Townhouse	2 spaces per dwelling unit
(4) Rented Rooms	½ space per rented room plus one space for resident family
(5) Hotels, motels, tourist home (Ord. 654. Passed 5-7-73.)	1 space per guest room plus 1 space for each employee
(6) Condominiums (Ord. 2006-20. Passed 4-3-06.)	1-1/2 space per condominium unit
(b) <u>Community Facilities.</u>	
(1) <u>Governmental:</u> Municipal, County, State and Federal buildings, principally administrative functions	1 space per 300 sq. ft. of floor area used by the public, plus 1 space for each 2 employees
(2) <u>Civic:</u> libraries, museums, churches, club and community centers	1 space per 500 sq. ft. (*)
(3) <u>Educational:</u> Primary and secondary public; private schools	1 space per 1,000 sq. ft. (*)
(4) <u>Places of Assembly:</u> Auditoriums, lodge halls, gymnasiums and stadiums	1 space per 4 seats
(5) <u>Health and Welfare:</u>	
A. Institutions for children and for the aged, nursing homes, sanitariums	1 space per 1,000 sq. ft.
B. Medical clinics	1 space per 200 sq. ft. plus 1 space for each doctor and 1 space for each employee

(\*) For the assembly parts of the building, 1 space per each 4 seats, or 1 space for each 6 sq ft. of assembly floor area shall be added.

(c) Business and Offices.

- |     |  |  |
|-----|--|--|
| (1) | Retail stores, services and first floor offices: |  |
|     | A. Less than 4,000 sq. ft. per unit              | 10 spaces per 1,000 sq. ft. .          |
|     | B. 4,000 to 10,000 sq. ft. per unit              | 8 spaces per 1,000 sq. ft.             |
|     | C. 10,000 sq. ft. or greater                     | 7 spaces per 1,000 sq. ft.             |
| (2) | Offices:   |  |
|     | A. Medical and dental offices                    | 1 space per 200 sq. ft.                |
|     | B. Other offices: first floor and above          | 1 space per 250 sq. ft.                |
| (3) | Mortuaries                                       | 40 spaces plus 1 space per 200 sq. ft. |
| (4) | Places of assembly: theaters, halls, arenas      | 1 space per 4 seats                    |
| (5) | Commercial Recreation:                           |  |
|     | A. Open commercial amusement                     | 1 space per 500 sq. ft. of area        |
|     | B. Bowling Alleys                                | 5 spaces per lane                      |

(d) Commercial Service.

- |     |   |                         |
|-----|---|-------------------------|
| (1) | Wholesale, distribution, laboratories, general services, machine shops and similar establishments | 1 space per 2 employees |
| (2) | Limited manufacturing plants  | 1 space per 2 employees |

(e) Other Buildings or Uses. For specific buildings or uses not scheduled above, the Planning Commission shall apply the unit of measurement set forth in the above schedule which is deemed to be most similar to the proposed building or use.

(Ord. 654. Passed 5-7-73.)

**1131.06 MODIFICATIONS OF REQUIREMENTS.**

(a) Public Facilities Available. The required spaces as determined by the above schedule and standards may be modified by the Planning Commission in the Village Central Business District, where free parking areas or publicly owned parking areas are readily accessible and where land is not available for development of accessory off-street parking as required herein, and where public transportation is used extensively.

(Ord. 654. Passed 5-7-73.)

**1131.07 PARKING LIMITATIONS; AUTOMOTIVE SERVICE STATIONS.**

Unenclosed parking of motor vehicles at automotive service stations shall be limited to four (4) vehicles and no vehicle shall remain so parked for any period exceeding twenty-four (24) hours. (Ord. 654. Passed 5-7-73.)

**1131.08 PARKING AREA IMPROVEMENTS.**

Parking areas and access driveways shall be designed, graded, constructed, altered and maintained as follows:

- (a) Grading and Pavement. Parking areas and access driveways shall be graded and drained so that surface water shall not be allowed to flow onto adjacent properties. Parking areas and driveways shall be improved with asphaltic concrete or portland cement pavement, in accordance with the standards established in the Village Subdivision Regulations.



- (b) Design of Areas.
- (1) Parking areas shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles in accordance with the aforesaid Parking Area Design Standards, and shall be improved with a poured concrete curb or precast concrete barrier to define parking bays or limits of paved areas, except at entrances and exits.
  - (2) The Planning Commission may also require landscape features such as a compact evergreen hedge, shrubs or screening by a substantially solid fence between such parking areas and a side or rear lot line of a residential district in accordance with standards established in other sections of this Code.
- (c) Signs. Signs located on or related to parking areas shall be limited to those indicating the operator, purpose or business served, or instructions for parking. (Ord. 654. Passed 5-7-73.)

#### **1131.09 ILLUMINATION OF PARKING AREAS.**

Parking areas shall be illuminated wherever the Planning Commission determines that said illumination is necessary to insure the public safety. Lighting fixtures shall be designed and located so as not to cast direct rays of excessive brightness upon adjoining residential districts or cause a glare hazardous to pedestrians or auto drivers on adjacent public streets. (Ord. 654. Passed 5-7-73.)

#### **1131.10 DRIVEWAYS TO PARKING AREAS.**

(a) To location, width, and number of entrance and exit driveways serving accessory parking facilities, "drive-in businesses" fee parking lots and public parking lots, shall be planned in such a manner as to interfere as little as possible with the use of adjacent property, and the flow of traffic on the streets to which they connect.

(b) Parking areas of up to 20 spaces shall have at least one two-lane driveway located at least 50 feet from the right-of-way line of the nearest intersecting street.

(c) Parking areas of more than 20 spaces should, if possible, have two two-lane driveways located not less than 50 feet from the right-of-way line of the nearest intersecting street.

(d) Entrance or exit driveways shall not exceed three lanes in width and be designed so that all cars can be driven forward into the street. The width of such driveways, measured at the street right-of-way line, shall conform with the following schedule:

<u>Width of Driveway</u>		
<u>Number of Lanes</u>	<u>Minimum (ft.)</u>	<u>Maximum (ft.)</u>
One-lane	10	12
Two-lane	18	24
Three-lane	27	36

(e) The angle of intersection between the driveway and the street shall be between 70 degrees and 90 degrees. The radii of the edge of the driveway apron shall be at least 20 feet. (Ord. 654. Passed 5-7-73.)

**1131.11 LOADING FACILITIES.**

Accessory loading and unloading facilities shall be provided as a condition precedent to occupancy of all business, service and industrial buildings hereafter erected and altered, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this Chapter.

- (a) Allocation of Use. Space required and allocated for any off-street loading facility shall not, while so allocated, be used to satisfy the space requirements for off-street parking. An off-street loading space shall not be used for repairing or servicing motor vehicles.
- (b) Location of Facility. All required accessory loading facilities shall be related to the building and use to be served to provide for loading and off-loading of delivery trucks and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of accessways, parking facilities, public streets or sidewalks. A required loading space shall not face, or be visible from the frontage street, and shall not be located in a required front yard, or a required side or rear yard if adjoining a residential district. If a loading space is entirely enclosed, it may be located in such side or rear yard if approved by the Planning Commission.
- (c) Access Driveways. Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which will least interfere with adjacent traffic movements and interior circulation. The access drive of an off-street loading facility shall be located so that the driveway center line shall not be less than 50 feet from the nearest intersecting street right-of-way line.
- (d) Improvements. All accessory off-street loading spaces shall be improved as required for parking areas as set forth in Section 1131.08.
- (e) Minimum Size Criteria. A required off-street loading space shall be at least 12 feet wide by at least 40 feet in length. The above area shall be exclusive of the maneuvering space, and each loading facility shall have a vertical clearance of at least 14 feet. Buildings of less than 5,000 square feet of floor area shall be provided with receiving platforms or other commensurate facilities.
- (f) Schedule of Required Loading Facilities. Accessory off-street loading spaces shall be provided as required herein for the following uses:

<u>Use</u>	<u>Gross Floor Area of Bldg. (square feet)</u>	<u>Required Number of Spaces</u>
Retail Stores, all types	under 20,000 square feet	1
	20,000 to 50,000 square feet	2
	50,000 to 100,000 square feet	3
Printing, publishing warehouses	under 40,000 square feet	1

<u>Use</u>	<u>Gross Floor Area of Bldg. (square feet)</u>	<u>Required Number of Spaces</u>
Storage establishments	40,000 to 100,000 square feet	2
Servicing, cleaning, repairing	under 40,000 square feet	1
Testing or limited manu- facturing establishments	40,000 to 100,000 square feet each additional 100,000 square feet	2 1 additional space

(Ord. 654. Passed 5-7-73.)

### **1131.12 APPROVAL OF FACILITIES.**

(a) Detailed drawings of accessory off-street parking and loading facilities shall be submitted in accordance with all the provisions of this Chapter for review by the Planning Commission.

(b) The Planning Commission may require structural or landscape features such as bumper guards, curbs, walls, fences, shrubs, ground cover, or hedges to further carry out the objectives of the General Plan and of this Code before an application is approved and a building permit or certificate of occupancy may be issued.

(Ord. 654. Passed 5-7-73.)



**CHAPTER 1133  
Sign Regulations**

<b>1133.01</b>	<b>Intent.</b>	<b>1133.10</b>	<b>Commercial Service Districts.</b>
<b>1133.02</b>	<b>Establishing regulations.</b>	<b>1133.11</b>	<b>Location of signs: Commercial Service Districts</b>
<b>1133.03</b>	<b>Classification of signs.</b>	<b>1133.12</b>	<b>Application for permits.</b>
<b>1133.04</b>	<b>Measurement standards.</b>	<b>1133.13</b>	<b>Maintenance of signs.</b>
<b>1133.05</b>	<b>Design standards.</b>	<b>1133.14</b>	<b>Nonconforming signs.</b>
<b>1133.06</b>	<b>Illumination of signs.</b>	<b>1133.15</b>	<b>Removal of signs.</b>
<b>1133.07</b>	<b>Residential Districts.</b>		
<b>1133.08</b>	<b>Business Districts.</b>		
<b>1133.09</b>	<b>Location and supplementary area regulations; business signs.</b>		

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**1133.01 INTENT.**

Sign regulations, including provisions to control the type, design, size, location, motion, illumination and maintenance thereof, are established in order to achieve, among others, the following purposes:

- (a) To maintain high value residential districts and promote attractive public facilities, by permitting only nameplates, bulletin boards and signs related to the development, rental or sale of properties in such districts;
- (b) To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type and size of establishments;
- (c) To eliminate any conflict between advertising signs and traffic control signs which would be hazardous to the safety of the motoring public or the pedestrian;
- (d) To control the design of signs so that their appearance will be esthetically harmonious with an overall urban design for the area; and
- (e) To promote the most desirable developments and economic activity in accordance with the objectives of the General Plan of the Village.  
(Ord. 654. Passed 5-7-73.)

**1133.02 ESTABLISHING REGULATIONS.**

(a) Signs shall be designed, erected, altered, reconstructed, moved, and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.

(b) The provisions of this chapter shall not amend or in any way interfere with other codes, rules, or regulations governing traffic signs within the Village.

(c) The display of official public notices, and the flag, emblem, or insignia of an official governmental body shall not be governed by the provisions of these regulations.

(Ord. 654. Passed 5-7-73.)

**1133.03 CLASSIFICATION OF SIGNS.**

(a) "Sign", means any display, figure, painting, drawing, placard, poster or other device visible from a public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly on a structure.

(b) Classification by Use Types.

- (1) "Nameplate", means a sign indicating the name, address or the profession of the person or persons occupying the lot or a part of a building.
- (2) "Bulletin Board", means an announcement sign which directs attention to and is located on the lot of a public or semi-public institution.
- (3) "Identification Sign", means a sign, indicating the name, owner, or manager of an existing project or building.
- (4) "Real Estate", means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.
- (5) "Project Sign", means a sign which directs attention to the promotion, development, and construction of the property on which it is located and which identifies the architects, engineers, contractors, and other individuals or firms involved with the construction.
- (6) "Business Sign", means a sign which directs attention to the name of the business or establishment, the goods or commodities sold, or services rendered, on the lot on which the sign is located.
- (7) "Limited Industrial or Service Sign", means a sign which directs attention to the name, service or industrial establishment, goods produced or sold, or service rendered, on the lot on which the sign is located.
- (8) "Directional Sign", means a sign indicating the direction to which attention is called either on the lot on which the sign is located or which directs attention to another location.
- (9) "Informational Sign", means a sign which is designed to give general information to the public concerning the location of places for lodging or eating, vehicle service, natural phenomena, weather, time, historic sites, areas of natural scenic beauty or outdoor recreation facilities and similar information.

- (10) "Political Sign", means a sign advocating action on a public issue or indicating a candidate for public office.
  - (11) "Temporary Sign", means a sign of any type to announce special events or sales, to announce the sale, lease, or rental of property, and designed for use for a limited period of time.
- (c) Classification by Structural Types.
- (1) "Wall or Panel Sign", means a sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than 12" therefrom.
  - (2) "Window Signs", means a sign painted, attached or affixed to the interior or exterior surface of windows or doors of a building.
  - (3) "Projecting Sign", means a sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle therefrom.
  - (4) "Canopy Sign", means a sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or to a permanent awning or marquee.
  - (5) "Ground Sign", means a freestanding sign which is supported by one or more poles, posts or braces in or upon the ground.
  - (6) "Pole Sign", means a sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic thereunder.  
(Ord. 654. Passed 5-7-73.)

#### **1133.04 MEASUREMENT STANDARDS.**

Signs are regulated in this Code by relating the gross area of signs to the building or use of a lot, or to the size of the building unit to which the sign is accessory.

- (a) The "gross area of signs" for a building or use shall include all the surfaces visible from a public way and shall be measured as the area enclosed by one rectangle, the sides of which make contact with the extreme points or edge of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper.  
The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the entire group.
- (b) Whenever the gross area of the signs are related to the size of the building or lot:
  - (1) The "frontage of a building" shall be the width of the facade of building, store, service or office unit which faces the principal street, or the facade containing the main entrance of a store, office, service or manufacturing building for corner buildings 40 percent of the building depth facing the side street may be included in the frontage width factor.
  - (2) The "frontage of a lot" not occupied by a building shall be the number of lineal feet the lot abuts on the principal street.
- (c) Buildings or lots having frontage on a second street or a secondary entrance to a parking area, may be permitted additional signs along such secondary streets which shall, however, not exceed 20 percent of the area of the signs permitted along the main facade.  
(Ord. 654. Passed 5-7-73.)

**1133.05 DESIGN STANDARDS.**

Signs, as permitted in the various use districts shall be designed so as to be similar in character with regard to materials, color and size to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract, and to produce an overall unified effect and in accordance with the standards set forth in this section.

- (a) Wall or panel sign, shall not project more than 12 inches from the building wall to which it is attached and shall be set back from the end of the building and party wall lines for a distance of at least 3 feet and shall not project above the coping or eaves of any building.
- (b) Projecting signs, may be attached to the building wall or canopy and project at an angle of approximately 90 degrees for a distance of not more than four feet or project over the cornice line more than one third of the total height of the sign. Projecting signs shall be located not less than five feet from a party wall line and the lowest member of a projecting sign shall be at least eight feet above a public sidewalk and fifteen feet above any drive. Signs shall not project into any dedicated right-of-way.
- (c) Pole signs. Pole signs shall not exceed 35 feet in height in districts which such signs are permitted.
- (d) Permanent ground signs, shall not extend higher than 15 feet above the finished grade.
- (e) Vertical dimension; the lowest member for all signs which project or are supported on posts, shall be not less than eight feet above the finished grade of a sidewalk or any other pedestrian way; and if located over a pavement used for vehicular traffic or within 18 inches of the vertical projection of the edge of such pavement, the lowest member of the sign shall be not less than 15 feet above the finished pavement.
- (f) Relation to openings; signs shall not project over or obstruct the required window or doors of any building, shall not be attached to or obstruct a fire escape or interfere with other safety provisions.
- (g) Relation to traffic devices; signs shall not be erected so as to obstruct "sight lines" along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad grade crossings. Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow", etc. and the movement, content, coloring or manner of illumination shall not resemble highway traffic signs. Flashing or moving illumination shall be permitted only by approval of the Planning Commission.  
(Ord. 654. Passed 5-7-73.)

**1133.06 ILLUMINATION OF SIGNS.**

(a) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to cause reasonable objection from adjacent residential districts.

(b) In Residential Districts only nameplates and bulletin boards may be illuminated. All signs in Business and Commercial Service Districts may be illuminated. Parking lots and automotive sales area lots shall be illuminated in accordance with the provisions of this section.  
(Ord. 654. Passed 5-7-73.)



**1133.07 SIGNS: RESIDENTIAL DISTRICTS.**

Accessory Signs in Residential Districts shall be designed, erected, altered, moved and maintained, in whole or in part in accordance with the regulations as follows:

- (a) The types of signs permitted as to use, structure, size and number for each dwelling or lot shall be regulated as follows:
  - (1) One nameplate indicating occupant's name, and house number, not exceeding two square feet in area may be located on any building or lot but not less than 25 feet from any side lot line and 10 feet from any street right-of-way line.
  - (2) One directional or no trespassing sign not exceeding two square feet in area shall be permitted on any building or lot located not less than 25 feet from any side lot line and 10 feet from any street right-of-way-line.
  - (3) One real estate sign, advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, not exceeding six square feet in area or four feet in height, shall be permitted for each dwelling or lot, provided, said sign shall be located not less than 25 feet from any side lot line and 10 feet from the street right-of-way line; illumination shall not be permitted.
  - (4) Subdivision project signs not exceeding 100 square feet in total area may be permitted while a subdivision is under construction provided said sign is located on the parcel being developed and not less than 100 feet from any occupied residence and not less than 35 feet from the nearest street right-of-way line. Permits for such signs shall be for a period not exceeding one year, however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within 14 days of the commencement of the intended use.
  - (5) One bulletin board or announcement sign not exceeding 20 square feet in area or five feet in height may be located on the premises of a public charitable or religious institution in a Residential District but not less than 50 feet from any residential lot line or less than 15 feet from the nearest street right-of-way line; indirect illumination shall be permitted.
  - (6) Political signs not exceeding six square feet in area may be permitted in Residential Districts for a period of not more than 30 days before, and five days after an election provided such signs are located not less than 10 feet from any property or street right-of-way line.  
(Ord. 654. Passed 5-7-73.)

**1133.08 BUSINESS DISTRICTS.**

Accessory signs in Business Districts, shall be designed, erected, altered, moved and maintained, in whole or in part in accordance with regulations as follows:

- (a) Use Types Permitted.
  - (1) Business signs, directing attention to the business establishment.
  - (2) Directional signs, to direct pedestrians and vehicles.
  - (3) Professional nameplates and identification signs.
  - (4) Real estate and project signs of a temporary nature.
- (b) Structural Types Permitted. Wall or panel, window, canopy, ground, projecting and pole signs.

(c) Maximum Area and Number Permitted.

- (1) The maximum gross area of all permanent signs permitted for separate use occupying a building, unit of a building or lot not occupied by a building shall be related to the width of the building, unit thereof or lot not occupied by a building, adjusted, however, so that the smaller establishments may be permitted reasonable sign areas and so that the larger establishments may not have excessive sign areas. Signs accessory to a building or unit thereof shall be determined by the formula.

Maximum gross area of signs =  $(W \times 1.5) + 40$  square feet.

The elements of said formula being defined as follows:

"Maximum Gross Area", means the total area of all permanent signs as defined in Section 1133.04(a), "W", means the "frontage of a building" as defined in Section 1133.04(b).

- A. Lot not Occupied by Building. Signs permitted for each separate use of a lot not occupied by a building shall be determined by the formula,

Maximum gross area of sign =  $(W \times .75)$

The element "W" of said formula means the "frontage of a lot", as defined in Section 1133.04 (b).

- (2) The maximum area of temporary signs permitted are established in Section 1133.09.

Example: Assume a 30 foot wide store facing one street in a Business District; Maximum gross area of signs equals  $30 \times 1.5 + 40 = 85$  square feet. (Ord. 654. Passed 5-7-73.)

### 1133.09 LOCATION AND SUPPLEMENTARY AREA REGULATIONS: BUSINESS SIGNS.

Accessory signs in any Business District shall be also controlled by locational and supplementary area regulations as follows:

- (a) Wall signs, a single wall sign shall not exceed 150 square feet in total area.
- (b) Projecting signs, shall be limited to not more than one for each establishment or store unit and shall not exceed 20 square feet in total area for each face visible from any location on a public way. Projecting signs shall be located not less than five feet from a side lot line and not less than 25 feet from a Residential District boundary line. Signs shall not project into any dedicated right-of-way.
- (c) Pole signs, may be located within required yards if approved by the Planning Commission and shall be not less than 15 feet from another business lot and not less than 50 feet from a Residential District line. In Business Districts the maximum size of any face of a pole sign shall not exceed 50 square feet in area. The support for a pole sign shall not be located within, nor shall such sign project over any dedicated right-of-way.

- (d) Canopy or covered walk signs, may be attached to the underside of a canopy or roof structural member over a walkway, however, the vertical dimension of such signs, shall not exceed 12 inches and the lowest member shall be not less than eight feet above the sidewalk grade. The total area of any sign attached to a canopy or covered walk shall not exceed 5 square feet.
- (e) Ground signs, shall not be located within required yards unless approved by the Planning Commission. Any ground sign shall not be less than 25 feet from another business lot or street right-of-way line and not less than 50 feet from a Residential District line.
- (f) Canopy signs for indoor theaters: the Planning Commission shall determine the size, area, and design of signs for each indoor theater.
- (g) Permanent directional signs, indicating traffic routes and similar functions shall be permitted in addition to the other limitations of this Section provided each sign does not exceed four square feet and is not closer than 25 feet to any side lot line and 10 feet to the street right-of-way line.
- (h) Temporary project signs, not exceeding 60 square feet in total area for each street frontage shall be permitted if located on the lot which is occupied by the building or use promoted or if announcing a proposed building or a building under construction Such project sign shall be located not less than 200 feet from the nearest residential lot line and not less than 50 feet from the nearest street right-of-way line. Permits for such signs shall be for a period not exceeding one year, however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within 14 days of the commencement of the intended use.
- (I) Other temporary signs, announcing sales, new products or special business events may be permitted in addition to the maximum gross area of a permanent business sign, and may be placed on the inside of windows and doors and on the exterior of the building, provided, the gross area of all the temporary signs does not exceed 20 percent of the maximum area of permanent signs permitted for each establishment and are not displayed more than 30 consecutive days.  
(Ord. 654. Passed 5-7-73.)

### **1133.10 COMMERCIAL SERVICE DISTRICTS.**

Accessory signs in Commercial Service Districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the schedule and regulations as follows:

- (a) Use Types Permitted.
  - (1) Directional signs of the type permitted and as regulated in business districts;
  - (2) Service and industrial signs, nameplates and identification signs; and
  - (3) Real estate and project signs of a temporary nature.
- (b) Structural Types Permitted. Wall, panel, ground and pole signs.
- (c) Maximum Area and Number Permitted.
  - (1) The maximum gross area of all permanent signs permitted for each separate use occupying a building or a unit of a building in any Commercial Service District shall be directly related to the width of the building or unit thereof as follows.
    - A. Commercial Service District. The maximum gross area of signs shall not exceed one and one-fourth square feet for each lineal foot of the building frontage.  
(Ord. 654. Passed 5-7-73.)

**1133.11 LOCATION OF SIGNS: COMMERCIAL SERVICE DISTRICTS.**

(a) Signs shall be located so as to maintain the same setback and yards as required for buildings, except one commercial or industrial ground or pole sign may be permitted within the required yards if approved by the Planning Commission.

(b) Ground and pole signs shall be located not less than 50 feet from any adjacent Residential District in a Commercial Service District.

(c) A permanent ground or pole sign shall not be located closer than 25 feet to a public street right-of-way in any Commercial Service District.

(d) The design of wall, panel, ground and pole signs in any Industrial District shall be in accordance with the standards of Section 1133.05.  
(Ord. 654. Passed 5-7-73.)

**1133.12 APPLICATION FOR PERMITS.**

Application for permits to erect, place, paint, illuminate, or alter a sign shall be made by the owner or lessee of the property for which a sign is proposed. The application shall be submitted on forms furnished by the Village and shall be made either separately or with the application for a building permit. The fee for a sign permit shall be established by separate ordinance.

(a) A sign permit shall be required for all permanent signs as follows:

- (1) Residential districts, if the sign exceeds six square feet in area.
- (2) Business districts, if the total area of the sign exceeds 15 square feet in area. A permit shall not be required for placing permanent signs on the surface of windows or doors, however, such signs may be ordered to be removed if the maximum gross area permitted is exceeded.
- (3) Commercial service districts, if the total area of the signs exceeds 15 square feet.

(b) Each application shall be accompanied by drawings to scale, showing:

- (1) The design and layout proposed including the total area of the sign, the size, character, materials, and color of letters, lines and symbols;
- (2) The method of illumination, if any;
- (3) The exact location of the sign in relation to the building and property, and;
- (4) Details and specifications for construction, erection and attachment.

In the development of an organized group of stores and services in any Business District, a plan for the signing of the entire business complex shall be submitted to the Planning Commission for review and approval in accordance with the other provisions of this Code.  
(Ord. 654. Passed 5-7-73.)

**1133.13 MAINTENANCE OF SIGNS.**

All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they were intended, or which have been abandoned or are not maintained in accordance with this Code and other applicable regulations of the Village, shall be removed by the latest permit holder or by the Village at the expense of such permit holder. (Ord. 654. Passed 5-7-73.)

**1133.14 NONCONFORMING SIGNS.**

(a) A sign conforming as to the regulations prevailing on the effective date of this Code, but which does not conform with the regulations of this or a subsequent amendment, shall be construed as a legal nonconforming sign.

(b) Nonconforming signs may be maintained and structural parts repaired or restored to a safe condition if required and if a permit is issued, provided however, any sign or parts thereof which has been blown down, destroyed or otherwise taken down for any purpose shall not be rebuilt, re-erected or relocated unless it shall be made to comply with the provisions of this Code. (Ord. 654. Passed 5-7-73.)

**1133.15 REMOVAL OF SIGNS.**

Whenever the removal or maintenance of any permanent sign has been ordered by the Zoning Inspector, the person, firm or corporation who erected such a sign or on whose premises such sign or display structure has been erected, affixed or attached shall remove or maintain such sign within 48 hours after receiving such notice. In the event of noncompliance, the Zoning Inspector may remove or cause to be removed or maintain such sign at the expense of the person, firm or corporation who erected such sign or on whose premises it was erected, affixed or attached and each such person, firm or corporation shall be individually and separately liable for the expense incurred in the removal of said sign. (Ord. 654. Passed 5-7-73.)



**CHAPTER 1135  
Nonconforming Uses**

<p><b>1135.01 Intent.</b></p> <p><b>1135.02 Lawful nonconformance.</b></p> <p><b>1135.03 Discontinuance and abandonment.</b></p> <p><b>1135.04 Maintenance and repair.</b></p> <p><b>1135.05 Restoration of damaged structure.</b></p> <p><b>1135.06 Extension prohibited.</b></p>	<p><b>1135.07 Nonconforming change prohibited.</b></p> <p><b>1135.08 Moving nonconforming structure.</b></p> <p><b>1135.09 Nonconforming parking facilities.</b></p> <p><b>1135.10 Nonconforming due to amendments.</b></p>
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**1135.01 INTENT.**

Regulations for the continuance, maintenance, repair, restoring, moving and discontinuance of nonconforming buildings, land and uses are established in order to achieve among others, the following purposes:

- (a) To permit the continuance but control nonconformity so as to minimize any adverse affect on the adjoining properties and development;
- (b) To regulate their maintenance and repair;
- (c) To restrict their rebuilding if substantially destroyed;
- (d) To require their permanent discontinuance if not operated for certain periods of time; and
- (e) To require conformity if it is discontinued, to bring about eventual conformity in accordance with the objectives of the General Plan and Zoning Code of the Village. (Ord. 654. Passed 5-7-73.)

**1135.02 LAWFUL NONCONFORMANCE.**

The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enacting this Code, may be continued, although such use does not conform to the provisions of this Code. The completion, restoration, reconstruction, extension, or substitution of nonconforming uses shall be subject to the provisions and conditions as set forth in this Chapter.

(Ord. 654. Passed 5-7-73.)

**1135.03 DISCONTINUANCE AND ABANDONMENT.**

In the event that the nonconforming use of any dwelling, building, or structure and of any land or premises is voluntarily discontinued for two (2) years or more, any future use thereof shall be in conformity with the provisions of this Zoning Code.  
(Ord. 654. Passed 5-7-73.)

**1135.04 MAINTENANCE AND REPAIR.**

A nonconforming building may be continued to be used and normal repairs and improvements may be made. For the purpose of this Code, normal repairs shall include the ordinary maintenance of a building or structure, and the replacement of equipment which is required for safety of operation, and the replacement of substitutions of machinery or equipment. It shall not include the replacement of structural parts in any nonconforming building except where required by law to restore the structure to a safe condition, or to make the building or use conforming. (Ord. 654. Passed 5-7-73.)

**1135.05 RESTORATION OF DAMAGED STRUCTURE.**

(a) Any nonconforming building or structure which has been destroyed or damaged by fire, other casualty, act of God or by a public enemy to the extent of 60%, or more, of its cost of restoration to the condition in which it was before the occurrence, shall thereafter conform to all the provisions of this Code.

(b) The total structural repairs, improvements, and alterations including repairs occasioned by fire, other casualty, act of God or by a public enemy to the extent of less than 60% of its cost of restoration, shall not, during the life of the structure or use after the enactment of this Code, exceed 60% of the reproduction value of the structure as of the date of enactment of this Code, unless the structure or use be permanently changed to a conforming use.

(c) Determination of the reproduction value shall be made by three practicing building construction contractors, one to be appointed by owner, one to be appointed by the Village, and the third to be selected by the mutual consent of the two parties.

(d) In the case of repair or replacement of partial destruction of the structure, a building permit must be applied for within six months of the destruction and repairs must be completed within six months of the issuance of the permit or the nonconforming structure or use shall be considered to be abandoned.  
(Ord. 654. Passed 5-7-73.)

**1135.06 EXTENSION PROHIBITED.**

Any nonconforming building shall not be enlarged or structurally altered except to make it a conforming building. A nonconforming use may not be extended within a building, enlarged or added to in any manner.  
(Ord. 654. Passed 5-7-73.)

**1135.07 NONCONFORMING CHANGE PROHIBITED.**

The use of a nonconforming building may be changed only to a use conforming to the district in which the building is located, and only if approved by the Planning Commission, after a public hearing. Thereafter, it shall not be changed back to the former nonconforming use.  
(Ord. 654. Passed 5-7-73.)



**1135.08 MOVING NONCONFORMING STRUCTURE.**

A nonconforming structure may be moved to a different location on the same lot or other parcel of land within the district, with approval of the Planning Commission, after a hearing, and provided proper and adequate alterations are secured to make the structure conform to the regulations of the district where it is located.

(Ord. 654. Passed 5-7-73.)

**1135.09 NONCONFORMING PARKING FACILITIES.**

A building, or use, existing lawfully at the time this Code or any amendment thereto became effective, but which does not conform with the off-street parking or off-street loading regulations, may be occupied by the existing use without such parking and/or loading facilities being provided, however, any parking spaces that may be provided thereafter shall comply with the regulations set forth in Chapter 1131. Furthermore, if the existing building is altered so that there is an increase of the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more off-street facilities, then off-street parking and loading facilities shall be provided at least equal to the number of spaces required for the entire building or use in accordance with all provisions of Chapter 1131.

(Ord. 654. Passed 5-7-73.)

**1135.10 NONCONFORMING DUE TO AMENDMENTS.**

The foregoing provisions of this Chapter shall also apply to buildings, structures, land or other uses hereafter becoming nonconforming as a result of future reclassification of districts or of other amendments made to this Code.

(Ord. 654. Passed 5-7-73.)



**CHAPTER 1136**  
**Conditional Use Permits**

<b>1136.01 Purpose.</b>	<b>1136.05 Specific criteria for conditional uses.</b>
<b>1136.02 Application.</b>	<b>1136.06 Action by Planning Commission.</b>
<b>1136.03 Public hearing and notice.</b>	<b>1136.07 Limitations.</b>
<b>1136.04 General standards for all conditional uses.</b>	

**1136.01 PURPOSE.**

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate those activities in a reasonable and equitable manner, while safeguarding both the property rights of all persons and the health, safety and general welfare of the community. It is the intent of this chapter and the Zoning Code to protect those rights and to require a more detailed evaluation of each use conditionally permitted.

(Ord. 2006-19. Passed 4-3-06.)

**1136.02 APPLICATION.**

Any person seeking a conditional use permit shall file an Application for Conditional Use with the Zoning Inspector. If the application is completely filled out, the Inspector shall within seven days transmit the application to the Planning Commission. There shall be a fee as provided by ordinance. If any part of the application is not completely filled out, the Inspector shall promptly return the application to the applicant with the reasons, in writing, for its rejection. The Application shall provide:

- (a) The name, address, phone number and social security number of the owner or, if a corporation or LLC, the name and address of the corporation and its President/Managing Member and its federal ID number.
- (b) Legal description of the property, including a copy of the deed showing that the owner applying for the permit is also the legal owner of the property.
- (c) The Zoning District.
- (d) Description of existing use.
- (e) Description of proposed conditional use.
- (f) A plan of the proposed site prepared by a registered architect or engineer and drawn to scale, showing the location of buildings, parking areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs and yards

- (g) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, interference with natural sunlight and views; interference with privacy and quality of life; and any other possible adverse affects on such property owners.
- (h) A fee as established by ordinance.
- (i) A list containing the names and addresses of all owners of property within two hundred and fifty feet of the proposed development.  
(Ord. 2006-19. Passed 4-3-06.)

#### **1136.03 PUBLIC HEARING AND NOTICE.**

Upon receipt of the application, the Planning Commission shall schedule a public hearing on the application within thirty days, and shall provide written notice to the applicant and all landowners within two hundred and fifty feet of the proposed development no later than ten days prior to the hearing. Additionally, the Commission shall publish notice of the meeting prior to ten days before the hearing in a newspaper of general circulation within the Village.  
(Ord. 2006-19. Passed 4-3-06.)

#### **1136.04 GENERAL STANDARDS FOR ALL CONDITIONAL USES.**

In addition to the specific requirements for conditionally permitted uses, the Planning Commission shall review the particular facts and circumstances of each proposed use or building in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (a) Is in fact a conditional use established by the Zoning Code.
- (b) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use shall not change the essential character of the same area.
- (c) Will not be hazardous or disturbing to existing or future neighboring uses.
- (d) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse, and water and sewer.
- (e) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the village.
- (f) Will comply with all provisions of the Zoning Code, including setbacks, parking, etc.
- (g) Will not create lighting which is a nuisance or in any ways impair safe movement of traffic nor shine directly on adjacent properties.
- (h) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- (i) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, lighting, fumes, glare or odors.

- (j) For residential districts:
- (1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient, or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with a prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main thoroughfares and to street intersections, and the general character and intensity of development of the area.
  - (2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (k) For nonresidential districts:
- (1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic in the district, both at the time and as the same may be expected to increase with increasing development of the municipality, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances and relation to pedestrian traffic.
  - (2) The nature, location, size and site layout of the use shall be such that it will be a harmonious part of the non-residential district in which it is situated, taking into account prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in a commercial or industrial district.  
(Ord. 2006-19. Passed 4-3-06.)

#### **1136.05 SPECIFIC CRITERIA FOR CONDITIONAL USES.**

The following are specific conditional use criteria and requirements for those uses conditionally permitted in the Zoning Code. Nothing in this section shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements.

- (a) Condominiums.
- (1) Landscaping shall be designed and implemented which provides attractive privacy for adjoining residential land.
  - (2) There shall be two entrances to the property or one entrance and one exit. Each entrance/exit shall be at least twelve feet wide and designed not to create interference with traffic on surrounding public thoroughfares and adjacent properties.

- (3) The Planning Commission shall seek the advice of the Police and Fire Chiefs to insure that the condominium development is accessible to emergency vehicles and personnel.
- (4) Dumpsters or trash containers shall be provided and contained in a three sided solid fenced area accessible to refuse haulers and occupants and the fence shall not be less than six feet high.
- (5) The condominium plan must comply with all terms and conditions of the Zoning Code not contrary to this chapter.
- (6) The condominium plan must comply with all federal, state and local statutes regulations, particularly as they relate to condominiums.
- (7) Density and other provisions:

RC1:	Density	16 units per acre
	Sq. Ftg.	Minimum 1100 sq. ft per unit
	Height	50 feet
SR1F	Density	6 units per acre
	Sq Ftg.	Minimum 1000 sq. ft. Blended avg min 1300 square feet
	Height	35 feet Two stories maximum
RBRR generally:	Density	13 units per acre
	Sq ftg.	850 square feet minimum
	Height	50 feet

RBRR where the boundary line of the lot containing any condo units is within 100 feet of RC1: The same requirements as shown above in RC1.

RBRR where the boundary line of the lot containing any condo units is within 100 feet of SR1F: The same requirements as shown above in SR1F.

RBRR where the boundary line of the lot containing any condo unit is within 100 feet of R1: The same requirements as shown in SR1F.

In the event in RBRR that the boundary line for a condo development is located within 100 feet of two different zoning districts, (eg. R1 and RC1), then the more restrictive requirements as shown above shall apply (ie, lesser density, lesser height and greater sq. footage).

(Ord. 2006-19. Passed 4-3-06.)

**1136.06 ACTION BY PLANNING COMMISSION.**

Within thirty days of the hearing, the Planning Commission shall take one of the following actions:

- (a) Approve issuance of the conditional use permit by a majority vote of all members of the Planning Commission, expressly finding that the terms and conditions of the Zoning Code have been satisfied, including both general and specific uses and setbacks for front, side and rear yardage. Such written findings may also prescribe supplementary conditions and safeguards. Upon making an affirmative finding the Planning Commission shall direct the Zoning Administrator to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Commission for approval.
- (b) Make a written finding that the application is deficient in information or is in need of additional information and is being returned to the applicant. Such finding shall specify the information or modifications which are deemed necessary.
- (c) Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval. If an application is denied, the applicant may seek relief through the Ashtabula County Court of Common Pleas.  
(Ord. 2006-19. Passed 4-3-06.)

**1136.07 LIMITATIONS.**

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one year of the date on which the permit was issued, or if for any reason such use shall cease for more than one year. All permits are non-transferable from one owner to another.

(Ord. 2006-19. Passed 4-3-06.)





**TITLE FOUR - Administration and Enforcement**

Chap. 1141. Administrative Procedures.

Chap. 1143. Board of Zoning Appeals.

Chap. 1145. Amending Procedures.

Chap. 1147. Penalties.

**CHAPTER 1141  
Administrative Procedures**

<b>1141.01</b>	<b>Intent.</b>	<b>1141.06</b>	<b>Applications for permits. (Repealed)</b>
<b>1141.02</b>	<b>General procedures.</b>	<b>1141.07</b>	<b>Determination of similar uses.</b>
<b>1141.03</b>	<b>Building permit. (Repealed)</b>	<b>1141.08</b>	<b>Zoning Certificate required.</b>
<b>1141.04</b>	<b>Withholding permits. (Repealed)</b>	<b>1141.09</b>	<b>Enforcement.</b>
<b>1141.05</b>	<b>Required drawings. (Repealed)</b>		

**1141.01 INTENT.**

(a) Administrative procedures for administering, interpreting and enforcing this Code are herein established in order to achieve, among others the following purposes:

- (1) To provide for the review of an application for a building permit;
- (2) To provide the inclusion of uses which are uncommon but which have characteristics similar to permitted main uses;
- (3) To provide that no work shall be started on the relocation, construction, reconstruction, or structural alteration of a building until the proposed building or use is found to comply with all the provisions of the Zoning Code;
- (4) To provide for the enforcement of the Code through measures where there is noncompliance, to keep records of actions in regard to the enforcement of the Code; and
- (5) To provide supplementary administrative procedures in conformity with the objectives of the General Plan and the Zoning Code of the Village.

(b) In administering this Code, the provisions shall be regarded as establishing minimum requirements and shall be used specifically to further the underlying purposes, objectives and intent set forth in the preamble to each chapter.

(c) The relationship of this Code to other laws, rules and regulations and the relationship if two or more specific provisions of this Code apply to the same subject are set forth in Section 1111.04.

(Ord. 654. Passed 5-7-73.)

**1141.02 GENERAL PROCEDURES.**

(a) The administration of this Code is vested in the following officials, Commissions and Boards of the Village:

Planning Commission  
Zoning Commissioner  
Board of Zoning Appeals

(b) Compliance with the provisions of this Code shall be obtained by:

(1) Applying for and the issuance of a zoning certificate and building permit including the following, if applicable:

Application for Determination of Similar Use  
Application and Approval of a Development Plan  
Appeals for an interpretation or a request for a variance.

(c) Enforcement of the provisions of this Code shall be obtained by inspection and order for removal of violations. Failure to comply with such order shall constitute an offense which may be followed with civil action.  
(Ord. 654. Passed 5-7-73.)

**1141.03 BUILDING PERMIT.**

(EDITOR'S NOTE: Former Section 1141.03 was repealed by Ordinance 2006-20, passed April 3, 2006.)

**1141.04 WITHHOLDING PERMITS.**

(EDITOR'S NOTE: Former Section 1141.04 was repealed by Ordinance 2006-20, passed April 3, 2006.)

**1141.05 REQUIRED DRAWINGS.**

(EDITOR'S NOTE: Former Section 1141.05 was repealed by Ordinance 2006-20, passed April 3, 2006.)

**1141.06 APPLICATIONS FOR PERMITS.**

(EDITOR'S NOTE: Former Section 1141.06 was repealed by Ordinance 2006-20, passed April 3, 2006.)

**1141.07 DETERMINATION OF SIMILAR USES.**

The determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation. Any use found "similar" shall thereafter be included in the enumeration of uses permitted by right.

All applications for permits for a building or use not specifically listed in any of the permitted building or use classifications in any of the districts shall be submitted to the Planning Commission and, after approval by it, confirmed by the Council in compliance with the following standards:

- (a) That such use is not listed in any other classification of permitted buildings or uses;
  - (b) That such a use is more appropriate and conforms to the basic characteristics of the classification to which it is to be added than to another classification;
  - (c) That such a use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and
  - (d) That such a use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.
- (Ord. 654. Passed 5-7-73.)

**1141.08 ZONING CERTIFICATE REQUIRED.**

(a) Every land owner shall apply for, and obtain a zoning permit, before s/he or any tenant, agent, contractor or anyone else acting with or without the owner's knowledge and consent:

- (1) Constructs or makes any exterior alteration in any building or structure.
- (2) Changes the use of land or an existing building or accessory building to a different use.
- (3) Occupies or uses vacant land.

(b) Zoning Permit and Records.

- (1) The Zoning Inspector shall only issue a zoning permit when all of the requirements of this Code have been fully met.
- (2) Zoning certificates shall be applied and obtained prior to obtaining a building permit.

The Zoning Inspector shall maintain on file in Village Hall a copy of all zoning permits issued for public inspection.

(c) Council shall set fees for zoning permits and conditional uses by separate ordinance as it deems appropriate.

(d) A zoning permit shall expire twelve months after the permit is issued, unless construction has begun on the site.  
(Ord. 2006-20. Passed 4-3-06.)

**1141.09 ENFORCEMENT.**

The duty of administering and enforcing the provisions of the Zoning Code is hereby conferred upon the Zoning Inspector. The Inspector may promulgate rules and regulations as he may determine as necessary to supplement the administration of the Code. After certification by the Council, such rules of the Zoning Inspector shall have the same force and effect as the other provisions of this Code.

- (a) Duties. It shall be the duty of the Zoning Inspector to enforce this Zoning Code. The Zoning Inspector shall receive applications required by this Code, issue permits, and furnish the required certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location of buildings and structures, except as may otherwise be provided for. He shall, when requested by the Mayor or Council, or when the interests of the Municipality so require, make investigations in connection with matters referred to in this Zoning Code and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or such orders as may be necessary.
- (b) Inspections. Inspections shall be made by the Zoning Inspector or a duly appointed assistant.
- (c) Rules. The Zoning Inspector may adopt rules consistent with this Zoning Ordinance for carrying its provisions into effect.
- (d) Records. The Zoning Inspector shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building work, so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection, at reasonable hours, but shall not be removed from the office of the Zoning Inspector.
- (e) Cooperation of Other Officials. The Zoning Inspector may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance of the Municipal Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Village Solicitor in the prosecution of violations and of other Municipal officials. (Ord. 654. Passed 5-7-73.)



**CHAPTER 1143  
Board of Zoning Appeals**

<b>1143.01</b>	<b>Intent.</b>	<b>1143.07</b>	<b>Record of decisions.</b>
<b>1143.02</b>	<b>Membership.</b>	<b>1143.08</b>	<b>Reasons for granting variances.</b>
<b>1143.03</b>	<b>Officers, duties; general powers.</b>	<b>1143.09</b>	<b>Lapse of variances.</b>
<b>1143.04</b>	<b>Procedures on appeals.</b>	<b>1143.10</b>	<b>Notice to Council and Planning Commission.</b>
<b>1143.05</b>	<b>Meetings and hearings.</b>	<b>1143.11</b>	<b>Appeals to Courts.</b>
<b>1143.06</b>	<b>Quorum and vote.</b>		

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**1143.01 INTENT.**

A Board of Zoning Appeals is hereby established to assist in the administration of this Code, particularly, to decide and interpret provisions which require impartial adjustments of conflicting interests and to grant variances from the strict letter of the Code in instances of unnecessary hardship. Such a Board is herein established to achieve among others, the following purposes:

- (a) To provide a method for alleviating unnecessary hardship by allowing a reasonable use for individual parcels of property which, because of unusual or unique circumstances, may be denied a reasonable use by a literal application of the terms of the Code;
- (b) To review or appeal any order, requirement, decision, or determination made by the Zoning Inspector;
- (c) To provide an administrative board, independent from all other municipal boards or commissions, to act only pursuant to and in accordance with the standards established by the legislative body to hear and decide appeals which are to be tried over again from the beginning, (de novo); and
- (d) That decisions and the granting of variances will sustain the constitutionality of the Code and to be in compliance with the objectives of the General Plan.  
(Ord. 654. Passed 5-7-73.)

**1143.02 MEMBERSHIP.**

A Board of Appeals is hereby created. Such Board shall consist of five (5) members, to be appointed by the Mayor and confirmed by Council, all of whom shall be residents of the Village. The terms of all members shall be of such lengths and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removed for nonperformance of duty, misconduct in office or other cause, by Council, upon written charges having been filed with Council and after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the member at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Mayor and confirmed by Council and shall be for the unexpired term.

(Ord. 654. Passed 5-7-73.)

**1143.03 OFFICERS, DUTIES: GENERAL POWERS.**

The Board shall elect from among its members, a Chairman and a Vice Chairman. The Board shall adopt rules and regulations not inconsistent with this Code, as may be necessary to carry into effect the duties, powers and responsibilities conferred herein. The powers, duties and responsibilities of the Board shall be:

- (a) To hear appeals and decide any issues involving the application of impartial considerations and judgments in regard to decisions made by the Zoning Inspector or any other administrative officer on matters relating to this Code, for relief from any order, requirement, decision or determination, including the refusal, granting or revocation of permits; and
- (b) To hear and decide upon applications for variations from the terms provided in this Code subject to the standards set forth in Section 1143.08; and
- (d) To hear and decide all matters specifically referred to it for decisions in other sections of this Code.

(Ord. 654. Passed 5-7-73.)

**1143.04 PROCEDURES ON APPEALS.**

Appeals to the Board may be taken by any person aggrieved. Such appeals shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. A fee as established in Section 133.05, to cover the cost of the hearing, shall accompany the notice of appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days' notice to the parties in interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas, of Ashtabula County, Ohio, on the grounds that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

(Ord. 654. Passed 5-7-73.)



**1143.05 MEETINGS AND HEARINGS.**

(a) The Board of Zoning Appeals shall schedule regular monthly, or semimonthly meetings, which can be cancelled if no appeals are filed. Special hearings can be arranged at the call of the Chairman.

(b) The Board shall act within 30 days after receipt of all required information, and failure to act within such period shall be considered approval of the appeal unless an extension of time is mutually agreed upon. Before making any decisions on an appeal, the Board shall hold a public hearing or hearings, at such times as shall be determined by the Board itself. Notices of the time and place of hearings shall be mailed to the appellant and to the affected property owners as they appear in the current records of the County Auditor, or, be published for two successive weeks prior thereto, in one newspaper of general circulation in the Village.

(c) The Board shall hear and decide appeals de novo and shall review or appeal any order, requirement, decision or determination made by the Building Commissioner in the enforcement or application of the Code. Within its powers, the Board may reverse or affirm, wholly or in part, or modify any such order, requirement, decision or determination as, in its opinion, ought to be made under the circumstances and to that end, shall have all the powers of the officer from whose decision the appeal is taken.

(d) All hearings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney. The Board shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony, to produce reports, findings and other evidence pertinent to any issue referred to it for decision.

(Ord. 654. Passed 5-7-73.)

**1143.06 QUORUM AND VOTE.**

(a) Three members shall constitute a quorum for action by the Board of Appeals. The Board shall act by resolution, in which a majority concur and every variation granted or denied, shall be accompanied by a written finding of fact, based on testimony and evidence, and specifying the reason for granting or denying the variation.

(b) A member of the Board shall not be qualified to vote if he has not attended the public hearing, or if he has a direct or indirect interest in the issue appealed.

(Ord. 654. Passed 5-7-73.)

**1143.07 RECORD OF DECISIONS.**

The Board is authorized to engage the services of a secretary, and shall provide a detailed report of all its proceedings, setting forth its reasons for decisions, the vote of each member participating therein and the absence of a member or his failure to vote. Immediately following the Board's decision, such record including conditions prescribed by the Board shall be filed and posted for two weeks in the offices of the Zoning Inspector. The report shall be open to public inspection and copies shall be mailed forthwith to each interested party noted therein.

(Ord. 654. Passed 5-7-73.)

**1143.08 REASONS FOR GRANTING VARIANCES.**

(a) When considering a request for a variance the Board shall be subject to the powers and the limitation of powers set forth in the Zoning Code and further subject to the required findings set forth in subsection (b) or (c) depending on the type of variance sought. The applicant for variance shall have the burden of proof in these proceedings.

(b) Lot Area or Setback Areas: No variance to the provisions or requirements of the Zoning Code, pertaining to the lot area or setback shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from a literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner, seeking an area or setback variance, has proved practical difficulty, include:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) Whether the variance is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage, fire, police or other);
- (5) Whether the property owner purchased the property with the knowledge of the zoning restriction;
- (6) Whether the property owner's predicament can be obviated through some method other than a variance;
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
- (8) The granting of the variance will not be contrary to the general purpose, intent and objectives of this Zoning Code or other adopted plans of the Village of Geneva on the Lake.

(c) Variations Other than Area and Lot Setback: The Board may authorize a variance, other than for a lot area and/or setback, in specific cases, from the strict application of the Zoning Code; provided that it has considered the factors enumerated in subsection (b)(1) through (8) above, and further provided that all conditions enumerated in subsection (1) through (5) below have been met:

- (1) That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;
  - (2) That the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - (3) That the strict application of the Zoning Code of which variance is requested will constitute unnecessary hardship upon the property owner or the applicant;
  - (4) That the variance desired will not adversely affect the public health, safety, morals or general welfare; and
  - (5) That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Code.
- (Ord. 2012-77. Passed 3-4-12.)

**1143.09 LAPSE OF VARIANCES.**

(a) A variance once granted shall not be withdrawn or changed unless there is a change of circumstances, or if, after the expiration of one year, no substantial construction is done in accordance with the terms and conditions for which such variance was granted. In such circumstance the Zoning Inspector shall give a notice in writing, and thirty days thereafter, the variance shall be deemed null and void, and all regulations governing said premises in question shall revert to those in effect before the variance was granted

(b) If an appeal has been denied by the Board, it need not reconsider the same appeal if resubmitted within six months after date of decision unless the underlying conditions have substantially changed.

(Ord. 654. Passed 5-7-73.)

**1143.10 NOTICE TO COUNCIL AND PLANNING COMMISSION.**

Upon issuance by the Board of Zoning Appeals of any ruling, determination or order, the Secretary of the Board shall send within three days of the date of such ruling, determination or order, a copy thereof to the Clerk of Council and to the Secretary of the Planning Commission who shall present such report at the next regular meeting.

(Ord. 654. Passed 5-7-73.)

**1143.11 APPEALS TO COURTS.**

A person aggrieved by a decision of said Board may, within thirty days after the filing of such decision, appeal to the Court of Common Pleas of Ashtabula County, Ohio. Such appeals may be either on questions of law, or on questions of fact, or on questions of law and fact. Any appeal based in whole or in part upon questions of fact shall be conducted de novo, and the appellant shall be entitled to request and have a jury to determine the issues of fact.

(Ord. 654. Passed 5-7-73.)



**CHAPTER 1145**  
**Amending Procedures**

<b>1145.01</b>	<b>Initiation of zoning amendments.</b>	<b>1145.03</b>	<b>Public hearing.</b>
<b>1145.02</b>	<b>Planning Commission action.</b>	<b>1145.04</b>	<b>Action by Council.</b>

**1145.01 INITIATION OF ZONING AMENDMENTS.**

The Council, either on petition of a property owner, recommendation of the Planning Commission, or on its own initiative, may amend or change the number, shape, area or regulations of or within any zone or district, but no such amendment or change shall become effective unless the proposed amendment or change is first submitted to or considered by the Planning Commission for its approval, disapproval or recommendation. The Commission shall be allowed a reasonable time, to be not less than thirty (30) days after referral or submittal, for consideration and report. (Ord. 654. Passed 5-7-73.)

**1145.02 PLANNING COMMISSION ACTION.**

It shall be the duty of the secretary of the Planning Commission to forthwith file with the Clerk of Council a report of the action and recommendation of the Commission with respect to any referral or submittal. Failure to file such report within sixty (60) days after referral or the time otherwise provided, shall be accepted as and be deemed an approval of the proposed change or amendment submitted. (Ord. 654. Passed 5-7-73.)

**1145.03 PUBLIC HEARING.**

Before any ordinance, measure or regulation amending or changing the number, shape, area or regulations of or within any zone or district may be passed, the Council shall hold a public hearing thereon. It shall publish notice of such hearing in one newspaper of general circulation within the Village, adequately describing the nature of the pending legislation, once a week for two consecutive weeks on the same day of the week, the first of such publication to take place not less than thirty (30) days prior to the public hearing. During such thirty (30) days the text or copy of the text of such ordinance, measure, regulation or proposed change, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure, regulation or proposed change, and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination in the office of the Clerk of Council. (Ord. 654. Passed 5-7-73.)

**1145.04 ACTION BY COUNCIL.**

(a) No such ordinance, measure, regulation or proposed change, which violates, differs from, or departs from the plans or report submitted by the Planning Commission, shall take effect unless passed or approved by not less than two-thirds (2/3) of the membership of the Council.

(b) Any such ordinance, measure or proposed change may be amended by majority vote, prior to the voting thereon by the Council, without further notice or postponement if such amendment shall be germane to the subject matter and does not violate, or differ, or depart from the report of the Planning Commission.

(Ord. 654. Passed 5-7-73.)

**CHAPTER 1147  
Penalties**

<b>1147.01 Injunction.</b>	<b>1147.03 Transfer of common</b>
<b>1147.02 Violation of Planning</b>	<b>land prohibited.</b>
<b>Commission regulation.</b>	<b>1147.04 Penalties.</b>

**1147.01 INJUNCTION.**

No person shall erect, construct, alter or repair or maintain any building or structure, or use any land in violation of this Code or the regulations enacted pursuant thereto. In the event of any such violation, or imminent threat thereof, upon the request of the Mayor or Council, the Solicitor, on behalf of the Municipality, shall institute a suit for injunction to prevent or terminate such violation.

(Ord. 654. Passed 5-7-73.)

**1147.02 VIOLATION OF PLANNING COMMISSION REGULATION.**

Whoever willfully violates any rule or regulation adopted by the Council or the Planning Commission shall forfeit and pay not less than five (\$5.00) nor more than fifty dollars (\$50.00) to be recovered with costs in a civil action brought by the Solicitor in the name of the Village for the use thereof. Each day such violation shall continue, shall constitute a separate forfeiture.

(Ord. 654. Passed 5-7-73.)

**1147.03 TRANSFER OF COMMON LAND PROHIBITED.**

When a street, recreation area, park or other open land has been set aside, with the approval of the Planning Commission, for the exclusive use, in common by abutting or other owners or occupants of land; the sale, transfer or change of use of such land or any part thereof is prohibited, unless the Planning Commission has given its prior consent thereto, which shall be confirmed by action of Council. Whoever willfully violates this section shall forfeit and pay to the Village not more than five hundred dollars (\$500.00) as determined by the Council. Such sum shall be recovered, with costs, in an action brought by the Solicitor in the name of the Village and for the use thereof.

(Ord. 654. Passed 5-7-73.)

**1147.04 PENALTIES.**

(a) Any person who shall:

- (1) Use or occupy any land, or place, build, erect, alter, remodel, restore, or rebuild thereon any building or structure, or permit any building or structure to remain on such land, or use, occupy or operate such building or structure, in any way or for any use or purpose which is not permitted by the provision of this Code; or
- (2) Aid, assist, or participate with any person in placing, building, erecting, altering, remodeling, restoring, or rebuilding any building or structure which is not permitted by the provisions of this Code; or
- (3) Violate or fail to perform any condition, stipulation, or safeguard set forth in any permit issued pursuant to this Code, or continue to use or occupy the premises or building as previously authorized by such permit beyond the duration limit therein stated; or
- (4) Refuse to permit the Zoning Inspector or his assistant to enter any premises in the Municipality to investigate a reported violation of the provisions of this Code; or
- (5) Knowingly make any materially false statement of fact in an application to the Zoning Inspector or his assistants for a permit or in any plans or specifications submitted in relation to any application under this Code; or
- (6) Being an owner or lessee of any premises, knowingly suffer or permit a violation of this Code to occur or exist on such premises, shall be guilty of a misdemeanor by each such action or omission and upon conviction thereof, shall be fined not more than fifty dollars (\$50.00).

(b) Each day during which such act, violation or omission shall be done, committed, omitted, or continued, shall constitute a separate offense.

(Ord. 654. Passed 5-7-73.)



## PRELIMINARY PLAT - CHECK LIST

Name of Subdivision \_\_\_\_\_

Location \_\_\_\_\_ Zoning District \_\_\_\_\_

Owner \_\_\_\_\_ Address \_\_\_\_\_ Tel. \_\_\_\_\_

Surveyor or Engineer \_\_\_\_\_

Address \_\_\_\_\_ Tel. \_\_\_\_\_

Date submitted for Preliminary Plat Approval \_\_\_\_\_

Check List

- \_\_\_ Copies submitted 10 days prior to hearing.
- \_\_\_ Notification of hearing to subdivider and adjoining property owners.
- \_\_\_ Copies sent to Village (or County) Engineer and Village (or County) Health Officer for recommendations.
- \_\_\_ Copies of private deed restrictions, if any.
- \_\_\_ Map (drawn to scale of not less than 1" equals 200') contents.
- \_\_\_ Name and location of subdivision.
- \_\_\_ Name of owner and surveyor.
- \_\_\_ Names of adjoining owners and/or subdivisions.
- \_\_\_ Date, north point, and graphic scale.
- \_\_\_ Acreage of land to be subdivided.
- \_\_\_ Boundary lines of tract to be subdivided.
- \_\_\_ Proposed lot lines and lot numbers.
- \_\_\_ Contours at not more than 5' intervals.
- \_\_\_ Location of platted streets and easements, within and adjacent to the tract, water courses, existing sewers, water mains, and culverts.

- \_\_\_\_\_ Proposed street layout
  - \_\_\_\_\_ Profiles (1 " equals 20') with grades indicated if required.
  - \_\_\_\_\_ Cross-section (pavement width, sidewalks).
  - \_\_\_\_\_ Street Names.
- \_\_\_\_\_ Plans and profile of proposed sanitary system
- \_\_\_\_\_ Plans and profile of proposed water system
- \_\_\_\_\_ Building setback lines
- \_\_\_\_\_ Public dedications and reservations of land, if any

Approved \_\_\_\_\_ to proceed to final plat. Subject to the following modifications:  
(date)

\_\_\_\_\_  
\_\_\_\_\_

Variances granted: \_\_\_\_\_

\_\_\_\_\_

Disapproved: \_\_\_\_\_ for the following reasons: \_\_\_\_\_  
(date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TITLE FIVE - Supplemental Regulations**

Chap. 1151. Sexually Oriented Businesses.

Chap. 1155. Outdoor Patios or Porch Areas.

**CHAPTER 1151  
Sexually Oriented Businesses**

<b>1151.01 Purpose and intent.</b>	<b>1151.13 Location.</b>
<b>1151.02 Definitions.</b>	<b>1151.14 Escort agencies.</b>
<b>1151.03 Classification.</b>	<b>1151.15 Nude model studios.</b>
<b>1151.04 License requirements.</b>	<b>1151.16 Adult theaters and adult motion picture theaters.</b>
<b>1151.05 Issuance of license.</b>	<b>1151.17 Adult motels.</b>
<b>1151.06 License fees.</b>	<b>1151.18 Exhibition of sexually explicit films or videos.</b>
<b>1151.07 Inspection.</b>	<b>1151.19 Display of sexually explicit materials to minors.</b>
<b>1151.08 Expiration of license.</b>	<b>1151.99 Penalty.</b>
<b>1151.09 License suspension.</b>	
<b>1151.10 License revocation.</b>	
<b>1151.11 License appeals.</b>	
<b>1151.12 Transfer of license.</b>	

**1151.01 PURPOSE AND INTENT.**

It is the purpose of this Village Council be enacting this chapter to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Village. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their market. (Ord. 1070. Passed 1-6-97.)

**1151.02 DEFINITIONS.**

As used in this chapter, certain terms are defined as follows:

- (a) “Adult arcade” means any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”.
- (b) “Adult bookstore” or “adult video store” means a commercial establishment which utilizes twenty-five percent (25%) or more of its retail selling area for the purpose of the sale or rental for any form of consideration of any one or more of the following:
  - (1) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or
  - (2) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.
- (c) “Adult cabaret” means a nightclub, bar, lounge, restaurant or similar commercial establishment which regularly features:
  - (1) Persons who appear in a state of nudity; or
  - (2) Live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”; or
  - (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.
- (d) “Adult motel” means a hotel, motel or similar commercial establishment which:
  - (1) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
  - (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
- (e) “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.

- (f) “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.
- (g) “Chief of Police” means the chief of police of the Village of Geneva-on-the-Lake, Ashtabula County, Ohio, or his designated agent.
- (h) “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease act for another person.
- (I) “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- (j) “Public park” means public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pools, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, golf course, beach areas, picnic area, common lands, historical museums and buildings, or similar public land within the Village which is under the control, operation or management of the Village, County or State.
- (k) “School” means any public or private educational facility including, but not limited to, child care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School shall include the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- (l) “Establishment” means and includes any of the following:
  - (1) The opening and commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not sexually oriented business, to any sexually oriented business;
  - (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
  - (4) The relocation of any sexually oriented business.
- (m) “Licensee” means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.
- (n) “Nude model studio” means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who may money or any form of consideration.
- (o) “Operates” or “causes to operate” means to cause to function or to put or keep in operation. A person may be found to be operating or causing to operate a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

- (p) “Nudity” or a “state of nudity” means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering consisting of a synthetic or manmade nonliquid material, such as cloth, clothing, swimsuit, and similar materials or of a female breast with less than a full opaque covering consisting of a synthetic or manmade nonliquid material, such as cloth, clothing, swimsuit, and similar materials, of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (q) “Person” means an individual, proprietorship, partnership, corporation, association or other legal entity.
- (r) “Residential district” means a single family, condominium units, duplex, multiple family or mobile home zoning district.
- (s) “Residential use” means a single family, condominium unit, duplex, multiple family, or “mobile home park, mobile home subdivision and campground” use.
- (t) “Semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and entire female breast, as well as portions of the body covered by supporting straps or devices.
- (u) “Sexual encounter center” means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (v) “Sexually oriented business” means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- (w) “Specified anatomical areas” means human genitals in a state of sexual arousal.
- (x) “Specified sexual activities” means and includes any of the following:
  - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - (3) Masturbation, actual or simulated; and
  - (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (x)(1) to (3) hereof.
- (y) “Substantial enlargement” of a sexually oriented business means the increase in the floor area occupied by the business by more than twenty-five percent (25%), as the floor area exists on the date of the passage of this chapter.
- (z) “Transfer of ownership or control” of a sexually oriented business means and includes any of the following:
  - (1) The sale, lease, or sublease of the business;
  - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
  - (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- (aa) “Juvenile” means an unmarried person under the age of eighteen.  
(Ord. 1070. Passed 1-6-97.)

**1151.03 CLASSIFICATION.**

Sexually oriented businesses are classified as follows:

- (a) Adult arcades;
  - (b) Adult bookstores or adult video stores;
  - (c) Adult cabarets;
  - (d) Adult motels;
  - (e) Adult motion picture theaters;
  - (f) Adult theaters;
  - (g) Escort agencies;
  - (h) Nude model studios; and
  - (l) Sexual encounter centers.
- (Ord. 1070. Passed 1-6-97.)

**1151.04 LICENSE REQUIREMENTS.**

(a) A person commits an offense if he or she operates a sexually oriented business without a valid license, issued by the Village for the particular type of business.

(b) An application for a license must be made on a form provided by the Chief of Police. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who must comply with Section 1151.19 shall submit a diagram meeting the requirements of Section 1151.18 herein.

(c) The applicant must be qualified according to the provisions of this chapter.

(d) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Section 1151.05, and each applicant shall be considered a licensee if a license is granted.

(Ord. 1070. Passed 1-6-97.)

**1151.05 ISSUANCE OF LICENSE.**

(a) The Chief of Police shall approve the issuance of a license to an applicant within sixty (60) days after receipt of an application unless the Chief of Police finds one or more of the following to be true:

- (1) An applicant is under eighteen years of age.
- (2) An applicant or an applicant's spouse is delinquent or overdue in payment to the Village of taxes, fees, fines or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

- (4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this chapter, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.
- (5) The license fee required by this chapter has not been paid.
- (6) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding twelve months and has demonstrated an inability to operate or manage a sexually oriented business in a peaceful and law abiding manner, thus necessitating action by law enforcement officers.
- (7) An applicant or the proposed establishment is in violation of or is not in compliance with this chapter.
- (8) An applicant or an applicant's spouse has been convicted of a crime:
  - A. Involving the following offenses:
    1. Prostitution;
    2. Promotion of prostitution;
    3. Aggravated promotion of prostitution;
    4. Compelling prostitution;
    5. Obscenity;
    6. Sale, distribution or display of harmful material to a minor;
    7. Sexual performance by a child;
    8. Possession of child pornography;
    9. Public lewdness;
    10. Indecent exposure;
    11. Indecency with a child;
    12. Sexual assault or aggravated sexual assault;
    13. Incest, solicitation of a child, or harboring a runaway child;  
or
    14. Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;
  - B. For which:
    1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
    2. Less than five years have elapsed since the date of conviction, or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
    3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four month period.



- (9) An applicant proposes a site which is 1,000 feet near a residence, school or public park.
- (10) An applicant fails to comply with the laws of the Village or additional codes and regulations or federal laws.

(b) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

(c) An applicant who has been convicted or whose spouse has been convicted of an offense listed in subsection (a)(8) hereof may qualify for a sexually oriented business license only when the time period required by this section has elapsed.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance of the sexually oriented business so that it may be easily read at any time.  
(Ord. 1070. Passed 1-6-97.)

#### **1151.06 LICENSE FEES.**

The annual license fee for a sexually oriented business is two hundred dollars (\$200.00).  
(Ord. 1070. Passed 1-6-97.)

#### **1151.07 INSPECTION.**

(a) An applicant or licensee shall permit representatives of the Village Police Department, Fire Department, Building Department, Village Engineer, Zoning Inspector, Health Department or any other department of the Village or County or State government to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operates a sexually oriented business or his agent or employee commits an offense if he or she refuses to permit a lawful inspection of the premises by a representative of the Police Department at any time it is occupied or open for business.  
(Ord. 1070. Passed 1-6-97.)

#### **1151.08 EXPIRATION OF LICENSE.**

Each license shall expire one year from the date of issuance and may be renewed only by making application as provided for in Section 1151.04. Applications for renewal should be made at least thirty days before the expiration date, and when made less than thirty days before the expiration date, the expiration of the license will not be affected. It is the responsibility of the license holder to apply for the renewal of said license.  
(Ord. 1070. Passed 1-6-97.)

**1151.09 LICENSE SUSPENSION.**

The Chief of Police shall suspend a license for a period not to exceed thirty days if he determines that a licensee or an employee of a licensee has:

- (a) Violated or is not in compliance with this chapter.
- (b) Engaged in excessive use of alcoholic beverages or use of any drug of abuse while on the sexually oriented business premises;
- (c) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;
- (d) Knowingly permitted gambling by any person on the sexually oriented business premises;
- (e) Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law abiding manner thus necessitating action by law enforcement officers;
- (f) Knowingly permitted the use, possession, sale or distribution of any drug of abuse by any person on the sexually oriented business premises;
- (g) Violates any of the Village laws, State of Ohio laws or Federal laws.  
(Ord. 1070. Passed 1-6-97.)

**1151.10 LICENSE REVOCATION.**

(a) The Chief of Police shall revoke a license if a cause of suspension as set forth in Section 1151.09 herein occurs and the license has been suspended within the preceding twelve months.

(b) The Chief of Police shall revoke a license of a sexually oriented business if he determines that:

- (1) A licensee gave false or misleading information in the material submitted to the Chief of Police during the application process;
- (2) A licensee or an employee has knowingly allowed possession, use, sale, or distribution of controlled substances on the premises;
- (3) A licensee or an employee has knowingly allowed prostitution on the premises;
- (4) A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
- (5) A licensee has been convicted of an offense listed in Section 1151.05(a)(8)A. herein for which the time period required in Section 1151.05(a)(8)B. has not elapsed;
- (6) On two or more occasions within a twelve month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 1151.05(a)(8)A. for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed;
- (7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in or on the licensed premises; or

- (8) A licensee is delinquent in payment to the Village of hotel occupancy or bed taxes; income taxes, business license fees, or any taxes or assessments which the Village imposes or sales taxes related to the sexually oriented business.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) Subsection (b)(7) hereof does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

(e) When the Chief of Police revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the Chief of Police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety days have elapsed since the date the revocation became effective. If the license was revoked under subsection (b)(5) hereon an applicant may not be granted another license until the appropriate number of years required under Section 1151.05(a)(8)B. has elapsed. (Ord. 1070. Passed 1-6-97.)

#### **1151.11 LICENSE APPEALS.**

If the Chief of Police denies the issuance of a sexually oriented business license, or suspends or revokes said license, the Chief of Police shall send to the applicant, or licensee, by certified mail, return receipt requested, written notification of the denial, suspension or revocation. The licensee whose application for a sexually oriented business license has been denied or whose license has been suspended or revoked shall have the right to appeal to the Mayor of the Village. An appeal must be filed within thirty days after the receipt of notice of the decision of the Chief of Police. The licensee shall bear the burden of proof. (Ord. 1070. Passed 1-6-97.)

#### **1151.12 TRANSFER OF LICENSE.**

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a licensee at any place other than the address designated in the application. (Ord. 1070. Passed 1-6-97.)

#### **1151.13 LOCATION.**

(a) A person commits an offense if he or she operates or causes to operate a sexually oriented business within 1,000 feet of:

- (1) A church;
- (2) A public or private school;
- (3) A boundary of a residential, multi-family or historical district as defined by the Village ordinances;
- (4) A public park;
- (5) The property line of a lot devoted to a residential or multi-family use as defined by the Village ordinances.

(b) A person commits an offense if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business. A person commits an offense if he or she causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(c) For the purpose of subsection (a) hereof, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, school or to the nearest boundary of an affected public park, residential district or residential lot.

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

(e) Any sexually oriented business operating prior to the adoption of this chapter that is in violation of subsection (a), (b) or (c) hereof shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed five years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the latter established business(es) is nonconforming.

(f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, school, public park, residential district or residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has been expired or has been revoked.  
(Ord. 1070. Passed 1-6-97.)

#### **1151.14 ESCORT AGENCIES.**

(a) An escort agency shall not employ any persons under the age of eighteen years.

(b) A person commits an offense if he or she acts as an escort or agrees to act as an escort for any person under the age of eighteen years.  
(Ord. 1070. Passed 1-6-97.)

**1151.15 NUDE MODEL STUDIOS.**

(a) Any nude model studio shall not employ any person under the age of eighteen years.

(b) A person under the age of eighteen years commits an offense if he or she appears in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen years was in the restroom not open to public view or persons of the opposite sex.

(c) A person commits an offense if he or she appears in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(d) A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception area open to the public. (Ord. 1070. Passed 1-6-97.)

**1151.16 ADULT THEATERS AND ADULT MOTION PICTURE THEATERS.**

(a) A person commits an offense if he or she knowingly allows a person under the age of eighteen years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

(b) A person under the age of eighteen years commits an offense if he or she knowingly appears in a state of nudity in or on the premises of an adult theater or adult motion picture theater.

(c) It is a defense to prosecution under subsection (a) and (b) hereof if the person under eighteen years was in the restroom not open to public view or persons of the opposite sex. (Ord. 1070. Passed 1-6-97.)

**1151.17 ADULT MOTELS.**

(a) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(b) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business license, he or she rents or subrents the same sleeping room to a person and, within ten hours from the time the room is rented, he or she rents or subrents the same sleeping room again.

(c) For the purpose of subsection (a) hereof, the terms "rent" and "subrent" mean the act of permitting a room to be occupied for any form of consideration. (Ord. 1070. Passed 1-6-97.)

**1151.18 EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.**

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified sexual areas, shall comply with the following requirements:

- (1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more managers' stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place where the permit is to be conspicuously posted, if granted. A professionally prepared diagram or blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Chief of Police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram for renewal applications that was previously submitted and certifies that the configuration of the premises has not be altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without prior approval of the Chief of Police or his designee.
- (4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (6) In addition, a closed circuit television system shall be maintained and operated with a television monitor(s) located in the area of the manager's station, in the clear view of the public, and available for continuous viewing by the manager on duty. A camera or cameras shall be installed in the booth areas and shall scan the hallway and aisle way of the entranceway to each booth. The closed circuit television system shall operate on a switcher system so that the television monitor(s) will switch sequentially and continuously from one camera to another. The continuous switching process will be timed to allow an adequate view of each area surveyed by each camera while accomplishing a complete circuit within less than one

minute. To the extent necessary, more than one television monitor shall be installed so that there will be adequate circuits to provide a complete view of the entire premises, including booth area(s) in less than one minute.

In the event of a malfunction of any of the closed circuit television equipment described above, the operator or his designee shall act promptly to repair or cause to be repaired any such malfunction within twenty-four hours. The operator shall maintain documentation of the date and time of any such malfunction and all measures taken to effect a repair. If an equipment malfunction cannot be repaired within twenty-four hours, those areas of the adult arcade which are not capable of being monitored as a result of the malfunction shall be closed until repairs are completed.

Signs of adequate size for clear visibility, shall be posted in the adult arcade to give notice to all patrons of the areas therein which are continuously monitored by closed circuit television camera with monitors.

- (7) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (a)(5) hereof remains unobstructed by any doors, wall, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a)(1) hereof.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandle as measured at floor level.
- (9) It shall be the duty of the owners and operator and it shall be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(b) A person having a duty under subsections (a)(2) through (8) hereof commits an offense if he or shall knowingly fails to abide by those provisions and knowingly fails to fulfill that duty. (Ord. 1070. Passed 1-6-97.)

#### **1151.19 DISPLAY OF SEXUALLY EXPLICIT MATERIALS TO MINORS.**

(a) A person commits an offense if, in a business establishment open to persons under the age of eighteen years, he or she displays a book, pamphlet, newspaper, magazine, film, video cassette, the cover of which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:

- (1) Human sexual intercourse, masturbation or sodomy;
- (2) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
- (3) Less than completely and opaquely covered human genitals, buttocks or that portion of the female breast below the top of the areola; or
- (4) Human male genitals in a discernible turgid state, whether covered or uncovered.

(b) In this section “display” means to locate an item in such a manner that, without obtaining the assistance from an employee of the business establishment:

- (1) It is available to the general public for handling and inspection; or
- (2) The cover or outside packaging on the item is visible to members of the general public.

(Ord. 1070. Passed 1-6-97.)

**1151.99 PENALTY.**

(a) Except as provided by subsection (b) or (c) hereof, any person violating this chapter, upon conviction, is punishable by a fine not to exceed one thousand dollars (\$1,000) and/or six months in jail.

(b) It is a defense to prosecution under Section 1151.04(a), Section 1151.13, Section 1151.15(d) herein that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) In a structure:
  - A. Which has no sign visible from the exterior of the structure and no other advertising that indicated a nude person is available for viewing;
  - B. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
  - C. Where no more than one nude model is on the premises at any one time.

(c) It is a defense to prosecution under Section 1151.04(a) or Section 1151.13 herein that each item of descriptive, printed, film or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political or scientific value.

(Ord. 1070. Passed 1-6-97.)



**CHAPTER 1155**  
**Outdoor Patios or Porch Areas**

**1155.01 Permit required.**

**1155.99 Penalty.**

**1155.02 Additional requirements.**

**1155.01 PERMIT REQUIRED.**

Before any commercial establishment which sells alcoholic beverages under a permit issued by the Ohio Department of Liquor Control erects an outdoor area or patio or porch adjacent to said establishment for the sale of alcoholic beverages, a plan of construction shall be submitted to the Zoning Inspector of the Village for approval. Said construction plan and map must be in compliance with the Village Zoning Code and in accordance with the requirements and regulations set forth in this chapter, as well as any regulations required by the Ohio Department of Liquor Control and the Ashtabula County Building Department. If any zoning provision or requirement is in conflict with this chapter, in that event, the regulation and requirement as set forth in this chapter shall apply.

(Ord. 1125. Passed 6-19-00.)

**1155.02 ADDITIONAL REQUIREMENTS.**

In addition to the above requirements, all patios, porches and outside areas serving alcoholic beverages shall comply with the following:

- (a) (1) An Ohio Department of Liquor Control license holder, owner, or agent of the commercial establishment constructing said patio, porch or outside area is hereby required to completely enclose such area by a fence of sturdy material, and shall be not less than six (6) feet in height. Said fence shall be set back at least five (5) feet from the public right of way.
- (2) The 20% fence air and light requirements as set forth in Section 1121.07(c) is not applicable to this chapter, and all patios, porches and outside areas serving alcoholic beverages must comply with the requirements of the chapter as set forth herein.
- (b) The fence shall completely enclose said patio, porch or outdoor area and any exits within said fence shall be designated "Emergency Exit Only". All ingress and egress to said patio, porch and outside areas shall be through the primary commercial establishment entrance only.
- (c) The above subsections (a)(1) and (2) do not apply if said patio, porch or outside area is set back at least forty feet from an existing public street or right of way.

(Ord. 1125. Passed 6-19-00.)

**1155.99 PENALTY.**

Whoever violates the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each and every day during or on which a violation or noncompliance occurs or continues.

(Ord. 1125. Passed 6-19-00.)

## APPENDIX A

### ZONING MAP CHANGES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
901	6-1-87	Certain parcels of land on State Route 534 from S-R1F to Retail Business-Recreational-Resort.
907	9-14-87	A 2.77 acre parcel owned by J. Brown et al. from S-R1F to RB-RR.
926	7-18-88	A 3.024 acre parcel owned by Howard Warner on South Warner Drive from R1F to RB-RR.
962	3-19-90	A 1.68 acre parcel owner by William O'Neill, et al. from S-R1F to RB-RR.
1035	1-17-95	A 35 acre parcel owned by Martha Woodard, et al. and situated at 5570 Lake Road from S-R1F to RB-RR.
1111	4-5-99	Property at 5156 Lake Road from S-R1F to RB-RR.
1141	6-18-01	1.6156 acres owned by Lake Properties, LLC from S-R1F to RB-RR.
1164	10-7-02	The Indian Creek Mobile Home Park lands to RB-RR.
1165	10-7-02	A 102 acre parcel of undeveloped land owned by Martha Pera Woodward Trust from S-R1F to RB-RR.
1176	2-3-03	Breen Plan Lots 156 and 157 and a parcel of land at 5287 Lake Road from S-R1F to RB-RR.
2006-16	4-3-06	Lands located north of Route 531 between North Coast condos and Fagnelli's Winery from SR1F to RC-1.
2006-17	4-3-06	Lands located north of Route 531 east of the eastern boundary of Township park to eastern Village limits from SR1F to RC-1.



**TITLE SEVEN - Subdivision Regulations**

- Chap. 1171. Purpose, Authority and Jurisdiction and Definitions.  
 Chap. 1173. Administration Procedures.  
 Chap. 1175. General Requirements and Minimum Design Standards.  
 Chap. 1177. Enforcement and Penalties.
- 

**CHAPTER 1171**

**Purpose, Authority and Jurisdiction and Definitions**

- 1171.01 Purpose.** **1171.03 Definitions.**  
**1171.02 Authority and jurisdiction.**
- 

**1171.01 PURPOSE.**

(a) Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots, and open spaces a pattern has been established which usually determines how well community needs for residence, business and industry will be met. It also determines to a great extent how well the community will be able to handle its traffic circulation problems, how well it will be able to meet the demand for home sites, and how efficiently and economically it will be able to provide the many services demanded of it.

(b) After land has been subdivided and publicly recorded, it is very difficult and costly to correct defects and deficiencies in the subdivision layout and in the facilities provided. In addition, a subdivided area sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. The guidance of land development in harmony with community objectives is therefore a matter of serious public concern, and it is in the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

(c) These Subdivision Regulations and the major thoroughfare plan, certified copies of which are filed in the office of the county clerk of Ashtabula County, Ohio are designed for the harmonious development of the subdivided area; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient open spaces for traffic, utilities, recreation, light, air, and access of fire-fighting equipment; for avoidance of population congestion through requirements for minimum lot widths and lot areas; for adequate provision of water, drainage, sewer, and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible.

#### **1171.02 AUTHORITY AND JURISDICTION.**

(a) These Subdivision Regulations were adopted under the authority granted by Ohio R.C. 711.09. The Planning Commission, which was established in accordance with Ohio R.C. 713.01 has fulfilled the requirements set forth in the applicable sections of the Ohio Revised Code as a prerequisite for the adoption of such regulations.

(b) These Regulations provide a procedure and minimum standards of design and construction by which the Planning Commission can equitably appraise all proposed plats for land subdivision plat preparation, review, and approve requirements.

(c) These Regulations shall govern all subdivision of land within the corporate limits of the Village as now or hereafter established. Any owner of land within this area who wishes to subdivide such land or a portion thereof shall submit a plat of the proposed subdivision to the Planning Commission according to the requirements set forth in these Regulations.

#### **1171.03 DEFINITIONS.**

As used in these Subdivision Regulations:

- (a) "Alley" means a strip of land, dedicated to public use, less than twenty-one (21) feet between property lines, which provides access to adjacent properties.
- (b) "Crosswalk" means a right-of-way, dedicated to public use, ten (10) feet or more in width, which cuts across a block to facilitate pedestrian access to adjacent streets and properties .
- (c) "Condominium" means as a building or buildings in which title to the land and multi-unit improvements on the land are acquired by any two or more persons in any manner whereby each person is vested with title to:
  - (1) Some form of individual ownership in one or more units, such as cottages, apartments, offices, suites, or the like, and
  - (2) An interest as tenant in common the land and all the improvements, except the units, but including easements of right-of-way to access drives, garages, off-street parking space and other common areas.

All requirements set forth in the Subdivision Regulations for Multiple Dwellings shall also apply to Condominium development.

- (d) "Cul-de-sac (court)" means a short street having one end open to traffic and being permanently terminated by a vehicle turn-around.
- (e) "Easement" is the right to use lands of another for a specific purpose.

- (f) "Improvements" means any additions to the natural state of the land which increases its value or utility, including pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees and other appropriate items.
- (g) "Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.
- (h) "Major thoroughfare plan" means the comprehensive plan made and adopted by the Planning Commission indicating the general location recommended for the primary, secondary and collector streets within the corporate limits, and/or all unincorporated areas within three miles thereof.
- (i) "Master plan" means the comprehensive plan made and adopted by the Planning Commission indicating the general locations recommended for the streets, parks, public buildings and other public improvements.
- (j) "Planning Commission" refers to the Village's Planning Commission in the case of plats located within the corporate limits, and/or all unincorporated areas within three miles thereof.
- (k) "Street" is any public or private way thirty (30) feet or more in width set aside as a permanent right-of-way for vehicular travel by the general public and affording the principal means of access to abutting property.
- (l) "Major Street" means a street or road of great continuity which serves or is intended to serve as a major traffic way within the City, County or both and is designated in the master plan as a limited access highway, major thoroughfare, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
- (m) "Secondary Street" shall mean a street or road of considerable continuity which serves or is intended to serve as principal traffic way between large and separated areas or districts and which is the main means of access to the main thoroughfare system or primary streets.
- (n) "Collector Street" means a main residential street which carries the burden of local traffic to primary streets or secondary streets.
- (o) "Minor Street" means a street supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
- (p) "Subdivision" means a division of a section, tract, or parcel of land into two or more lots or other divisions of land for the purpose, immediate or future, of transfer of ownership, or development, including all changes in street or lot lines; provided, however, that divisions of land for agricultural purposes, in parcels of more than five (5) acres, not involving any new street or easement of access shall be exempted.





**ARTICLE 1173**  
**Administrative Procedures**

- |  |                                     |
|--|-------------------------------------|
| <b>1173.01</b> Advisory meeting with<br>Planning Commission. | <b>1173.03</b> Final plat approval. |
| <b>1173.02</b> Preliminary plat approval.                    | <b>1173.04</b> Variances.           |

**1173.01 ADVISORY MEETING WITH PLANNING COMMISSION.**

Before preparing a Preliminary Plat and submitting it to the Planning Commission for approval, the subdivider should meet and consult informally with the Planning Commission for the purpose of ascertaining the locations of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision. At the same meeting the subdivider should review with the Planning Commission the minimum standards of subdivision design set forth in Chapter 1175. This informal review should prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a plat with the Planning Commission is not required for this informal advisory meeting.

**1173.02 PRELIMINARY PLAT APPROVAL.**

After meeting informally with the Planning Commission, the subdivider shall cause to be prepared a Preliminary Plat prior to the making of any street improvements or the installation of any utilities.

- (a) Preliminary Plat Data. The Preliminary Plat shall meet the standards of design as set forth in Chapter 1175 and shall show the following information:
- (1) Scale of two hundred (200) feet to one (1) inch or larger.
  - (2) Name of subdivision, names and addresses of the owners, the engineer, or surveyor, and the owners of adjacent property.
  - (3) Date, approximate north point, and graphic scale.
  - (4) Acreage of land to be subdivided.
  - (5) Contours at an interval of not greater than five (5) feet or at a lesser interval if deemed necessary by the Planning Commission.

- (6) Boundary lines of area to be subdivided and their bearings and distances.
  - (7) Existing and proposed easements and their locations, width and distances.
  - (8) Streets on and adjacent to the tract and their names, widths, approximate grades, and other dimensions as may be required.
  - (9) Utilities on and adjacent to the tract showing proposed connections to existing utility systems. Rear easements for utility poles and wires shall be required wherever possible.
  - (10) Lot lines and lot numbers.
  - (11) Sites, and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses. Sites, if any, for semi-public, commercial, or multi-family uses.
  - (12) Minimum building setback lines.
  - (13) Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plat.
- (b) Procedure.
- (1) Three (3) copies of the Preliminary Plat and supplementary material specified shall be submitted to the Secretary of the Planning Commission with a written application for conditional approval at least ten (10) days prior to the hearing at which it is to be considered.
  - (2) The Chairman or Secretary of the Planning Commission shall notify the subdivider by certified mail of the time and place of the hearing not less than five (5) days before the date fixed for the hearing. Similar notice shall be mailed to the owners of the land immediately adjoining the area proposed to be platted as shown on the proposed subdivision.
  - (3) The Preliminary Plat shall receive the approval of the County Health Officer prior to consideration by the Planning Commission. A certificate of approval by the County Health Officer shall appear on the Preliminary Plat.
  - (4) Within thirty (30) days after the hearing on the Preliminary Plat, the Planning Commission shall approve, disapprove, or approve subject to modifications the said Plat. Failure of the Planning Commission to act on this Preliminary Plat within thirty (30) days shall be deemed approval of the plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing. The action of the Planning Commission shall be noted on two (2) copies of the Preliminary Plat with any notations made at the time of approval or disapproval of the specific changes required. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.
  - (5) Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. The approval of the Preliminary Plat shall lapse unless a Final Plat based thereon is submitted within one (1) year from the date of such approval. An extension of time may be applied for by the subdivider and granted by the Planning Commission.
- (c) Subdivision of a Portion of a Larger Tract. Whenever part of a tract is proposed to be subdivided and it is intended to subdivide additional parts of the tract in the future, a sketch plan for the entire tract shall be submitted to the Planning Commission at the same time the Preliminary Plat for the first part of the tract to be platted is submitted.

- (d) No application for a preliminary plat shall be submitted without payment of the following fees to the Village of Geneva-on-the-Lake and the execution of the following agreement:
- (1) A fee of \$2,000 for the review of the preliminary plat.
  - (2) The Mayor shall require subsequent deposits into an escrow account of no more than \$3,000 at a time to cover the Village's cost for engineering review to cover costs exceeding \$2,000 for the review of the preliminary plat and to cover subsequent engineering reviews which are reasonable and necessary up to and including the approval of the final plat. The applicant shall execute the necessary legal documents binding the applicant to cover the reasonable and necessary expenses incurred by the Village to review the preliminary plat and subsequent reviews up to and including the final plat, and no final plat shall be issued without the applicant having paid all costs incurred by the Village for review. (Ord. 2007-62. Passed 12-3-07.)
- (e) The Planning Commission may approve simple splits creating four or less parcels of less than five (5) acres in any given twelve month period, and waive the requirements for a final plat or preliminary plat for such parcels provided that:
- (1) No public or private street is created, and any existing street is adequate to handle traffic for the development.
  - (2) There are existing and adequate sewer lines and drainage ditches or culverts adjacent to the property to be subdivided.
  - (3) The subdivision complies with all applicable provisions of the Village Zoning Code.
  - (4) The subdivision creates no landlocked parcels.
  - (5) The applicant pays a \$150.00 review fee to the Planning Commission.
- (f) The Planning Commission shall have the authority for any subdivision creating four or less parcels of less than five (5) acres in any given twelve month period, and which does not comply with the provisions of subsection (e) above, to modify the fees set forth in subsection (d) provided that the applicant cover any reasonable and necessary costs incurred by the Village to review the plats.
- (g) Upon the Planning Commission's approval of simple split in accordance with subsection (e) above, the Mayor shall stamp any deed evidencing the split as "APPROVED FOR SUBDIVISION."  
(Ord. 2012-26. Passed 6-18-12.)

### **1173.03 FINAL PLAT APPROVAL.**

The Final Plat shall conform substantially to the Preliminary Plat as approved, and it may constitute only a portion of the Preliminary Plat which the subdivider proposes to record and develop.

- (a) Final Plat Data. The Final Plat shall give the following information:
- (1) The plat shall be at a scale of one hundred (100) feet to one inch (1") or larger.
  - (2) Date, title, name and location of subdivision, graphic scale, and true north line.
  - (3) All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given.

- (4) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sides with accurate dimensions to the nearest one hundredths of a foot; bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute.
  - (5) Name and right-of-way width of each street, easement, or other right-of-way.
  - (6) Lot numbers, lot lines, and frontage dimensions.
  - (7) Purpose for which sites, other than residential lots, are dedicated or reserved.
  - (8) Minimum building setback lines.
  - (9) Location and description of monuments.
  - (10) Names and locations of adjoining subdivisions and streets, the location of adjoining unplatted properties, and the names and addresses of the owners of adjoining unplatted properties.
  - (11) Certification on plat of title showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way, and any other sites for public use (Form 1).
  - (12) Certification on plat by surveyor or engineers as to the accuracy of survey and plat (Form 2).
  - (13) Certification by the County Health Officer when individual sewerage disposal or water systems are to be installed (Form 3 attached to plat).
  - (14) Certification Form 4 attached to Plat that the subdivider has complied with one of the following alternatives:
    - A. All the improvements have been installed in accordance with the requirements of these regulations, or
    - B. A security bond or certified check has been posted with the Village in sufficient amount to assure such completion of all required improvements.
  - (15) Cross-sections, profiles and grades of streets, curbs, gutters, and sidewalks showing locations of in-street utilities, and drawn to Village standard scales and elevations shall be attached to the Final Plat.
  - (16) Protective covenants shall either be placed directly on the Final Plat or attached thereto in form for recording.
  - (17) Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk (Form 5).
- (b) Procedure.
- (1) Six (6) copies of the Final Plat together with any street profiles or other plans that may be required shall be submitted to the Chairman of the Planning Commission by the subdivider at least ten (10) days prior to the meeting at which it is to be reviewed.
  - (2) One copy of the Final Plat shall be transmitted to the engineer to be selected by the Planning Commission who will check said Plat as to computations, certification, monuments, etc., and that all the required improvements have been completed to the satisfaction of the Village officials or, in the case a security bond or certified check has been posted is sufficient to cover the cost of the required improvements. If found satisfactory, he will return the copy of the Final Plat to the Planning Commission with his approval certified thereon within ten (10) days of receipt thereof.

- (3) One copy shall be transmitted to the County Health Officer when individual sewage disposal or water supply systems are to be installed. If the plat meets the approval of the Health Officer, he shall return the copy with his approval certified thereon within ten (10) days of receipt thereof.
  - (4) Within thirty (30) days after the review of the Final Plat, the Planning Commission shall approve or disapprove the said Plat. Failure of the Planning Commission to act upon the Final Plat within thirty (30) days shall be deemed approval of the Plat. If the Plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission.
  - (5) Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, other public way, or ground.
  - (6) When the Final Plat has been approved by the Planning Commission, one (1) copy shall be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the County Clerk as an official plat of record. Another copy certified by the Planning Commission will be transmitted to the Village legislative body for necessary action on any proposed dedication.
- (c) Required Improvements Prerequisite to Final Approval. A perfectly prepared and recorded subdivision or plat means little to a prospective lot purchaser until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community a potential tax liability.
- The following tangible improvements are required before Final Plat approval in order to assure the physical reality of a subdivision which approval and recording will establish legally.
- (1) Monuments.
    - A. Concrete monuments at least thirty-six (36) inches in length and four (4) inches in diameter or four (4) inches square shall be set at all corners on the plat. The top of the monument shall be flat and shall have an indented cross to properly identify the location. Except in cases where it is deemed clearly unreasonable or infeasible by the Planning Commission, these monuments shall be described on the Final Plat.
    - B. Iron pin or iron pipe monuments not less than three fourths (3/4) inch diameter and not less than twenty four (24) inches in length shall be set at all lot corners not marked by concrete monuments, at all street corners, at all points where street lines intersect the exterior boundaries of the subdivision, and at all intersections of curves and tangents along street lines.
  - (2) Streets.
    - A. Grading Specifications. All streets, roads, and alleys shall be graded to their full widths by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the special approval of the Planning Commission.
  - (3) Utilities and drainage facilities.
    - A. General Requirements for Installation of Utilities.
      1. Utilities shall be provided in rear lot easements whenever possible. When it is necessary to install utilities in street rights of way, the following requirements shall apply.

2. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work, water mains, gas mains, etc., and all service connections, shall be completely installed and approved throughout the length of the street and across the flat sections. Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections, provided that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the Planning Commission shall require the complete installation of service connections before any base is applied. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.
- B. **Water Supply System.** Where, in the opinion of the Planning Commission, the public water supply is reasonably accessible or available to the proposed subdivision, the Ohio Water Service Company or the subdivider shall construct a complete water distribution system which shall adequately serve all lots and which shall include appropriately spaced fire hydrants, and this system shall be properly connected with the public water supply. Where a public water supply is not within a reasonable distance or otherwise available, the subdivider may be required to construct a similar water distribution system and connect it with an alternate supply approved by the County Health Officer. If the Planning Commission approves the use of individual wells, lot sizes shall meet the approval of the County Health Officer.
  - C. **Sanitary Sewers.** Where, in the opinion of the Planning Commission, the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision system to the public system after the County Engineer has approved the size of the lines. Where lots cannot be served by the extension of an existing public sanitary sewer, the subdivider shall obtain approval of lot sizes for individual septic tanks and disposal fields from the County Health Officer for a neighborhood disposal system.
  - D. **Storm Drainage.** An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and they shall be of sufficient length to permit full width roadways and the required slopes.
  - E. **Electric and Telephone Service.** In all cases, electric and telephone service shall be installed at the rear property line. Whenever possible underground cables shall be installed.

- (4) Street name signs. The Planning Commission shall require the installation of durable street name signs at all intersections in conformance with Ashtabula County's street naming and numbering program.
- (5) Completion of improvements prior to approval of the final plat. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the County Clerk until the required improvements listed above are constructed in a satisfactory manner and approved by the appropriate Village official having jurisdiction. In lieu of such prior construction, the Planning Commission may accept a security bond or certified check made out to the Village in an amount equal to the estimated cost of installation of the required improvements whereby the improvements may be made and utilities installed without cost to the Village in the event of default on the part of the subdivider. The bond or check shall be subject to the condition that the improvements will be completed within one (1) year after approval of the Final Subdivision Plat.

#### **1173.04 VARIANCES.**

(a) Exceptional Conditions. The Planning Commission may grant a variance to these regulations where by reason of the unusual shape of a specific piece of property, or where by reason of exceptional topographical conditions, the strict application of these regulations would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of these regulations. In granting such variance or modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is not proof of hardship within the purpose of these regulations.

(b) Group Housing Developments. A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access may be approved by the Planning Commission although the design of the project does not include standard street, lot, and subdivision arrangements, provided that departure from the standards of these regulations can be made without destroying their intent.

(c) Procedural Variance. Where a proposed subdivision would contain no new streets and no more than ten (10) lots, or no more than five (5) lots, if any new street is planned, the procedure of preparing a Preliminary Plat may be waived by the Planning Commission.





**CHAPTER 1175**  
**General Requirements and Minimum Design Standards**

<b>1175.01</b> Suitability of the land for subdivision development. <b>1175.02</b> Streets. <b>1175.03</b> Blocks. <b>1175.04</b> Lots. <b>1175.05</b> Off-street loading and parking facilities. <b>1175.06</b> Utility and drainage easements.	<b>1175.07</b> Community assets. <b>1175.08</b> Conformance with zoning and other regulations. <b>1175.09</b> Public open spaces. <b>1175.10</b> Large tracts or parcels. <b>1175.11</b> Condominium and community unit plan.
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**1175.01 SUITABILITY OF THE LAND FOR SUBDIVISION DEVELOPMENT.**

(a) If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Planning Commission shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

(b) The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services (such as undue maintenance costs for adequate roads).

**1175.02 STREETS.**

(a) Conformity to the Major Thoroughfare Plan. The widths and locations of all streets in a proposed subdivision will conform to the Geneva-on-the-Lake Major Thoroughfare Plan.

(b) Street Extensions.

- (1) The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design.
- (2) Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turn-around having a radius of at least forty (40) feet.
- (3) The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

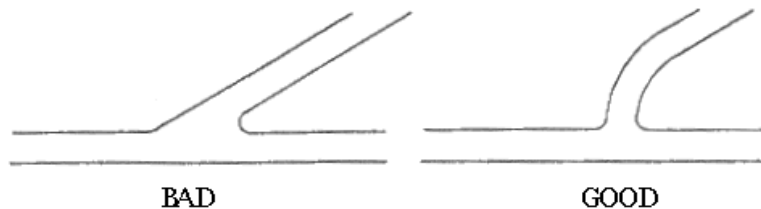
(c) Dedication of Right-of-Way for New Streets. The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the Geneva-on-the-Lake Major Thoroughfare Plan, or, if not shown thereon, shall meet the following standards:

<u>Street Type</u>	<u>Minimum Right of Way</u>
Primary Street - Major	80'
Secondary Street	60'
Collector Street	60'
Minor Streets	50'
Cul-de-sacs (courts) Maximum length 600'	50' with 110' terminal diameter
Alleys	20'
Crosswalkways	10'
Easements	16' or as required
At intersections of two streets a 20 foot radius shall connect the two right-of-way lines.	

(d) Minimum Pavement Widths.

Primary Streets - Major	48'
Secondary Streets	40'
Collector Streets	32'
Minor Streets	26'
Cul-de-sacs	26' - 80' min. dia. at turnaround
Crosswalkways	6'
Sidewalks minimum	4'

- (1) All points of access streets shall be as approved by the Planning Commission.
  - (2) Through proposed business areas, street widths shall be increased ten (10) feet on each side if needed to provide parking without interfering with normal traffic movements.
  - (3) In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify these requirements.
- (e) Pavement Specifications for Streets.
- (1) Sub-base construction. All developers shall be required to construct the following type sub-base:  
The street shall have a compacted #7 limestone or slag sub-base or a sub-base equivalent to the State of Ohio's E-1 compacted subgrade.
  - (2) Hard-surface street. All developers shall construct a hard-surfaced street of 8" Portland Cement Concrete pavement (T- 70), or 3" Asphalt Concrete on a 10" base.
- (f) Curbs and Gutters.
- (1) The subdivider shall provide curbs and gutters. Curbs shall not be less than six (6) inches in height and shall be constructed of Portland Cement Concrete.
  - (2) Backfill shall be higher than the curb and shall slope toward the curb in order to insure that surface water drains into the storm drainage system.
  - (3) The Planning Commission may waive the requirements for curbs and gutters if they are not deemed necessary for the proper drainage of storm water or in cases where all lots have a width of one hundred (100) feet or more.
- (g) Dedication of Right of Way for Existing Streets. Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in subsection (c) hereof.
- (1) The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half ( $\frac{1}{2}$ ) of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated.
  - (2) Dedication of one-half ( $\frac{1}{2}$ ) of the rights-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.
- (h) Intersections.
- (1) Streets shall intersect as nearly as possible at right angles.



- (2) Street curb intersections shall be rounded by radii of at least twenty (20) feet. When the smallest angle of street intersection is less than sixty (60) degrees, the Planning Commission shall require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.
- (3) No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

(i) Curves in Streets; Horizontal and Vertical.

- (1) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.



- (2) Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

<u>Street Type</u>	<u>Min. Curve Radius</u>
Arterial	300'
Collector	300'
Minor	100'

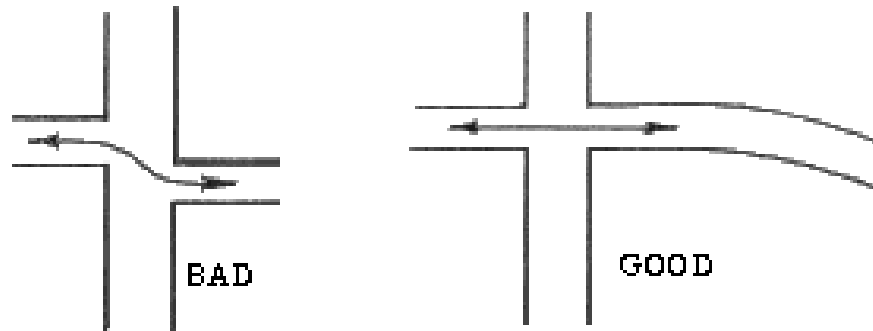
(j) Street Grades and Elevations.

- (1) Street grades shall conform to the following.

<u>Street Type</u>	<u>Percent Grade</u>	
	<u>Allowable Max.</u>	<u>Desirable Max.</u>
Arterial	5	4
Collector	7	5
Minor	8	7

- (2) All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall be not less than one-half ( $\frac{1}{2}$ ) of one (1) percent.
- (3) The Planning Commission shall not approve the streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the Planning Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.

(k) Street Jogs. Street jogs with center line offsets of less than one hundred and twenty-five (125) feet shall not be made.



(l) Dead-End Streets (Cul-de-sacs). Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turn-around having a radius at the outside of the pavement of at least forty (40) feet and a radius at the outside of the right-of-way of at least fifty-five (55) feet.

(m) Street Names.

- (1) Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.
- (2) The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix.

(n) Private Streets and Reserve Strips.

- (1) There shall be no private streets platted within a subdivision.
- (2) There shall be no reserve strips in a subdivision except where their control is definitely vested in the city or county under conditions approved by the Planning Commission as authorized in these regulations.

(o) Alleys. Alleys shall be provided to give access to the rear of all lots used for business and industrial purposes. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the Planning Commission.

### 1175.03 BLOCKS.

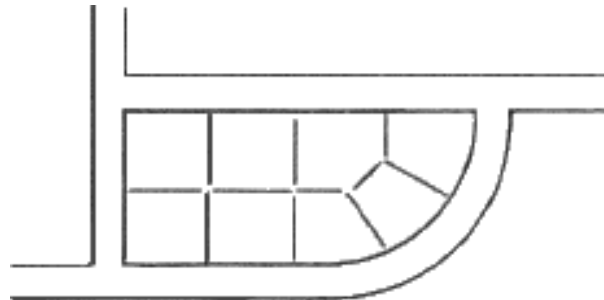
(a) Length. Block lengths shall not exceed twelve hundred (1200) feet or be less than four hundred (400) feet, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street layout.

(b) Width. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

### 1175.04 LOTS.

(a) Relationship to Streets. All lots shall front on a public street or road for a minimum distance of seventy (70) feet except that lots which front on the turn-arounds of permanent dead-end streets shall front on such turn-arounds for a minimum distance of forty (40) feet.

(b) Arrangement. Each lot in a subdivision shall contain a building site completely free from the danger of flooding. Except where infeasible, side lot lines shall be at right angles to straight street lines and radial to curved street lines.



(c) Dimensions. The size, shape, and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated.

- (1) Lot dimensions within the corporate limits of Geneva-on-the-Lake shall conform to the requirements of the Geneva on-the-Lake Zoning Ordinance, except that residential lots not served by public sewer shall be at least one hundred (100) feet wide at the building setback line and fifteen thousand (15,000) square feet in area or the minimum lot width and area determined by the County Officer, whichever width and area are larger.

- (2) The minimum width and minimum area of residential lots to be served by individual private wells shall be determined by the County Health Officer after investigation of soil conditions, the proposed sewerage system, and the depth of ground water.

(d) Building Setback Line. The building setback line shall not be located closer to the street right-of-way line than a distance equal to one-half ( $\frac{1}{2}$ ) of the total width of the street right-of-way on which the building will front, but in no case shall the building setback line be located closer than fifty (50) feet from the center line of the street. A greater distance between the building setback line and the street right-of-way line is permissible.

(e) Corner Lots. Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and side street.

(f) Yard Requirements. Yard requirements for residential subdivisions or the portions thereof inside the corporate limits of Geneva-on-the-Lake shall be the same as the yard requirements set forth in the Geneva on-the-Lake Zoning Ordinance for the zoning district or districts in which they are located.

(g) Flood Hazards.

- (1) Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger of health, life, or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare. To insure that lots will be located only where they will provide flood-free house sites, the Planning Commission may require subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites will be completely free from the danger of flooding.
- (2) If a stream flows through or adjacent to the proposed subdivision the plat plan shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvements to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be well above the extraordinary flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

**1175.05 OFF-STREET LOADING AND PARKING FACILITIES.**

In commercial and industrial subdivisions and in the portions of residential subdivisions reserved for commercial or industrial uses, the lots or parcels platted for commercial or industrial sites shall be large enough to provide for off-street unloading and unloading facilities and off-street parking facilities. Industrial plats shall require layout of lots only for study purposes and not for plating.

**1175.06 UTILITY AND DRAINAGE EASEMENTS.**

(a) Except where alleys are permitted for the purpose, the Planning Commission shall require easements at least twelve (12) feet in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the Planning Commission, similar easements shall be provided along side lot lines or across lots.

(b) If the Planning Commission deems it necessary for proper drainage within or through a subdivision, it shall require that a storm water easement or drainage right-of-way be provided.

**1175.07 COMMUNITY ASSETS.**

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and watercourses; for sites which have historical significance; and for similar assets which if preserved will add attractiveness and value to the subdivision and to the community. The Planning Commission may prepare a list of all such features within its area of subdivision jurisdiction which it deems worthy of preservation.

**1175.08 CONFORMANCE WITH ZONING AND OTHER REGULATIONS.**

No Final Plat of land within the area of force and effect of an existing Zoning Ordinance will be approved unless it conforms with such Ordinance. Whenever there is a discrepancy between the minimum standards set forth in these regulations and those contained in the Zoning Ordinance, Building Code, or other official regulations, the highest standard shall apply. However, in the case of lot sizes, the Zoning Ordinance shall apply.

**1175.09 PUBLIC OPEN SPACES.**

Where a school, neighborhood park, recreation area, or public access to water frontage which is shown on an official map or in a plan for future use made and adopted by the Planning Commission is located in whole or in part in the applicant's proposed subdivision, the Planning Commission may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purposes.

**1175.10 LARGE TRACTS OR PARCELS.**

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical re-subdivision.

**1175.11 CONDOMINIUM AND COMMUNITY UNIT PLAN.**

The owners or agents of any tract of land, which is to be developed and maintained under single ownership or which is to be subdivided as a condominium, shall submit to the Commission a development plan, improvement plans and plats. Approval of plats, etc., shall follow the standard procedures herein, provided, however, that the following conditions are met:

- (a) The property adjacent to the area included in the plan will not be adversely affected.
- (b) The plan is consistent with the intent and purposes of the Zoning Code to promote public health, safety, morals, and general welfare.



- (c) The grade width and degree of improvement of all access drives, sewers, waterlines and other utilities are approved by the Planning Commission, City or County Engineer, and Fire Chief.
- (d) The building or buildings shall be used only for the uses permitted in the zoning district in which it is located.
- (e) The average lot area per family, exclusive of the area occupied by private streets or drives, shall not be less than that required by the respective zoning district.
- (f) The setbacks from public streets and the required side and rear yard sizes for multiple dwellings shall be provided. Multiple buildings, or a single building, may be constructed within the buildable area of the total tract. The minimum distance between multiple buildings shall be determined by the Commission



**CHAPTER 1177**  
**Enforcement and Penalties**

**1177.01 Enforcement.****1177.99 Penalty.**

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**1177.01 ENFORCEMENT.**

(a) No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of Ashtabula County or received or recorded by the County Clerk until said plat has received final approval in writing by the Planning Commission. Admission to the records shall not be construed as approval.

(b) No board, public officer, or authority shall accept, layout, improve, or authorize utilities to be laid in any street within the territory for which the Planning Commission has adopted a Major Thoroughfare Plan unless the street has received the legal status of a public street prior to the adoption of the Major Thoroughfare Plan, unless the street corresponds with a street shown on the Major Thoroughfare Plan, or unless the street is shown on a subdivision plat or a street plan which has been approved by the Planning Commission.

(c) All subdivision plats to come before the Planning Commission for approval shall tie in with the sewage treatment system at the expense of the developer as required by the Planning Commission.

**1177.99 PENALTY.**

(a) Any County Clerk, who receives, files, or records a plat in violation of the provisions of these regulations, shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) as provided in the Ohio R.C. 711.12.

(b) Any person who transfers or negotiates to transfer any lot in a subdivision before the Final Plat of said subdivision has been approved by the Planning Commission and recorded in the County Clerk's office, or attempts the description of land by metes and bounds in violation of these regulations, shall pay to the Village of Geneva-on-the-Lake a penalty of not less than ten dollars (\$10.00) and not more than one thousand dollars (\$1,000).