

ZONING ORDINANCE OF THE VILLAGE of GAMBIER, OHIO

Preface

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Web Site: <http://www.villageofgambier.org/>

Any Application, appeal, or other document required or permitted under this Ordinance or the Ohio Revised Code shall be filed with the Village Administrator or Clerk/Treasurer Assistant. The date of filing shall be either the date any such document is actually received by the Village Administrator or Clerk/Treasurer Assistant or the date any required filing fee is received by the Village Administrator or Clerk/Treasurer Assistant, whichever is later.

Zoning forms are available on the Village's web site or by contacting the Village Administrator or Clerk/Treasurer Assistant. All applications shall be heard and ruled upon by the Commission, with the exception of Applications for a variance from zoning regulations. Village Council has retained the power to grant or deny zoning variances.

The Village Council shall hear an appeal only of the Commission's disapproval of a Final Development Plan in a PUD Application. All other appeals are governed by the Ohio Revised Code, at the time of adoption of this Ordinance, Ohio Revised Code Sections 2506.01, *et seq.*

You are encouraged to meet informally with the Village Administrator prior to filing any zoning Application for information regarding this Ordinance and for filing procedures.

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CHAPTER 1 — PURPOSES AND SCOPE.

The purpose of this Zoning Ordinance (the “Ordinance”) of the Village of Gambier, Ohio (the “Village”), and the intent of the Village Council in its adoption, is to provide planning standards, procedures, regulations, and controls for the use of the land in the Village, and for the design, use, bulk, location, and spacing of buildings and other structures, in order to most effectively, to the fullest extent permissible under the Village’s powers of home rule, promote and insure the public health, safety, morals, convenience, and general welfare. The Village Council has determined that the following Ordinance shall be adopted to replace the Zoning Ordinance of the Village, originally adopted in 1999, for the following purposes:

- A. To facilitate economic and adequate provision of transportation, communication, water supply, Drainage, sanitation, education, recreation and other public services.
- B. To preserve and strengthen the reasonable balance of commercial activities within the Village, so long as they are consistent with the Village’s residential, pedestrian, and rural character.
- C. To regulate the location of Buildings and intensity of Uses in relation to the Street design so as to cause the least interference with, and be damaged least by, traffic movements, and hence result in lessened Street congestion and improved public safety.
- D. To protect the character and values of the Institutional, Residential, business, and public Uses and to assure their orderly and beneficial Development.
- E. To minimize conflicts between different land Uses by requiring adequate landscaping, yards, and buffers in appropriate locations.
- F. To protect and preserve the cultural resources of the Village.
- G. To prevent damage to environmentally sensitive areas and to protect existing natural resources.
- H. To provide methods to implement the Village’s home rule authority to regulate the Use of land within its municipal boundaries.
- I. To control and to regulate the growth of the Village, concentrating Development in areas where adequate sewage facilities, roads, and schools can be provided, and limiting Development in areas where these facilities are not, cannot or should not be provided.
- J. To protect landowners from adverse impacts of Adjoining Developments.
- K. To conserve the natural environment and historic resources, maintain a compatible scale within an area, and minimize traffic congestion and enhance the streetscape and pedestrian environment.
- L. To achieve an efficient Use of the land without major disruption of the natural environment and to direct Development to sites with adequate services and amenities.

It is the goal of this Ordinance that both the burdens and the benefits which it implies be rationally and fairly distributed among the citizens and property owners of the Village. The regulations contained in this Ordinance are based on thorough analysis of the consequences of the regulations imposed by the previous Village Zoning Ordinance and the costs and benefits, to all affected parties, included in the regulations imposed by this Ordinance. Districts are few in number, and each has a clearly different purpose. Distinctions between Districts are significant. They are sized to be adequate to handle the Village’s long-term needs and shall be regularly updated as time passes.

CHAPTER 2 — TITLE.

This Ordinance shall be known and may be cited and referred to as the *Zoning Ordinance of the Village of Gambier, Ohio*.

CHAPTER 3 — DEFINITIONS.

INTERPRETATION.

For purposes of this Ordinance the terms or words used herein shall be interpreted as follows: All words used in the present tense include the future tense. All words in the singular include the plural and all words in the plural include the singular. The word “shall” is mandatory and imposes a duty upon the person to whom it is directed. The word “may” is permissive and creates a power, without duty, with the person to whom it is directed. The word “used” shall be deemed to include “designed, intended, or arranged to be used.” The definitions of this Ordinance apply to the interpretation and reading of the entire Ordinance unless a separate and different definition specifically appears in a section. Where the pronoun “he” is used, the usage is one of convenience and includes all appropriate extensions of meaning (i.e., “she,” “they,” and “it”). The word “person” includes all individuals, firms, corporations, associations, trusts, and any other similar entities. Otherwise, all words shall be given their common and ordinary meaning as derived from everyday usage.

DEFINITIONS

- 3.1. Adjoining; Abutting. Having a common border with, or being separated from such common border by an Alley or easement or right-of-way.
- 3.2. Access. A means of vehicular approach or entry to or exit from property.
- 3.3. Accessory Building. A Building used for an Accessory Use.
- 3.4. Accessory Use. A Use customarily incidental and subordinate to the Principal Use or Building but distinct from Garages and Secondary Dwelling Units. Accessory Uses shall be permitted on the same Lot with and incidental to any Permitted Use; they shall not be conducted as an independent Principal Use. Examples include, but are not limited to, swimming pools, and Yard Barns.
- 3.5. Aesthetic Significance. The artistic worth of a Building, landmark or District; it contemplates the intangible values of natural beauty, artistry, craftsmanship, familiarity, order, and visual harmony.
- 3.6. Agricultural Use. Agricultural Uses include farms (and farm residences), fish or poultry hatcheries, fur-bearing animal ranges, orchards, raising of livestock, horses, wild animals (traditionally non-domesticated animals) or poultry, truck farming, and all other Agricultural Uses. Included in this definition are agricultural support Uses such as farm equipment sales and repair, farm produce sales and supply (feed, grain, fertilizer), and farm product processing (cider mills, dairy, poultry or meat processing) unless the total number of employees in such a processing facility is less than five persons. Specifically excluded are nurseries, Forestry operations and domesticated animals, and Uses which may be accessory to agriculture, such as retail stores, and industries or businesses which support or are supported by agriculture.
- 3.7. Alley or Lane. A public or private way not more than 20 feet wide affording only

- secondary means of Access to property.
- 3.8. Application. An Application for a certificate, permit, or other approval called for in this Ordinance.
 - 3.9. Applicant. Any Owner(s) or person(s) who files an Application.
 - 3.10. Automobile Service Station. A place where gasoline, diesel fuel, kerosene, or any other motor fuel or lubricant oil or grease for operating motor vehicles is offered for sale to the public and delivered directly into motor vehicles, and where greasing, oiling or other automobile repair work is done on the premises. An Automobile Service Station does not lose its classification as such on account of additional business activities conducted therein, such as the sale of food, beverages, or other merchandise.
 - 3.11. Auxiliary Sign. A Sign which provides special information related to the Use of property such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such Signs include directories of tenants in Buildings, “no trespassing” Signs, and Signs which list prices of gasoline.
 - 3.12. Basement. A Story whose floor line is below grade at any entrance or exit or whose ceiling is not more than 5 feet above grade.
 - 3.13. Bed and Breakfast. A facility for accommodations characterized by having a residential external appearance and less than 12 units available for Transient guests with a minimum ratio of 500 square feet of total living or common space to each unit created (unless containing 5 or less units, which does not require compliance with this ratio).
 - 3.14. Billboard. A Sign, usually rectangular in shape, which is typically comprised of a fixed and permanent frame and Structure, the advertising space of which is typically leased to various persons or companies for the attachment of paper Signs on a more Temporary basis.
 - 3.15. Bufferyard. A unit of land, together with any specified type and amount of planting and any Structures which may be required thereon, between land of different Uses to visually screen and eliminate or minimize conflicts between them. *See* APPENDIX B.
 - 3.16. Building. Any Structure constructed or Used for residential, business, industrial, or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, railroad cars, barns, trailers and similar Structures, whether stationary or movable. Eaves, gutters, and other items considered to be part of a Structure, and connected thereto, shall be considered part of that Structure for determining distances to Lot lines.
 - 3.17. Caliper. The diameter of a tree 1 foot above ground on the uphill side of the tree. If a tree forks below 1 foot above ground, each trunk is treated as a separate tree.
 - 3.18. Cellar. That portion of a Building beneath the ground and generally used for storage.
 - 3.19. Certificate of Occupancy. A document issued by authority of the State of Ohio or the county of Knox County, Ohio, authorizing occupancy of Buildings or Structures for Uses which, after inspection, are determined to be consistent with the terms of all applicable codes or ordinances and all conditions and requirements, if any, stipulated by such appropriate state or county authority.
 - 3.20. Chain-link Fence. A Fence consisting of loops of wire interconnected in a series of joined links with no permanent inserts or weavings. It is not an Open Fence.
 - 3.21. Clinic. A Clinic is a place where an individual licensed practitioner or a group of licensed practitioners, their associates and assistants, provide a range of services including the care, diagnosis and treatment of persons who are sick, ailing, infirm, and/or injured and in

- need of medical, surgical or dental attention but who are not provided with board or room nor kept overnight on the premises.
- 3.22. Club. A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including any group organized solely or primarily to render a commercial service for profit. Examples of Clubs include fraternal societies and beneficial or charitable societies.
 - 3.23. Commission. The Village of Gambier Planning and Zoning Commission.
 - 3.24. Conditional Use. A Use of land which is not a Permitted Use (or otherwise permitted as a matter of right) in a District, but which may be permitted upon compliance with the requirements of this Ordinance and upon Application for and granting of a permit by the Commission. Such Application process as provided in this Ordinance includes notice to all Owners of Adjoining Property, posting of such notice in predetermined public places, and public hearing at a regularly scheduled Commission meeting.
 - 3.25. County Engineer. The County Engineer of Knox County, Ohio.
 - 3.26. Demolish/demolition. The complete or Substantial deterioration, removal or destruction of any Building within any District, including Buildings of historic significance (Buildings more than 50 years old), whether by affirmative Action taken or by passive Action such as Neglect.
 - 3.27. Developer. The legal or beneficial Owner of a Lot or parcel of land proposed for inclusion in a Development, whether commercial or Residential, including the holder of an option or contract to purchase such land; also, a corporation, partnership or other legal entity hired by such Owner to coordinate and direct the Development of such Lot or parcel of land.
 - 3.28. Development. The construction, reconstruction, conversion, Structural Alteration, relocation, or enlargement of any Structures or Buildings; or the division of a parcel of land into two or more parcels; or any Use or change in Use of any Buildings or land; or any extension of any Use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.
 - 3.29. District. A portion of the territory of the Village as shown on the Zoning Map (see APPENDIX A) within which certain uniform regulations and requirements apply.
 - 3.30. Drainage. The removal of surface water or groundwater from land by drains, grading, ditches or other means. Drainage includes the control of runoff to minimize Erosion and Sedimentation during and after Development, and includes the means necessary for water-supply preservation and the prevention or alleviation of flooding.
 - 3.31. Driveway. A road giving access from a public way to a Building or facilities on Abutting grounds.
 - 3.32. Due Consideration. To give in Good Faith such weight or significance to the decision, evidence, or factors involved as are merited by the circumstances.
 - 3.33. Duplex. More than one room or group of rooms or Dwellings, which are attached to each other providing or intended to provide living quarters for not more than two (2) Families.
 - 3.34. Duty. A mandatory obligation to perform; obligatory conduct or service, not discretionary.
 - 3.35. Dwelling. Any Building or portion thereof which is designed or used for Residential purposes for humans.
 - 3.36. Dwelling Unit. A room, group of rooms or Dwelling providing or intended to provide living quarters for not more than one (1) Family.

- 3.37. Engineer. The Village Engineer, or if none, the County Engineer.
- 3.38. Erosion. Any removal and/or loss of soil by the Action of water, ice, gravity, or wind. Erosion includes both the detachment and movement of soil particles.
- 3.39. Family. Any number of related persons, or no more than 4 unrelated persons, living and cooking together in one Dwelling or Dwelling Unit as a single housekeeping unit.
- 3.40. Fence. A barrier with two sides exposed.
- 3.41. Flag Lot. A residential lot consisting of two parts: (1) the flag, which is the only permitted building site and is located behind another residential lot, and (2) a pole, which connects the flag to the street and provides the only street frontage for the lot and may be less than the minimum lot width as otherwise required by the Ordinance.
- 3.42. Filing. The act of delivering any Application, appeal, or other document required or permitted under this Ordinance or the Ohio Revised Code to the Zoning Inspector, Village Administrator, or Clerk/Treasurer Assistant.
- 3.43. Final Development Plan. The final submission in the PUD process.
- 3.44. Final Plat. A precise drawing prepared by a surveyor with necessary survey information that will establish the location of lots and Streets in a proposed subdivision with reference to survey markers such as concrete monuments and iron pins.
- 3.45. For Cause. For reasons which law and public policy recognize as sufficient to warrant the Action or removal; not removal or Action that is arbitrary or capricious.
- 3.46. Forestry. The science of developing, caring for, managing, and/or cultivating forests. For purposes of this Ordinance, Forestry does not include the harvesting or processing of timber.
- 3.47. Free-Standing Sign. A self-supporting Sign resting on or supported by means of poles, standards, or any other type of base on the ground.
- 3.48. Frontage. All the property Abutting on one side of a Street between intersecting Streets, or between a Street and a right-of-way, waterway, or a dead-end Street, or a Village or property boundary measured along the Street line.
- 3.49. Garden Fence. A Fence located in the back or side yard of a residence, surrounding a single garden area, or multiple garden areas, not to exceed a total of 1,000 square feet.
- 3.50. Garage. An enclosed detached Accessory Building or a portion of the Principal Building used for the storage of self-propelled motor vehicles or trailers by the occupant's resident upon the property.
- 3.51. Good Faith. An intangible and abstract quality which encompasses, among other things, an honest belief, the absence of malice, and the absence of design to defraud or to seek unconscionable advantage over another.
- 3.52. Height of Building. The vertical distance from the established average sidewalk grade, Street grade, or finished grade, whichever is the lowest, to the highest point of the Building.
- 3.53. Home Occupation. Any business Use conducted entirely within a Dwelling or an Accessory Building by the owners or occupants of the Dwelling as a secondary Use which is clearly incidental to the Use of the Dwelling for Residential purposes.
- 3.54. Home Occupation Sign. A Sign identifying the Home Occupation located in a particular Dwelling or Accessory Building.
- 3.55. Institution. An established organization or corporation of a public or private character organized for charitable, educational, governmental, scientific, humanitarian, or religious purposes.

- 3.56. Living Fence. A Fence or vision obstructing hedge consisting of the natural growth or placement of hedges, trees, bushes, plants or a combination thereof.
- 3.57. Lot. A piece, parcel, or plot of land as shown and recorded in the land records of the Knox County Recorder which is occupied or may be occupied by one Principal Building, its Accessory Buildings, and the open spaces required under this Ordinance.
- 3.58. Mansard Roof. Also called a “French roof,” a Mansard Roof is a four-sided gambrel-style hip roof characterized by two slopes on each of its sides with the lower slope at a steeper angle than the upper punctured by dormer windows to create additional habitable space. The upper slope of the roof may not be visible from street level when viewed from close proximity to the Building.
- 3.59. Manufactured Home. A Structure intended for human habitation and residential Use that is prefabricated and manufactured at a location other than the Lot where the Manufactured Home will be installed.
- 3.60. Masonry Fence. A Fence constructed of concrete, cinder block, brick, stone, or other masonry materials.
- 3.61. Mobile Home. A trailer, which may or may not be equipped with wheels or other devices to be transported from place to place, which is fitted with parts for connection to utilities, and which may be installed on a relatively permanent site for use as a residence.
- 3.62. Motel, Hotel, or Inn. A series of attached or semi-attached sleeping or living units, for the accommodation of Transient automobile guests and having convenient access to parking spaces for the exclusive use of the guests or occupants. This definition excludes Bed and Breakfasts.
- 3.63. Multi-Family Dwelling. A Building designed for or containing three or more Dwelling Units.
- 3.64. Neglect. To omit or fail to do a thing that can be done or is required to be done; also imports an absence of care or attention in the Action or omission, or a designed refusal to perform a duty.
- 3.65. Non-Conforming Use. A Use of a Building or Property lawful at the time of enactment of this Ordinance that does not conform with the Permitted Use provisions of this Ordinance.
- 3.66. Open Fence. A split-rail, board, iron or vinyl Fence.
- 3.67. Ordinance. This Zoning Ordinance for the Village of Gambier, Ohio, adopted February 4, 2013, and any amendments lawfully enacted thereafter.
- 3.68. Owner. The legal owner of record of real property.
- 3.69. Park. A piece of public ground kept for ornament and recreation; an area maintained in its natural state as public property.
- 3.70. Parking Lot. A fixed improvement to land involving paving the ground with gravel, concrete, asphalt, or other similar material for the purpose of parking the equivalent of three (3) or more vehicles (or in excess of 471 square feet).
- 3.71. Permitted Use. A Use of land which is allowed as a matter of right as long as the Owner meets the requirements of this Ordinance and any other applicable laws.
- 3.72. Planned Unit Development (PUD). A PUD is an area of land consisting of no more than fifty contiguous acres in which one Use or a variety of Uses may be accommodated in a pre-planned environment under more flexible standards than those restrictions that would normally apply under this Ordinance. A PUD must demonstrate benefits such as improved arrangement and design that justify deviation from standard Development

- requirements included in the Ordinance. The process of creating a PUD shall consist of a Preliminary Development Plan, which shall constitute the act of zoning, and a Final Development Plan which, upon approval, shall consist of a detailed Development Plan for all, a portion of the area, or subareas within the Preliminary Development Plan.
- 3.73. Playground. A piece of public land used for and usually equipped with facilities for recreation especially for children.
- 3.74. Power. The discretionary right, ability and authority to do something.
- 3.75. Pre-Application Plan. A general plan of a proposed PUD, presented for discussion with the Zoning Inspector before submission of a formal Preliminary Development Plan to the Commission.
- 3.76. Preliminary Development Plan. The first submission in the PUD process.
- 3.77. Principal Building. A Building used for a Principal Use.
- 3.78. Principal Use. The primary Use of a particular property or piece of land.
- 3.79. Privacy Fence. A Fence which shall be less than 7 feet tall from grade, constructed so as to prevent public view and provide seclusion.
- 3.80. Private Swimming Pool. Any pool, open tank, or man-made body of water not located within a completely enclosed Building, and containing, or normally capable of containing, water to a depth at any point greater than three feet or capable of holding in excess of 750 gallons of water.
- 3.81. Public Utility. A corporation or other organization which provides an essential service or good to the general public that the public has a legal right to demand, such as electricity.
- 3.82. Quality of Life. The peculiar and essential character of daily living which may be unique to a particular area, such as the Village, and which contemplates the economy, enjoyment, meaningfulness, benefits, and ease of locating one's home or business in that area.
- 3.83. Reasonable. Fair, proper, just, moderate, and suitable under the circumstances; not excessive; synonymous with rational, honest, and equitable.
- 3.84. Recommendation. An Action which is advisory in nature rather than one having any binding effect.
- 3.85. Resident. A person who would be entitled to vote in any general election in the Village because of the location of his or her residence.
- 3.86. Residential. Relating to residences; land Use in which housing predominates.
- 3.87. Secondary Dwelling Unit (SDU). A Dwelling or Dwelling Unit added, created, or constructed on a parcel of land on which a Dwelling or Dwelling Unit already exists. A Secondary Dwelling Unit may or may not be attached to or a part of the pre-existing one.
- 3.88. Sedimentation. The settling out of soil particles which are transported by water or wind. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of a slope is lessened to achieve the same result.
- 3.89. Sign. Any object, device, display, Structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, Institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, fixtures, colors, illumination, or projected images. Signs do not include the flag or banner of any nation, state, city, or religious organization; also excluded are merchandise, pictures, or models of products or

- services incorporated in a window display.
- 3.90. Sign Area, or Area of Sign. The total surface computed in square feet of a Sign having one exposed exterior surface, or, half of the total of the exposed exterior surface computed in square feet of a Sign having more than one such surface. The Sign Area of a doubled-faced projecting Sign is calculated by measuring one face of the Sign only.
- 3.91. Sign, lighting - Back-lit or Internally Lit. The Sign in question is lit by some mechanism projected from the back or internal to the Sign face or area.
- 3.92. Sign, lighting - exterior lighting standards, definitions:
- A. Cutoff: the point at which all light rays emitted by a lamp or light source are completely eliminated (Cutoff) at a specific angle above the ground.
 - B. Foot Candle: a unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.
 - C. Glare: the brightness of a light source which causes eye discomfort.
 - D. Maximum Permitted Illumination: the maximum illumination measured in foot candles at the interior yard line at ground level in accordance with the standards provided in this Ordinance.
 - E. Sign, lighting – General Lighting: The Sign itself is neither lit internally nor has an external source of light specifically directed at it; the Sign depends upon the general illumination of the area for its illumination.
 - F. Sign, lighting – Spot Lighting: The Sign is lit by spotlights specifically directed at it.
 - G. Sign, Temporary: A Sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material, including inflatable signs, which is intended to be displayed for less than 30 days and which is no larger than 40 square feet. Included in this category are retailer’s signs temporarily displayed for the purpose of informing the public of a sale or “special” offer. Portable Signs such as those that are designed to be moved with regularity from one location to another shall also be considered Temporary Signs.
- 3.93. Single Family Dwelling. A Dwelling providing or intended to provide living quarters for not more than one (1) Family or four (4) unrelated persons which is not attached to another Dwelling.
- 3.94. Solar Energy System. An energy conversion system, including panels, appurtenances and mechanical equipment, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user.
- 3.95. Solar Glare. The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance or visibility.
- 3.96. Stored. To have placed or left in a location for later use or disposal or to provide a space for, whether temporarily or permanently.
- 3.97. Story. That portion of a Building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- 3.98. Street. Any public or private way dedicated to public travel. The word “Street” shall include the words “road,” “highway,” and “thoroughfare.”
- 3.99. Structure. Anything constructed in any manner, whether Temporary or permanent, which is located on land in any fashion, including Buildings, sculptures, signs, or similar objects.
- 3.100. Structural Alteration. Any change in the structural members of a Building, such as walls,

- columns, beams, girders, roofs, windows, porches, or doors. This includes the removal or addition thereof.
- 3.101. Student Residences. Dormitories and student apartments and houses including related offices and dining facilities intended for the seasonal occupation by enrolled students of an educational Institution or similar programs.
 - 3.102. Subdivision. The division of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or Lots which may or may not include the planned Development of the land or which may or may not be intended for the transfer of ownership.
 - 3.103. Subarea. A Subarea is a distinct area of land within a PUD. Each Subarea shall designate acreage, land Use, Development standards, architectural standards, landscape standards, thoroughfare Subarea standards, conceptual road alignments, gross density and such other standards as may be required by the Commission and Council.
 - 3.104. Substantial. Of real worth, value, or importance; material; something other than nominal.
 - 3.105. Temporary. That which is to last for a limited time only, or for a short period of time, as distinguished from that which is perpetual, indefinite, or regularly reoccurring in its duration. In those cases where a Temporary Use has been authorized to accommodate construction of other land, or other portions of land, owned by the Applicant, the land for which a Temporary Use has been authorized shall be restored to its previous state within 30 days after a Certificate of Occupancy has been issued, or, where no Certificate of Occupancy is required, within 30 days after completion of construction.
 - 3.106. Transient. A person passing through a place without staying in it, or staying only for a short period of time.
 - 3.107. Transmission Towers. Any antenna, Structure or other transmission device created or erected for the purpose of holding equipment used in the transmission, reception or relay of signals for radio, telephone, television, cellular telephone, or other communications media.
 - 3.108. Tree and Plant Protective Fence. A Fence constructed of minimally visible wire or synthetic open mesh material, with a maximum Height of 9 feet, and a maximum total length of 20 feet, located within 2 feet of the tree, plant, or group of trees and/or plants the Fence is protecting, measured from the trunk if the lowest branch is higher than 9 feet from the ground, otherwise measured from the outermost perimeter of the tree, plant, or group of trees and/or plants the Fence is protecting.
 - 3.109. Use. The purpose or activity for which a Building, Structure, or land is occupied or maintained.
 - 3.110. Variance. A modification of the strict terms of the Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the Applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
 - 3.111. Village. The Village of Gambier, Ohio.
 - 3.112. Village Administrator. A staff employee of the Village responsible for day to day Village activities, projects and employees.
 - 3.113. Village Clerk. A staff employee of the Village responsible for clerical and administrative activities.
 - 3.114. Village Council. The Village Council.
 - 3.115. Village Engineer. An engineer hired by the Village to handle engineering and

- mechanical projects and equipment. There may or may not be a Village Engineer at any given time.
- 3.116. Village Solicitor. An attorney licensed in the State of Ohio hired by the Village to handle legal matters and projects on behalf of the Commission, the Village Council and the Village.
- 3.117. Wetland. An area of half (½) of an acre or more where standing water is retained for any portion of the year. Wetlands include all areas designated as “marsh” in the Hydrologic Investigations Atlas of the U.S. Geologic Survey and all areas designated as Wetlands by the Army Corps of Engineers or the Soil Survey of Knox County of the Soil Conservation Service.
- 3.118. Willful. Intending the result which actually comes to pass; designed; intentional; not accidental or involuntary.
- 3.119. Woodland. Either an area of planted material on one or more contiguous Lots or parcels of an individual landowner and/or related landowners, that consists of 30% or more canopy trees having a sixteen (16) inch or greater Caliper measurement, or any grove consisting of eight (8) or more trees having a ten (10) inch or greater Caliper measurement within a 5,000 square foot area, or an area that conforms to both.
- 3.120. Woodland, Mature. Either an area of planted material on one or more contiguous Lots or parcels of an individual landowner and/or related landowners, that consists of 30% or more canopy trees having a sixteen (16) inch or greater Caliper measurement, or any grove consisting of eight (8) or more trees having an eighteen (18) inch or greater Caliper measurement within a five thousand (5,000) square foot area, or an area that conforms to both.
- 3.121. Woodland, Young. Either an area of planted material on one or more contiguous Lots or parcels of an individual landowner and/or related landowners, that consists of 70% or more canopy trees having a 2 ½ inch Caliper measurement or greater, or a tree plantation for commercial or conservation purposes where 70% or more of the canopy trees have 2 1/2 inch or greater Caliper measurement within a 5,000 square foot areas, or an area that conforms to both.
- 3.122. Yard. The space between a Lot line and Building line; the space of grass or garden on the same Lot with a Principal Building which is open, unoccupied, and unobstructed by Structures. The distance of any Yard shall be measured from the Lot line or right-of-way line to the nearest part of the Principal Building on the Lot.
- 3.123. Yard Barn. An enclosed detached Building, not to exceed 240 square feet in area, used for storage of lawn and garden equipment and supplies and for other purposes related to lawn and garden maintenance.
- 3.124. Zoning Certificate. A document issued by the Zoning Inspector by authority of the Commission authorizing Buildings, Structures, or Uses consistent with the terms of the Ordinance, and for the purpose of carrying out and enforcing its provisions.
- 3.125. Zoning Inspector. The Zoning Inspector of the Village or his staff members; until designated otherwise by the Commission, the Village Administrator will act as the Zoning Inspector.
- 3.126. Zoning Map. The Zoning Map or Maps of the Village together with all amendments or subsequently adopted. *See* APPENDIX A.

CHAPTER 4 — DISTRICTS AND GENERAL PROVISIONS.

4.0 DISTRICTS.

The Village is hereby divided into Districts known as:

R	— Residential District	<i>See Chapter 6</i>
I-1	— Institutional District	<i>See Chapter 7</i>
I-2	— Recreational Institutional District	<i>See Chapter 8</i>
I-3	— Historic Institutional District	<i>See Chapter 9</i>
M	— Mixed Use District	<i>See Chapter 10</i>
C	— Conservation District	<i>See Chapter 11</i>

THE PROVISIONS OF THIS CHAPER ARE IN ADDITION TO ANY CRITERIA PROVIDED IN THIS ORDINANCE FOR THE SPECIFIC DISTRICT IN WHICH A PROJECT IS LOCATED.

4.1 ZONING MAP.

The Districts and boundaries are established as depicted on the Zoning Map, which, together with all notations, references, data, District boundaries and other information shown thereon, shall be part of this Ordinance. The Zoning Map, properly attested, shall be and remain on file in the office of the Village Clerk.

4.2 DISTRICT BOUNDARIES.

The District boundary lines on the Zoning Map are intended to follow either the center of the Street right-of-way, Alley, or Lot lines, or where the Districts designated on the Zoning Map are not bounded approximately by a Street, Alley or Lot lines, the Street or Alley or Lot, the lines shall be construed to be the boundary of the District as depicted.

4.3 COMPLIANCE WITH REGULATIONS.

No Building shall be erected, converted, or materially altered, nor shall any Building or land be Used except for a purpose permitted in the District in which the Building or land is located, except as hereinafter provided. No Building shall be erected, enlarged or materially altered except in conformity with the structural specifications of this Ordinance for the District in which such Building is located.

4.4 SECONDARY DWELLING ACCESS.

For any free standing Secondary Dwelling Unit there shall be provided an unoccupied and unobstructed access way not less than 12 feet wide to a public Street. No more than one (1) Dwelling Unit per Secondary Dwelling is permitted. *See also Section 5.6.*

4.5 RESIDENTIAL STREET FRONTAGE REQUIRED.

Except as permitted within this Ordinance, no Lot shall contain any Building used in whole or part for Residential purposes unless such Lot abuts for at least sixty (60) continuous feet on a public Street, and the Building meets all yard requirements set forth in *Section 6.6*, including the minimum and maximum front yard setbacks and for any planned driveway. The sixty (60) foot minimum requirement shall run the entire depth of the Lot. Notwithstanding the foregoing, the Ordinance shall permit Flag Lots within the Residential District and structures built thereupon as

a Conditional Use.

4.6 TRAFFIC VISIBILITY ACROSS CORNER LOTS.

In any Residential District on any corner Lot, no Fence, Structure, or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

4.7 UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any Building or Structure declared unsafe in writing by proper authority.

4.8 REQUIRED YARDS.

No part of a yard or other open space required about any Building for the purpose of complying with this Ordinance shall be included as a part of a yard or other open space similarly required for another Building.

4.9 VACATED STREET OR ALLEY.

Whenever any Street, Alley, or other public way is vacated by official Action as provided by law, the District Adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended District or Districts.

CHAPTER 5 — SITE DESIGN STANDARDS.

5.0 PURPOSES.

These design standards are intended to enable and support positive aesthetics within the Village, to assist in preserving land values, and to promote the general welfare of the citizens of the Village.

THE PROVISIONS OF THIS CHAPER ARE IN ADDITION TO ANY CRITERIA PROVIDED IN THIS ORDINANCE FOR THE SPECIFIC DISTRICT IN WHICH A PROJECT IS LOCATED.

5.1 COMPLIANCE.

Compliance with these standards shall be ordered in a reasonable manner by the Commission. Where compliance with one or more elements is claimed to be difficult, cost-prohibitive, or otherwise impossible, the burden of proving such with credible evidence lies with the Applicant. If such evidence exists, the Commission shall consider whether the element which is being avoided is Substantial to the fulfillment of the purposes of this Ordinance; whether the essential character of the surrounding neighborhood would be Substantially altered or whether Adjoining properties would suffer a Substantial detriment as a result of the elimination or partial compliance with the element; and whether the Applicant purchased the property with knowledge of the restrictions and considerations contained in this Ordinance. In balancing these considerations, the Commission may decide to lessen some requirements of these design standards, including Height, Lot, and area regulations, in exchange for enhanced compliance

with other design standards. Under certain extreme circumstances, which shall rarely if ever present themselves to the Commission, the Commission may waive compliance with some design standards in their entirety.

5.2 GENERAL DESIGN STANDARDS.

- A. Landscaping. Landscapes shall be preserved in their natural state insofar as practicable, by minimizing tree and soil removal and grading. Any grade changes shall maintain continuity with the general appearance of neighboring developed areas or shall maintain continuity with the natural features immediately adjacent to the site. The orientation of individual Buildings shall maintain maximum natural topography and ground cover patterns. Topography, tree growth, and natural Drainage shall be treated as fixed determinants for the location of roads, driveways, yards, Structures, and Lots rather than being treated as elements which can be changed to accommodate a preferred or desired Development scheme. Landscaping shall unify and organize different site elements, creating visual continuity.
- B. Streets. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, ground cover, significant landmarks, and trees; to minimize the need to cut and fill; and to preserve and enhance views on or off of the subject parcel.
 - 1. Streets shall conform to the existing terrain and shall follow land contours as closely as possible. Although some Streets may therefore be laid out in a curvilinear manner, they shall be interconnected as much as practicable. In flatter areas, a more historic, rectilinear grid pattern is preferred. Access from a primary road to the site shall be adequate, and shall have the capacity to handle the traffic generated by the proposed project. Cul-de-sacs shall be avoided.
 - 2. Street and traffic (as well as sidewalk) patterns shall promote pedestrian traffic so that it is more convenient and pleasant to walk the short distances within the Village than to drive. Drive-through windows or facilities do not promote pedestrian traffic in any way and shall not be permitted within the Village.
- C. Development. Proposed Development shall be related harmoniously to the terrain and to the Use, scale, and architecture of existing Buildings in the vicinity that have functional or visual relationship to the proposed Buildings. Proposed Buildings shall relate to their surroundings in an appropriate fashion.
 - 1. Compatibility. New construction throughout the Village shall be compatible with surrounding properties, in terms of formal characteristics such as Height, massing, roof shapes, and window proportions and locations. When new construction is surrounded by existing historic Buildings, Building characteristics, including Building materials, shall be harmonious with those of adjacent properties. “Compatible” does not imply “identical,” but instead suggests that the element is not so different as to cause a visual disruption to the streetscape. A “historic Building” is any Building over 50 years old.
 - 2. Height and Massing. These elements are governed primarily by the Height and setback requirements found within individual Districts, however, attention shall be paid to the individual mass of a particular Building on the Street where it will be or is located. The size and configuration of a Building shall be harmonious with that of other Buildings within the immediate vicinity. New Buildings shall generally follow contemporary design approaches but shall respect and reflect the traditional scale,

- proportions, rhythms, and mood of existing traditional Structures. These values shall be interpreted strongly into contemporary Building design, but without resorting to the use of imitation historic Building details. Building design shall be consistent within the unit, and the “patch-working” of historically unrelated style elements is generally prohibited. Buildings shall be oriented fronting the Street and/or the location of the Frontage of the Lot unless another design principle necessitates otherwise in the opinion of the Commission. The minimum Building spacing requirement is intended to prevent the construction of long, narrow Buildings and provide privacy, light, and air within Dwelling Units; where window locations along a wall are such to provide adequate privacy, light, and air within the Building, the spacing between Buildings may be reduced and narrower Lots may be permitted.
3. Roofs. Acceptable pitches in the Village range from 8/12 to 12/12. Mansard Roofs are prohibited. Flat roofs are prohibited except on Buildings over 6000 square feet in size which are located in any of the Institutional Districts (I-1, I-2, or I-3); on such Buildings a flat roof shall be permitted only if it is camouflaged by a parapet or gable. The type, color, and texture of roof materials shall be in keeping with roofs in the immediate vicinity of the new project. White, tan, or brightly colored roof materials are generally prohibited, although verdigris finishes are appropriate and permitted. Roof eaves shall project outward over all exterior walls to the extent that is typical of local construction in the early years of the 20th century.
 4. Windows. Vertical Height of windows shall be harmonious, to the extent practical, with those of other Buildings in the vicinity. The Height to width ratio of windows, generally, shall not be less than 1.8 to 1. Double-hung and casement windows are favored over sliding, fixed, or “awning” windows. Windows shall be framed on the exterior with casing boards and shall be rationally ordered both vertically and horizontally so that the Building facades shall be visually well balanced. In most cases, windows shall be located singly rather than in groups, depending upon the traditional patterns established by Buildings in the vicinity.
 5. Building Materials. Wooden clapboard, board and batten, cement board (e.g., Hardie plank), or artificial (vinyl/aluminum) clapboard siding is allowed, provided that such siding has a non-reflective, matte finish. “T-111” artificial board-and-batten style siding, asphalt siding of any style, plywood siding and metal siding (other than aluminum, see above) are prohibited. Shake shingle siding is permissible if it is straight cut, not randomly cut. Brick shall be of a color, size, and texture that is typical of older Buildings; masonry joints shall be as thin as possible. Non-masonry artificial brick siding and non-masonry artificial stone siding are prohibited. While smooth-faced cement blocks are prohibited for exterior walls, split-face block is permitted.
- D. Open Space. All open space shall be designed to complement the visual amenities of the area by maximizing its visibility for persons passing through or by the site or overlooking it from nearby properties.
- E. Signs and Other Structures. The color, size, Height, lighting, and landscaping of Signs and Structures on the site shall be evaluated for compatibility with the local architecture and maintenance of views of natural landscaping, historic Buildings, and Parks. The evaluation shall review proposed Developments, including Signs, in view of their compliance with design guidelines included in this Ordinance.

- F. Historical Preference. The removal or disruption of historic, traditional or significant Uses, Structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

5.3 GOOD NEIGHBOR STANDARDS.

The “Good Neighbor Standards”, enacted by separate ordinance by Village Council are by this reference hereby included in this Ordinance in their entirety. A copy of the Good Neighbor Standards is attached as APPENDIX C.

5.4 PARKING AND LOADING REGULATIONS.

- A. Maximum Number of Parking Spaces. The maximum permitted spaces for the following Uses shall be as follows:
 - 1. Churches and auditoriums—one parking space for each 10 seats.
 - 2. Elementary schools—one parking space per classroom.
 - 3. Residential Dwelling Units—three (3) dedicated, permanent spaces for each single-Family, four (4) dedicated, permanent spaces for each Duplex, or two (2) spaces for each unit of Multi-Family Dwelling.
 - 4. Hotels, Motels, Inns, and Bed & Breakfasts (not including dormitories or other Student Residences)—.75 parking spaces for each living or sleeping unit.
 - 5. Restaurants, bars and taverns over 1,000 square feet—1 space for each 250 square feet of customer seating area.
 - 6. Retail stores over 1,000 square feet—one parking space for each 500 square feet of floor area.
 - 7. Professional, medical or dental offices—3 spaces per professional, doctor and/or dentist.
 - 8. Kenyon College—determined on a case-by-case basis.
- B. Off-Street Parking—Conditional Use. Except as set forth within *Section 5.4(A)*, Off-Street automobile parking areas in excess of three (3) dedicated spaces (or as otherwise provided in other sections of this Ordinance) are permitted only with a Conditional Use permit. To determine whether a Conditional Use permit for a parking area shall be granted, the Commission shall consider:
 - 1. Whether the overall imperviousness associated with parking lots has been reduced by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and/or using pervious materials in spill-over parking areas, if any.
 - 2. The efforts to utilize shared parking with other Uses/properties.
 - 3. Whether storm water treatment is provided for parking lot runoff using bioretention areas, filter strips, and/or other practices that are integrated into required landscaping areas and traffic islands.
 - 4. Whether pedestrian walk areas and sidewalks are included in the design, providing common walkways between pedestrian areas.
 - 5. Whether the dominance of the parking area has been reduced by locating the parking lot in the rear of the Building.
 - 6. Whether lighting plans conform to the requirements of this Ordinance.Upon Due Consideration of evidence showing compliance with these criteria as embodied in the following regulations, the Commission may grant a Conditional Use permit for parking areas. When Off-Street parking is permitted, it shall be provided with

vehicular access to a Street or Alley.

- C. Development and Maintenance of Parking Areas. Every parcel of land used as a public or private parking area, including commercial parking lots, shall be developed and maintained in accordance with the following requirements. These requirements shall apply to existing parking areas which are modified as well as new parking areas which are created.
1. Screening and landscaping. All Off-Street parking areas in all Districts other than for Single Family Dwellings (or as otherwise provided by this Ordinance) shall be effectively screened on 3 sides. The screening shall consist of a Bufferyard which shall include landscaping at a Height of between 3 and 8 feet at the time of planting, planted on a strip of land not less than 10 feet in width, planted with a suitable combination of evergreen hedge, dense planting of evergreen shrubs, mixed with deciduous trees and shrubs such that at least 50% of the view of the parked automobiles is screened from any public way. All trees shall be a minimum of 2 inches Caliper when planted. Native trees and shrubs shall be used in instances where healthy plant material exists on a site prior to its Development, the Commission may adjust the above requirements to allow credit for retention of such plant material, if, after Due Consideration, it finds that such an adjustment shall preserve the intents and purposes of this Ordinance.
 2. Surfacing and Area. All Off-Street parking areas shall be graded for proper Drainage and surfaced so as to provide a durable surface. For purposes of computing the parking area required, a ratio of between 157 to 176 square feet per parking space, in addition to circulation aisles, shall be used. This ratio permits perpendicular parking stalls between 8.5 and 9.5 feet in width by 18.5 feet in depth. The Owner/Developer of any parking area is completely responsible for assuring and furnishing adequate Drainage for the areas constructed or under the Owner/Developer's control. In Residential, I-2, and Conservation Districts, gravel surfacing shall be considered a "durable surface" for purposes of this section.
 3. Lighting. Lighting used to illuminate Off-Street parking areas shall be arranged to reflect and direct light away from Adjoining parcels and away from Street view.
 4. Location. In all Districts except Residential, whenever practicable, when a new Off-Street parking area is planned, it shall be located at the rear of the Building. In Residential Districts, new Off-Street parking areas shall be located to the side or the rear of the principle Building.
 5. Joint Use. In all Districts except Residential, a property Owner or occupant may coordinate with others to provide joint use of parking areas on a Lot which the Owner or occupant does not own or otherwise use. Notice of an intention to share parking spaces shall be filed as set forth in this Ordinance; such shared use may continue after the filing of notice unless or until the Commission determines that shared parking areas of those uses fails to meet the needs of the community. Upon such a determination the Commission shall hold a hearing on the issue and resolve the failure to the satisfaction of the community's needs.
 6. Parking Modifications. The Commission may place less emphasis on the importance of some or all of the foregoing requirements if it shall find that, in a particular case, the peculiar nature of the intended Use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such Action. In

such a situation, the Commission shall clearly identify the exceptional elements prior to its decision and shall identify, in its decision, the benefits to the public of a flexible Application of these requirements to the situation.

7. Automobile Service Stations, Parking Garages, and Parking Areas. No automobile service or filling station, parking area for 12 or more motor vehicles, trucks, or buses, or parking garages or auto repair shop, shall have an entrance or exit for vehicles within 200 feet of any entrance to school playgrounds, public parks, cemeteries or Institutions for dependents or children, except where such entrance is in another block or on another Street which the Lot in question does not abut.
 8. Storage of Vehicles. All motor vehicles over 23 feet in length and boats, recreational vehicles, trailers, campers, motorcycles, snowmobiles, semis/tractor-trailers, and other motorized and non-motorized equipment, shall be parked or Stored in conforming Residential parking areas (including garages) on the side or rear of residences and shall be screened from view from public Streets and adjacent properties by plantings or other acceptable shields. If a vehicle is Stored on the property for an average of less than 25 out of 30 days at any time, then the screening provisions are not required. Any person who fails to provide screening for a vehicle Stored for an average of more than 25 out of 30 days on the property may be cited for a violation of this Ordinance.
 9. Emergency Parking. Emergency stopping or parking of a trailer, camper, or recreational vehicle shall be permitted on any Street, Alley or highway for not longer than three days, subject to any other prohibitions, regulations, or limitations imposed by traffic and parking regulations or ordinances for such Street, Alley, or highway.
- D. Loading Facilities. In any District, in connection with every Building or part thereof with a gross floor area of 5,000 square feet or more dedicated to Uses which require the distribution or delivery by vehicles of material or merchandise into the Building, there shall be provided and maintained, one off-Street loading space. The loading space shall be limited only to the absolute smallest size necessary for the location of the delivery vehicle during the delivery process in such a manner as to keep traffic (pedestrian and vehicular) from being blocked or disrupted. The loading space may occupy part of any required side or rear yards. When possible, loading areas shall be located as far away from Adjoining Residential Districts as possible. The Commission may permit additional loading spaces in circumstances so justifying, such as increased frequency of deliveries or larger areas of Building floor space.

5.5 TRANSPORTATION IMPACT REPORT.

- A. Purpose. The transportation impact report is designed to identify the transportation (traffic) impact and problems which are likely to be generated by a proposed Use and to identify all Improvements required to insure safe ingress to and egress from a proposed Development and maintenance of adequate Street capacity and elimination of hazardous conditions.
- B. Applicability. Unless waived by the Commission, a transportation impact report shall be required to be submitted with an Application for a Zoning Certificate in the following cases: (1) any non-Residential Development which proposes to take direct access to any Major Street. The “Major Streets” in the Village are: Chase Ave. (Rt. 308), Gaskin Ave., Brooklyn St., and Wiggin St., or (2) any Residential Development which proposes

to have more than 5 Dwelling Units.

- C. Contents of transportation impact report. The transportation impact report shall contain the following information:
 - 1. General site description. A detailed description of the road network within a half mile of the site, a description of the proposed land Uses, the anticipated stages of construction, and the anticipated completion date of the proposed land Development shall be provided. This description, which may be in the form of a map, shall include the following items: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and right-of-ways, (d) all existing traffic signals and traffic control devices.
 - 2. Description of existing traffic conditions. A report based on the following shall be provided. A 24-hour traffic count shall be conducted for a period of 5 weekdays (Monday-Friday) on all roadways which have direct access to the proposed Development site. The existing average daily traffic volume and the highest average peak hour volume of vehicular and pedestrian traffic for any weekday hour between 3 PM and 6 PM shall be recorded. These traffic volumes shall be averaged to determine the average hourly peak traffic volume.
- D. Traffic control devices. Whenever, as the result of additional traffic generated by a proposed Development, a need for a traffic signal or regulatory sign is created, the Developer shall be responsible for installing all said devices and signs.

5.6 BUFFERYARDS.

- A. Purpose. Bufferyards may be required to separate different land Uses from each other in order to eliminate or minimize potential nuisances or adverse impacts. *See* APPENDIX B. In the case of Bufferyard planting, plant materials shall be located so as to achieve the maximum level of protection to the less intense Use. All Uses shall be reviewed by the Commission to verify buffering sufficient to eliminate or minimize potential nuisances such as dirt, litter, noise, Glare of lights, Signs, and unsightly Buildings or parking areas, or to provide spacing to reduce adverse impacts of noise or odor.
- B. Residential. Bufferyards equivalent to Type A or B as described in APPENDIX B may be required by the Commission to allow the placement of Duplexes, Multi-Family Dwellings, or Bed and Breakfast Uses adjacent to Single Family Dwellings.
- C. Institutional. Bufferyards equivalent to Type C or D as described in APPENDIX B may be required by the Commission to allow the placement of an Institutional Use adjacent to a Residential Use.
- D. Mixed-Use. A retail establishment or business Use proposed for location adjacent to a non-business Use shall be required to demonstrate buffering or Bufferyards sufficient to eliminate or minimize potential nuisances such as dirt, litter, noise, Glare of lights, Signs, and unsightly Buildings or parking areas, noise, or odor or danger from fires. Where such nuisances can reasonably be expected to occur, Bufferyards Type C or D as described in APPENDIX B shall be required by the Commission.
- E. Waiver. The Commission may waive or reduce a Bufferyard requirement if the proposed Use is shown not to pose a significant risk of the listed potential nuisances.

5.7 MOBILE HOMES AND ACCESSORY BUILDINGS.

- A. Mobile Homes and Manufactured Homes. No Mobile Homes shall be located in the

Village in any District for any purpose. The Commission may, however, permit a Manufactured Home of two or more sections to be located:

1. Residential Unit. In a Residential District, if the Commission finds that: (1) the Manufactured Home shall be lawfully situated and permanently sited on the Lot, and such Lot shall be landscaped; (2) the location of the Manufactured Home on the proposed Lot shall not cause harm or injury to the surrounding property owners or detract from the Village's character; and (3) the Manufactured Home complies with all requirements for Buildings in a Residential District.
 2. Construction Unit. In any District, on a temporary basis, when the Mobile Home is used by a construction contractor in conjunction with a construction project, and provided that the Mobile Home shall be removed within 30 days after a certificate of occupancy for the construction has been issued.
- B. Accessory Buildings. No more than a total of two (2) Accessory Buildings shall be permitted on any Lot.
1. Yard Barn. There shall be permitted on any property within the Village one Accessory Building of the Yard Barn type. A Yard Barn, although distinct from an unattached garage or a Secondary Dwelling Unit, shall likewise comply with all sideline and setback requirements of the District in which the Yard Barn is placed. A Yard Barn may not exceed 240 square feet in area without a Conditional Use permit.
 2. Unattached garage. There shall be permitted on any property within the Village one Accessory Building of the unattached garage type. Such a Building, although distinct from a Yard Barn or Secondary Dwelling Unit, shall likewise comply with all sideline and setback requirements of the District in which the unattached garage is placed. An Accessory Building of the unattached garage type may not exceed 600 square feet in area.
 3. Secondary Dwelling Unit. There shall be permitted on any property within the Village one Accessory Building of the Secondary Dwelling Unit type. A Secondary Dwelling Unit, although distinct from a Yard Barn or unattached garage, shall likewise comply with all sideline and setback requirements of the District in which the Secondary Dwelling Unit is placed. A Secondary Dwelling Unit must be at least 600 square feet in area.
- C. Exception for Manufactured Homes. Paragraphs (A) and (B) of this section do not apply to permanently sited Manufactured Homes as defined by Section 3781.06(C)(4) of the Ohio Revised Code, or any succeeding revision or enactment relating to any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings.

5.8 PRIVATE SWIMMING POOLS.

Only in-ground Private Swimming Pools are permitted in the Village. In-ground Private Swimming Pools may be permitted in the Village only upon the approval of the Commission. The Code does not regulate the use of children's pools, used on a temporary basis, which do not meet the depth or capacity within the definition of a Private Swimming Pool. To be permitted within a Residential District, a proposed Private Swimming Pool shall comply with the following conditions and requirements:

- A. Use. The Private Swimming Pool is to be used solely for the enjoyment of the occupants

or guests of the Principal Building on the Lot on which it is located.

- B. Location. The Private Swimming Pool shall be located in the rear or side yard of the Principal Building, provided it shall not be located closer than 10 feet to any Lot line of the Lot on which the pool is located, and the pump and filter installations shall be located not closer than 20 feet to any Lot line.
- C. Enclosure. The Private Swimming Pool, or the entire Lot on which it is located, shall be so walled or Fenced or surrounded by a fence sufficient to screen the Private Swimming Pool from the view of adjacent Streets and Adjoining Lots, with no gaps or openings (other than gates) exceeding four (4) inches in any dimensions, as to prevent uncontrolled access by children and others from the Street or from Adjoining Lots. Gates for such fences shall be equipped with self-closing and/or self-latching devices. Fences for Private Swimming Pools shall comply with the fencing requirements as set forth within this Ordinance and as otherwise set forth within the Ohio Revised Code and/or Ohio Administrative Code.
- D. Drainage. Prior to obtaining a contract for the installation of a Private Swimming Pool, the Owner shall demonstrate to the Zoning Inspector that the project affords adequate provision for filling the Private Swimming Pool and for Drainage.
- E. Lighting. Any lighting used to illuminate the Private Swimming Pool area shall be arranged to deflect such light away from Adjoining properties and Street view.
- F. Maintenance. All Private Swimming Pools shall be maintained in a fashion that would permit their use during appropriate seasons. Private Swimming Pools shall be covered with a tarpaulin and maintained free of accumulation of leaves and other debris during any season when not in use for swimming. Any Private Swimming Pool which is not used for swimming purposes for a period of 5 years shall be filled, removed, or otherwise permanently closed and its fencing removed.

5.9 FENCING REGULATIONS.

- A. Fence Preferences. Properties shall be open and unfenced or, if fenced, have an Open Fence or a Living Fence at the property periphery. Such Fence shall be sufficiently set back from the Lot line so that all of the Fence Structure is contained on the subject property. However, unless provided otherwise within this Ordinance, up to 15% of any property perimeter may be Fenced by a Privacy Fence. A Masonry Fence shall be used sparingly and shall not be used as periphery fencing to enclose an entire parcel; instead, a Masonry Fence shall be used primarily in areas where retaining walls are necessary.
- B. Conditional Use; Permitted Fences. All Fences shall be considered a Conditional Use, with the exception of the following, which may be installed without a Conditional Use permit:
 - 1. Living Fence.
 - 2. Garden Fence.
 - 3. Tree and Plant Protective Fence.
- C. Chain Link Fences. A Chain Link Fence may be permitted around tennis courts or to contain domestic pets, provided that it is, in all circumstances, not located in front yards and is set back from the property line by 5 feet and is screened by a Living Fence on all sides which face adjacent property or a public way. In any Institutional (I-1), Special Institutional (I-2), or Planned Institutional (I-3) District Chain Link Fencing other than for softball/baseball backstops requires a Conditional Use permit from the Commission.

In particular, the Commission may grant a Conditional Use permit for a Chain Link Fence to be used by a school or day care facility.

- D. Masonry Fences. All Masonry Fences shall be less than 3 feet tall from grade, excluding ornamental post finials.
- E. Open Fences. All Open Fences, when viewed at a position of 90° from the Fence line, shall be at least 40% open and unobstructed space and shall be less than 5 feet tall from grade, excluding ornamental post finials.
- F. Finish for Plastic, Vinyl and Synthetic Materials. Any Fence constructed of plastic, vinyl, or other synthetic material, shall have a matte or non-reflective surface.

5.10 LOCATION AND SCREENING OF TRANSMISSION TOWERS.

- A. Considerations. Cellular phone, radio, and other Transmission Towers pose a special risk to villages of unique rural and scenic location such as the Village. Within the Village, any Transmission Tower planned to be constructed shall be located where it shall not interfere with or compromise in any way the views into the valleys surrounding the Village, regardless of where the view is taken from (indoors or outdoors) unless such interference or compromise is minimal in the view of the Commission.
- B. Conditional Use. The use of any Property in any District for the purpose of erecting a Transmission Tower is always a Conditional Use, and requires an Application for a permit for such construction, which may be denied on Reasonable grounds after Due Consideration. Because of the existence of multiple spires and steeple towers in the area, antenna may be attached to these parts of Structures only if they are mounted and camouflaged sufficiently to minimize their obvious existence. Transmission Towers under no circumstances shall be visible in any season from Middle Path, Peirce Hall, or Bexley Hall.
- C. Application. Any Application for a permit to install a Transmission Tower shall be filed by a Public Utility or telecommunications corporation (for commercial use) or an individual (for non-commercial, personal use) only. If a firm, corporation, or individual who has erected any such Transmission Tower applies for another permit to erect an additional Transmission Tower, the Application shall provide for, in detail, the removal of the first Transmission Tower and/or consolidation of the towers' functions.
- D. Screening and Design Requirements. All Transmission Towers shall be screened on all sides. The screening shall include landscaping at a minimum Height of 15 feet at the time of planting and at a buffer depth of 10 feet. All trees shall be a minimum of 2 inches Caliper when planted. Native trees and shrubs shall be used. All Transmission Towers and related equipment shall be made of, painted, and/or maintained in a color scheme of natural, "earth-toned," neutral tan or gray shades which avoid extremes of light and dark within those shades. The Commission may give special deference to such entities providing Transmission Towers and related equipment which are integrated into/on Buildings or which are sufficiently camouflaged to blend in with the natural surrounding landscape.

5.11 STORM WATER STUDY AND REPORT.

Storm water Drainage design shall meet any requirements listed elsewhere in this Ordinance as well as complying with the criteria set forth in the "Franklin County Stormwater Drainage Manual" effective March 13, 2012. Unless waived by the Commission, a report indicating storm

water facilities and designs for all non-Residential Developments is required as part of the Application for a Zoning Certificate.

5.12 EXCEPTIONS TO HEIGHT LIMITS.

The Height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; also, the limitation does not apply to monuments, water towers, chimneys, smoke stacks and flagpoles.

5.13 ALLOWABLE PROJECTIONS OF BUSINESS STRUCTURES OVER SIDEWALKS.

Awnings, canopies, and similar devices are permitted to overhang the sidewalk in the Mixed Use District only, providing that all Structures are a minimum of 6 feet 8 inches above the sidewalk at any point.

CHAPTER 6 — RESIDENTIAL DISTRICT “R”.

6.0 PURPOSE.

The Residential District is intended to preserve the character of existing Residential neighborhoods and Developments under construction at the time of adoption of this Ordinance. Gambier’s Residential neighborhoods have been stable areas for Dwelling and property ownership. In part, their character is defined by the pedestrian nature of the entire Village. These regulations shall permit future Development consistent with that existing character.

ALL USES IN THIS DISTRICT ARE ALSO GOVERNED BY THE REQUIREMENTS SET FORTH WITHIN CHAPTERS 4 AND 5 OF THIS ORDINANCE.

6.1 PERMITTED USES IN THE RESIDENTIAL DISTRICT.

- A. Single Family Dwellings.
- B. Churches, schools (pre-kindergarten through grade 12), libraries, parks, cemeteries, and playgrounds.
- C. Home Occupations.
- D. Accessory Uses.

6.2 CONDITIONAL USES IN THE RESIDENTIAL DISTRICT.

- A. Duplexes.
 - 1. Conversion. Any Structure in the Residential District built primarily as a Single Family Dwelling that is converted for use as a Duplex may not be divided into more than two (2) Residential units, with each unit meeting at least the minimum requirement of six hundred (600) square feet of living space. Such converted Single Family Dwellings shall continue to have a single entrance and shall offer at least one (1) and no more than two (2) enclosed garage stalls per unit. In addition, provision shall be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner shall make every effort to ensure the converted Single Family Dwelling and its grounds remain compatible with those of the Single Family Dwellings in the neighborhood, especially those closest to it.
 - 2. New Building. Any new Building constructed in the Residential District as a Duplex may not include any unit with fewer than six hundred (600) square feet of living

space. Such Buildings shall offer at least one (1) and no more than two (2) enclosed garage stalls per living unit. In addition, provision shall be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner shall make every effort to insure the Building and its grounds remain compatible with those of Single Family Dwellings in the neighborhood, especially those closest to it.

B. Bed and Breakfasts. Bed and Breakfasts.

C. Multi-Family Dwellings.

1. Conversion. Any Structure in the Residential District built primarily as a Single Family Dwelling that is converted for use as a Multi-Family Dwelling may not be divided into more than three (3) Residential units, with each unit meeting at least the minimum requirement of six hundred (600) square feet of living space. Such converted Single Family Dwellings shall continue to have a single entrance and shall offer at least one (1) and no more than two (2) enclosed garage stalls per unit. In addition, provision shall be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner shall make every effort to ensure the converted Single Family Dwelling and its grounds remain compatible with those of Single Family Dwellings in the neighborhood, especially those closest to it.

2. New Building. Any new Building constructed in the Residential District as a Multi-Family Dwelling may not include any unit with fewer than six hundred (600) square feet of living space. Such Buildings shall offer at least one (1) and no more than two (2) enclosed garage stalls per living unit. In addition, provision shall be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner shall make every effort to insure the Building and its grounds remain compatible with those of Single Family Dwellings in the neighborhood, especially those closest to it. As part of the Commission's Conditional Use review regarding new and converted Multi-Family Dwellings, the Commission may consider the number of units and density of the project related to the size of the Lot in question.

D. Home Occupations.

E. Public and/or Government Buildings.

F. Parking Lots (in excess of three (3) spaces).

G. Transmission Towers. Cellular phone, radio, and any other kind of Transmission Tower.

H. Utilities. Utility sub-stations and pump houses providing that such Structures shall not detract from the general appearance of the area nor adversely affect the comfort, safety, welfare, or Quality of Life of the Residents of the area.

6.3 REQUIRED LOT SIZE.

A. Single Family Dwellings and Duplexes. For Single Family Dwellings and Duplexes each Lot shall be no less than 7,000 square feet unless the Commission determines that a Lot of a smaller area serves the health and safety purposes of this Ordinance, including required yards, Bufferyards, and setbacks.

B. Multi-Family Dwellings. For Multi-Family Dwellings and all Permitted Uses other than those listed in *Subsection 6.3(A)*, each Lot shall be no less than 10,000 square feet unless the Commission determines that a Lot of a smaller area serves the health and safety purposes of this Ordinance, including required yards, Bufferyards, and setbacks.

C. Other Conditional Uses. For all other Conditional Uses, each Lot shall be no less than the size necessary to provide for all required yards, Bufferyards, setbacks, and other

provisions of this Ordinance as determined by the Commission upon the submission of an Application for a Zoning Certificate.

6.4 HEIGHT REGULATION IN THE RESIDENTIAL DISTRICT.

No Building in the Residential District shall exceed the lesser of two and one-half (2 ½) stories or thirty (30) feet in Height.

6.5 REQUIRED YARD.

- A. Front. Shall be not less than the average established for the block on which any Residential Building is located or to be located, or alternatively, the average of the setbacks of the two properties on each side of such Building. On a Street where there is no established setback, the minimum shall be five (5) feet to steps or enclosed porches or ten (10) feet minimum to the main Building. Side-loaded garages may be placed a minimum of 10 feet from the Lot front but front-loaded garages require a minimum setback of twenty (20) feet. In no case shall a front-loaded garage be closer to the Street than the front wall of the main Building. The maximum setback allowed in all circumstances is twenty (20) feet if no setback is established by practice on that block. Generally, the closer towards the center of the Village a property lies, the shallower its front yard setback shall be.
- B. Side. Shall be a minimum total (on both sides of the Building) of 20 feet with not less than 5 feet of side yard on each side of the Building. Generally, the closer towards the center of the Village a property lays, the smaller the side yards shall be.
- C. Rear. Shall be a minimum of 35 feet.

6.6 HOME OCCUPATION REGULATIONS.

It is the intent of this Ordinance to permit the operation of Home Occupations in circumstances such that the average neighbor, under normal circumstances, will not be aware of their existence other than for a permitted Home Occupation Sign. The Home Occupation shall meet the following criteria:

- A. Dwelling. The owner shall continue to live in the Dwelling where the Home Occupation is located.
- B. Incidental. The occupation shall be incidental to the use of the Dwelling as a residence.
- C. No Outdoor Storage. No outdoor display or storage of materials, goods, supplies, or equipment used in the Home Occupation shall be permitted on the premises.
- D. No Visible Evidence. There shall be no visible evidence that the residence is being operated as a Home Occupation, except for a Home Occupation Sign.
- E. Employees. A maximum of one (1) full-time equivalent person other than members of the immediate Family residing in the Dwelling may be employed in the Home Occupation.
- F. Parking. Off-Street parking shall be provided on the premises, or as other sections of this Ordinance specify.
- G. Restrictions. A Home Occupation use shall not generate nuisances such as traffic, on-Street parking to excess, noise, vibration, Glare, odors, fumes, electrical interference, or hazards to any greater extent than what is experienced in the Residential neighborhood.

6.7 SECONDARY DWELLING UNITS.

All Secondary Dwelling Units (SDU) shall meet the following requirements to be maintained as

a permitted Accessory Use to a primary Residential Structure:

- A. Number. There shall be a maximum of one SDU on any single Lot.
- B. Minimum Area. The gross minimum area of an SDU shall be 600 square feet.
- C. Maximum Area. The gross above-ground floor area of a separate or detached SDU shall not exceed 900 square feet unless, upon the recommendation of the Commission, a larger amount would permit existing Buildings to be converted into an SDU.
- D. Parking and Yard Requirements. Off-Street parking and yard area shall be provided and screened according to the requirements of the Ordinance.
- E. Design. SDUs shall be designed to harmonize with other Buildings in the area.

6.8 APPLICATION TO COMMISSION.

Development plans of all proposed Permitted and/or Conditional Uses in the Residential District shall be filed as set forth in this Ordinance along with maps, surveys, landscaping plans, and other required information to the Commission as an Application for a Zoning Certificate for review, report, and Action thereon. The Application shall be submitted seven days before the next scheduled meeting of the Commission. General criteria for reviewing a development plan for such a proposal shall be:

- A. Compliance. The proposed Building or Use shall be in conformance with all of the provisions of this chapter, and other applicable sections of this Ordinance and any other planning documents of the Village; and
- B. Traffic. The proposed Building or Use is properly located in such a way as to generate a minimum of traffic on local Streets; and
- C. Design. The location, design, and occupancy of such a Building or Use shall complement or enhance the surrounding Residential neighborhoods and the Village's architectural design and character; and
- D. No Harm. The location, design, and occupancy of such a Building or Use shall not cause harm of any sort to the surrounding Residential neighborhoods or the Village's architectural design and character.

CHAPTER 7 — INSTITUTIONAL DISTRICT “I-1”.

7.0 PURPOSE.

The Institutional District and the accompanying regulations are hereby established in order to assist Kenyon College provide educational facilities in locations appropriate for the full development of a college campus in a well-organized environment; to protect the surrounding Residential neighborhoods during such development and to establish a stable relationship with the Residential citizens adjacent thereto; and to provide a zoning classification and conditions for the proper functioning of college educational facilities in conformance with the objectives of this Ordinance.

ALL USES IN THIS DISTRICT ARE ALSO GOVERNED BY THE REQUIREMENTS SET FORTH WITHIN CHAPTERS 4 AND 5 OF THIS ORDINANCE.

7.1 PERMITTED USES IN THE INSTITUTIONAL DISTRICT.

Buildings and land shall be used and Buildings shall be designed, erected, altered, moved, or

maintained in the Institutional District only for these uses:

- A. College Buildings, including administrative and faculty offices, classrooms, auditoriums, commons, dormitories, laboratories, recreational spaces, assembly and dining facilities and all facilities and areas normally associated with these uses.
- B. Churches, schools (pre-kindergarten through grade 12), day-care, libraries, parks, cemeteries, and playgrounds.
- C. Student Residences.
- D. Any other Institutional Use not listed above and determined as “similar” by the determination of the Commission, with approval of Council.
- E. Accessory Uses.

7.2 CONDITIONAL USES IN THE INSTITUTIONAL DISTRICT.

- A. Single and Multi-Family Dwellings, Duplexes.
- B. Clubs, lodges, and recreational facilities designed for use by non-profit organizations.
- C. Retirement living and life-care centers.
- D. Cellular phone, radio and other Transmission Towers.
- E. Home Occupations.
- F. Parking lots in excess of three (3) spaces.
- G. Chain-link fencing other than softball/baseball backstops.
- H. Utility sub-stations and pump houses providing that such Structures shall not create excessive noise or otherwise detract from the area or adversely affect the comfort, safety, welfare, or Quality of Life of the Residents of the area.
- I. Gymnasiums or stadiums with a capacity of 700 or more persons.

7.3 REQUIRED LOT AREA AND LOT WIDTH AND YARD REQUIREMENTS.

- A. Minimum Lot area. Ten thousand (10,000) square feet.
- B. Minimum Lot width. Sixty (60) feet.
- C. Minimum front yard. Thirty-five (35) feet, unless for Residential Uses where twenty (20) feet is minimum required.
- D. Minimum side yard. Ten feet, unless it is a non-Residential Use Abutting a Residential District in which case 50 feet side yard is required, unless the Building on the Lot is already closer, in which case it may be expanded to the rear consistent with the existing side yard.
- E. Minimum rear yard. Thirty-five (35) feet, unless Abutting a Residential District in which case fifty (50) feet is required.
- F. Conditional Uses. Conditional Uses may require larger setbacks for buffering purposes.
- G. Surface Area. Under no circumstances shall impervious surface area within any given Lot or parcel surrounded by public right-of-way exceed twenty percent (20%) of total ground area.

7.4 BUILDING HEIGHT REGULATION.

No Building in the Institutional District shall exceed 50 feet in Height.

7.5 APPLICATION TO COMMISSION.

Development plans of all proposed Buildings and land improvements shall be filed as set forth in this Ordinance along with maps, surveys, landscaping plans and other required information to the

Commission as an Application for a Zoning Certificate for review, report, and Action. The Application shall be submitted seven days before the next scheduled meeting of the Commission. General criteria for reviewing a Development plan for such facility shall be:

- A. Compliance. The proposed Building or Use shall be in conformance with the provisions of this chapter, and other applicable sections of the Ordinance and any other planning documents of the Village; and
- B. Traffic. The proposed Building or Use is properly located in such a way as to generate a minimum of traffic on local Streets; and
- C. No Harm. The location, design, and operation of such Building or Use shall not adversely affect the surrounding neighborhoods or the Village's architectural design and character;
- D. Utilities. Adequate sewers, Drainage, and other utilities shall be provided by the Developer.
- E. No Damage. The proposed facility or Use shall not result in damage, inconvenience, or harm to adjacent Residential property owners.

CHAPTER 8 — RECREATIONAL INSTITUTIONAL DISTRICT “I-2”

8.0 PURPOSE.

The purposes of this Chapter is to provide for certain Uses of land by Kenyon College that are characterized by large land amounts, such as for athletic fields and other spacious facilities; to safeguard the views to and from the valleys which surround the Village; and to minimize the capital loss and risk to life and property which may be experienced in areas subject to occasional flooding or Erosion.

ALL USES IN THIS DISTRICT ARE ALSO GOVERNED BY THE REQUIREMENTS SET FORTH WITHIN CHAPTERS 4 AND 5 OF THIS ORDINANCE.

8.1 PERMITTED USES IN THE RECREATIONAL INSTITUTIONAL DISTRICT.

Other facilities which are not included in the Uses permitted under Chapter 7 but are associated with recreational Institutional Use, such as Parks, tennis courts, stadiums and athletic fields, and their Accessory Uses.

8.2 CONDITIONAL USES IN THE RECREATIONAL INSTITUTIONAL DISTRICT.

- A. Parking lots in excess of three spaces.
- B. Other Uses by educational, charitable, or scientific organizations.
- C. Other athletic/recreational facilities enclosed by Buildings or Structures.
- D. Cellular phone, radio and other Transmission Towers.
- E. Chain-link fencing other than softball/baseball backstops and tennis courts.
- F. Utility sub-stations and pump houses providing that such Structures shall not create excessive noise or otherwise detract from the area or adversely affect the comfort, safety, welfare, or Quality of Life of the residents of the area.

8.3 APPLICATION TO THE COMMISSION.

Development plans of all proposed facilities and land improvements shall be filed as set forth in this Ordinance along with maps, surveys, landscaping plans and other required information to the

Commission as an Application for a Zoning Certificate for review, report, and Action. The Application shall be submitted seven days before the next scheduled meeting of the Commission. General criteria for reviewing a development plan for such facility or Use shall be:

- A. Compliance. The proposed facility or Use shall be in conformance with the provisions of this chapter, and other applicable sections of the Ordinance and any other planning documents of the Village; and
- B. Open Land. The proposed facility or Use is properly located in such a way as to emphasize the open land characteristic of this District; and
- C. Purpose. The proposed facility or Use is directly and tangibly related to the educational, charitable, recreational, and/or scientific purposes for which the organization exists; and
- D. No Damage. The proposed facility or Use shall not result in damage, inconvenience, or harm to adjacent Residential property owners.

CHAPTER 9 — HISTORIC INSTITUTIONAL DISTRICT “I-3”.

9.0 PURPOSE.

The purpose of the Historic Institutional District is to recognize that Institutions such as colleges have special developmental needs and land Use requirements. Kenyon College forms an integral part of the community; the Development of the campus in this District has included reverent acknowledgment of the College’s special history, historic Buildings, and the impact of these special qualities on the remainder of the Village. Kenyon College intends to safeguard those characteristics as viewed from the public ways and otherwise, and it is therefore the intent of the Historic Institutional District to provide for the protection and where necessary the continued growth of the college, and to allow for future Development consistent with the existing areas.

ALL USES IN THIS DISTRICT ARE ALSO GOVERNED BY THE REQUIREMENTS SET FORTH WITHIN CHAPTERS 4 AND 5 OF THIS ORDINANCE.

9.1 PERMITTED USES IN THE HISTORIC INSTITUTIONAL DISTRICT.

- A. College Buildings, meaning administrative and faculty offices, classrooms, auditoriums, commons, dormitories, laboratories, assembly and dining facilities, and all facilities and areas normally associated with these uses.
- B. Sorority and fraternity houses.
- C. Passive recreational Uses including Parks and nature preserves.

9.2 CONDITIONAL USES IN THE HISTORIC INSTITUTIONAL DISTRICT.

- A. Active recreational Uses such as gymnasiums, auditoriums or stadiums with a possible capacity of 700 or more persons.
- B. Parking lots in excess of three (3) spaces.
- C. Any Use related to Permitted Uses involving commercial enterprise directed at the general public in addition to students or faculty.

9.3 DEVELOPMENT STANDARDS FOR THE I-3 DISTRICT.

- A. Lot requirements. There are no minimum or maximum setbacks, Lot sizes, or Frontages,

excepting that any Development within 200 feet of a public right-of-way shall be built according to any additional design standards adopted by the Commission. In addition, all Structures shall be set back from all public right-of-ways and adjacent property lines a minimum of 50 feet, unless the Commission specifically finds that the proposed Development more truly conforms to the design standards if a smaller setback is used.

- B. Building requirements. Maximum Height for Structures located in the Historic Institutional District shall be fifty (50) feet.
- C. General Design Standards Exemption. The general design standards of *Section 5.1* shall not apply to Development within the Historic Institutional District. All other provisions of Chapter 5, except to the extent those requirements directly conflict with a provision of this Chapter 9, shall apply.

9.4 APPLICATION TO THE COMMISSION.

Final Development plans of all proposed facilities and land improvements shall be filed as set forth in this Ordinance along with all required maps, surveys, landscaping plans and other information to the Commission as an Application for a Zoning Certificate. The Application shall be submitted seven days before the next scheduled meeting of the Commission. General criteria for reviewing a Development plan and Application in this District shall be:

- A. Compliance. The proposed facility or Use is in conformance with the provisions of this chapter and other sections of the Ordinance and any other planning documents of the Village; and
- B. Location. The proposed Building or Use is properly located in such a way as to enhance, not detract, from the surrounding area and emphasizes the pedestrian nature of the Village; and
- C. No Adverse Affect. The location, design, and operation of such Building or Use shall not adversely affect the surrounding neighborhoods or the Village's architectural design and character; and
- D. Utilities. Adequate sewers, Drainage and other utilities are provided by the Institution.
- E. No Damage. The proposed facility or Use shall not result in damage, inconvenience, or harm to adjacent property owners.

CHAPTER 10 — MIXED USE DISTRICT“M”.

10.0 PURPOSE.

The purpose of the Mixed Use District is to provide for retail facilities, residences, and services of such a nature as to be fully compatible with each other, given the close proximity of Buildings in the Mixed Use District, and with the surrounding neighborhood, given its pedestrian nature. The Mixed Use District is intended to serve as a community focal point, especially as a business and service center.

ALL USES IN THIS DISTRICT ARE ALSO GOVERNED BY THE REQUIREMENTS SET FORTH WITHIN CHAPTERS 4 AND 5 OF THIS ORDINANCE.

The Mixed Use District in Gambier is established in order to:

- A. Provide appropriate areas for local business activities and local shopping facilities providing goods and services which bear a proximate relationship to the requirements of

the community as a whole, and which are compatible with the Residential and pedestrian character of the community and with each other;

- B. Protect adjacent Residential, Institutional, and business Developments and the general public by restricting the types of Uses, particularly at the common boundaries, which could create hazard, noise, Glare, high intensity traffic, odor or other objectionable influences;
- C. Promote the most desirable land Uses within a retail business District so as to protect and promote the Development of the community primarily for Single Family Dwelling and Institutional purpose; and
- D. Provide Uses that meet the retail and service needs of a traditional village center and its vicinity, and continuing other compatible Uses such as civic and Institutional Uses of community-wide importance, including second-floor Residential or office Uses, when possible.

10.1 PERMITTED USES IN THE MIXED USE DISTRICT.

- A. Any Use permitted in the Residential District.
- B. General retail establishments, conducted entirely within enclosed Buildings, for the sale and/or rental of merchandise or services such as: household furniture, clothing, shoes, household hardware, appliances, paint, variety stores, groceries, baked goods, flowers, periodicals, tobacco, meat markets, drugs, restaurants, tea/coffee rooms, taverns, barber/beauty shops, tailors, and bicycle shops.
- C. Business and professionals offices such as: medical and dental Clinics, law offices, insurance and real estate offices; governmental offices; financial Institutions; Institutional offices and support facilities; and utility company offices.
- D. Similar permitted main Uses in the Mixed Use District include any other office, retail establishment or personal service not listed in *Subsection (B)* above and determined by the Commission to be similar to those listed as to the following characteristics: amount of traffic generated, number of employees, number of off-Street parking and loading facilities required, hours of operation, and municipal services required.
- E. Accessory Uses.

10.2 CONDITIONAL USES IN THE MIXED USE DISTRICT.

- A. Duplexes. Any Structure in the Mixed Use District built primarily as a Single Family Dwelling that is converted for use as a Duplex, consistent with the limitations and requirements set forth within Chapter 6 for Duplexes.
- B. Bed and Breakfasts.
- C. Motel, Hotel, and Inns.
- D. Multi-Family Dwellings. Any Structure in the Mixed Use District built primarily as a Single Family Dwelling that is converted for use as a Duplex, consistent with the limitations and requirements set forth within Chapter 6 for Multi-Family Dwellings.
- E. Home Occupations.
- F. Public and/or government Buildings.
- G. Funeral homes, laundromats, dry cleaners, and Automobile Service Stations.
- H. Parking lots in excess of three (3) spaces.
- I. Cellular phone, radio, and other Transmission Towers.
- J. Utility sub-stations and pump houses providing that such Structures shall not create

excessive noise or otherwise detract from the area or adversely affect the comfort, safety, welfare, or Quality of Life of the property owners of the area.

10.3 REQUIRED LOT AREA, LOT WIDTH, AND YARDS IN MIXED USE DISTRICT.

- A. Minimum Lot area for commercial Uses: Two thousand (2,000) square feet.
- B. Minimum Lot width for commercial Uses: Fifty (50) feet.
- C. Other Required Yards: Any Residential Use in the Mixed Use District shall comply with all of the minimum Lot and yard requirements of the Residential District. The minimum front or side yards required for all Uses in this District shall be not less than that established for the Street on which the Development is to be located, or five (5) feet, except for commercial and business Uses Adjoining a Residential District; those Uses shall provide a side yard on that Adjoining side equal to that required in the Adjoining Residential District. A rear yard of 20 feet shall be maintained. Where a Lot line abuts an Alley, one-half of the width of such Alley may be considered in meeting the rear yard requirements.

10.4 BUILDING HEIGHT REGULATION IN THE MIXED USE DISTRICT.

No Building shall exceed the lesser of two and one-half (2 ½) stories or thirty (30) feet in Height.

10.5 MASSING REGULATIONS IN MIXED USE DISTRICT.

Maximum above-ground area of any Building shall be two thousand five hundred (2500) square feet on single-Story Buildings, or six thousand (6000) square feet on two-Story Buildings. Basement square footage shall not be counted towards the maximum permitted in order to encourage efficient Use of land within the Village center.

10.6 LANDSCAPING AND SCREENING PROVISIONS.

Open storage areas, loading areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish shall be screened from the roads and surrounding properties. Suitable types of screening include a Living Fence, Privacy Fence or dense hedges; no such screening shall be required to exceed ten (10) feet in Height.

10.7 SECONDARY DWELLING UNITS IN THE MIXED USE DISTRICT.

Secondary Dwelling Units shall follow those design standards found for Residential Districts except that they shall not be limited to 1 unit per Lot. Mixed Use SDUs shall be a minimum of 450 square feet and without maximum square footage requirements providing that the SDU Use is secondary to the primary business Use.

10.8 APPLICATION TO THE COMMISSION.

Development plans of all proposed Uses, facilities and land Improvements in the Mixed Use District shall be filed as set forth in this Ordinance along with maps, surveys, landscaping plans and other required information to the Commission as an Application for a Zoning Certificate for review, report, and Action. The Application shall be submitted seven days before the next scheduled meeting of the Commission. General criteria for reviewing a Development plan for such facility or Use shall be:

- A. Compliance. The proposed Building or Use shall be in conformance with the provisions of this chapter, and other applicable sections of the Ordinance and any other planning

- documents of the Village; and
- B. Location. The proposed Building or Use is properly located in such a way as to emphasize pedestrian traffic over vehicular traffic within the Village; and
- C. Traffic. The proposed Building or Use is properly located in such a way as to generate a minimum of traffic on local Streets; and
- D. Compliment. The location, design, and occupancy of such a Building or Use shall complement or enhance the surrounding business developments and the Village’s architectural design and character; and
- E. No Harm. The location, design, and occupancy of such a Building or Use shall not cause harm of any sort to any neighboring Districts or the Village’s architectural design and character.

CHAPTER 11 — CONSERVATION DISTRICT “C”.

11.0 PURPOSE.

The primary purpose of the Conservation District is to protect the public health and to reduce the financial burdens imposed on the community, its governmental units, and its individual citizens which may result from improper use of lands having excessively higher water tables, steep slopes, or are subject to frequent and periodic floods and overflow. The Village is located at the crest of a significant hill (which rises approximately 110 feet above the surrounding countryside) with exceptionally steep slopes at its periphery. To the south of the Village lies the Kokosing River and river valley. The northern half of the Village is comprised of sharply undulating hillsides and valleys. The combination of these natural features poses the significant risks of flood, Erosion, and structural unsoundness for Developments in the Conservation District. The intention of delineating a Conservation District is to permit reasonable investment in land without unnecessarily subjecting human health and life to natural destructive events, to conserve Village and other government resources in the wake of such events, and to preserve the natural beauty and value of the geographic features which give the Village a distinctive location identity.

ALL USES IN THIS DISTRICT ARE ALSO GOVERNED BY THE REQUIREMENTS SET FORTH WITHIN CHAPTERS 4 AND 5 OF THIS ORDINANCE.

11.1 PERMITTED USES IN THE CONSERVATION DISTRICT.

- A. Forestry.
- B. Public or private, non-commercial lakes, parks, athletic fields, water conservation works, water supply works, flood control and watershed protection, and fish and game preserves.
- C. Accessory Uses.

11.2 CONDITIONAL USES IN THE CONSERVATION DISTRICT.

- A. Cellular phone, radio, and other Transmission Towers.
- B. Utility sub-stations and pump houses providing that such Structures shall not create excessive noise or otherwise detract from the area or adversely affect the comfort, safety, welfare, or Quality of Life of the property owners of the area.

11.3 GENERAL PROVISIONS.

- A. Minimum Lot size: seven thousand (7,000) square feet.
- B. Minimum Frontage: two hundred (200) feet

- C. Minimum front, rear, and side yards: No Structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 15 feet to any side or rear Lot lines.
- D. Height: No Structure shall exceed fifteen (15) feet in Height.
- E. Drainage: Buildings or Structures authorized within the Conservation District shall not obstruct natural Drainage courses and floodways.
- F. Reclamation: Reclamation of lands subject to flooding are authorized, provided that no filling (other than replacement of lost land), draining, construction of levees or other improvements intended to reduce the danger of flood or Erosion shall be used in the reclamation process. All reclamation activities shall require supervision by a competent civil engineer, or else shall be reviewed by the Commission.
- G. Steep slopes: All steep slopes, in excess of thirty percent (30%) slope, which are located in any Conservation District shall be considered and treated as Erosion hazard areas, as further defined in *Section 14.2*.
- H. Trees: In any contiguous stand of trees, harvesting shall not remove more than twenty percent (20%) of the volume of trees in any consecutive ten (10) year period. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained and shall not create single openings greater than five hundred (500) square feet in size.

CHAPTER 12 — NONCONFORMING USES, SIGNS, OR BUILDINGS.

12.0 EXISTING NONCONFORMING USES—CONTINUATION.

Except as hereinafter specified, the lawful Use of a Building or premises existing at the time of the adoption or amendment of this Ordinance may be continued, even if such Use, Building, or Structure does not conform with the provisions of the Ordinance for the District in which it is located.

12.1 NONCONFORMING USES OR BUILDINGS—ENLARGEMENT, SUBSTITUTION.

No existing Building or premises devoted to a Use not permitted by this Ordinance in the District in which such Building or premises is located, shall be enlarged, extended, or reconstructed unless the Use thereof is changed to a Permitted Use in the District in which such Building or premises is located, and except as follows:

- A. Nonconforming Use Made to Conform. Whenever a nonconforming Use has been changed to a conforming Use, such Use shall not thereafter be changed to a nonconforming Use.
- B. Unsafe Buildings. When the safety to the occupants of said Structure or Structures is in danger, and then repair shall be limited to the correction only of existing threats.

12.2 DISCONTINUANCE OF A USE.

No Building, Structure or premises where a nonconforming Use has been discontinued for a period of 6 months or more shall again be put to a nonconforming Use.

12.3 REPAIRS AND ALTERATIONS.

Repairs and maintenance work as required to keep a Building in sound condition may be made to

a nonconforming Use, provided that the total structural repairs and alterations shall not, during its life subsequent to the passage of this Ordinance, exceed 51% of the assessed value of the Building or Structure as determined by an insurance adjuster, fire department official or estimated, or other appraisal, unless such Building or Use is permanently brought into conformance with this code.

12.4 NON-CONFORMING LOT OF RECORD.

When a Lot which is an official Lot of record at the time of adoption of this Ordinance does not comply with the area, yard, or other requirements of this Ordinance, such Lot may be used as a Building site provided, however, that the yard and other requirements of the Ordinance are complied with as closely as possible as determined by the Commission.

12.5 NON-CONFORMING SIGNS.

- A. The provisions of this Chapter 12 shall apply to all existing exterior Signs rendered nonconforming by the provisions of Chapter 14 of this Ordinance, provided, however, that no exterior Sign may be enlarged, reconstructed, altered to identify a different business, owner, tenant, operator, agent, or Use, or structurally altered unless conforming to the provisions of Chapter 14. The Commission shall not permit the replacement, installation, enlargement, reconstruction, or alteration of any exterior Sign unless it is brought into conformity with the provisions of Chapter 14. Minor repair, cleaning, or change of copy for the same business or Use, however, shall be permitted regardless of the conforming or nonconforming status of the exterior Sign.
- B. Whenever a tenant or Use vacates a premises, the owner of such premises shall, within 10 days after such vacation, remove all Signs that pertained to or related to the former tenant or Use. If a new tenant or Use occupies the premises within the 10-day period, the Signs may remain. When the Use or maintenance of any Sign is discontinued the owner of such Sign shall immediately remove the same including the pole, sign box, electrical connections, sign facing, frame, brackets, and other components, or the Zoning Inspector shall be empowered to take such Action as may be necessary to abate such nuisance.

CHAPTER 13 -- DEMOLITION OF STRUCTURES AND/OR BUILDINGS.

13.0 PURPOSES.

The principal purpose of this Chapter is to preserve the architectural character of the Village and to protect the health and safety of its citizens by regulating the demolition of Structures and/or Buildings. This Chapter is intended to accomplish these purposes without discouraging new Development.

13.1 SCOPE AND APPLICATION.

The provisions of this Chapter shall apply whenever Buildings or other Structures are demolished, moved or removed in whole or in part. All work of demolition or moving or removing of Buildings or other Structures or parts thereof shall be in conformity with the provisions of this Chapter and in conformity with accepted safe practice.

13.2 PERMIT REQUIRED.

- A. Demolition. No person, firm or corporation shall raze or demolish or remove a Building

or other Structures, or part thereof, without applying for and obtaining a permit therefor from the Zoning Inspector. This permit is separate from those required for construction or other work regulated by any building code.

- B. Significance. For Applications proposing the demolition or moving of a Building, the Commission shall determine whether the proposed Action will Significantly detract from the Village's architectural and design character. The Commission shall consider both the intrinsic significance of the Building and its significance to Adjoining properties and the Village overall. "Intrinsic significance" is the overall value of the Building or Structure in consideration of its age, history, condition, cultural affiliation, human safety, and contribution now or in the future to the economic vitality of the Village.
- C. Approval. If it is determined that the demolition proposal shall not significantly detract from the Village's architectural and design character, the Commission shall make written recommendation of approval of the Application. If the Commission determines otherwise, it shall make a finding of "delayed approval," not to become effective for a period of one hundred twenty (120) days. This time period is provided to permit the Village, public agencies, civic groups and other interested parties a reasonable opportunity to seek alternatives to the proposed Action. Alternatives might include acquisition or moving of a property to be demolished. If "delayed approval" is granted but no alternative is deemed prudent or advisable at the conclusion of one hundred twenty (120) days, the demolition permit shall be considered approved and the Zoning Inspector shall so indicate through his endorsement upon the plans and specifications submitted.
- D. Authority. A demolition permit issued shall be construed to be a license to proceed with the work. It shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of any building code or other applicable laws, ordinances, rules or regulations, nor shall such issuance of a permit prevent the Zoning Inspector from thereafter requiring a correction of errors in plans or in construction or of violations of any building code or of other applicable laws, ordinances, rules or regulations. When the demolition permit is issued, the Zoning Inspector shall endorse in writing or stamp on all Application pages or plans "approved" with the date, signature, and reference to the Commission's date of final decision. The Zoning Inspector shall retain a copy of the approved plans for the Village's records.
- E. Time Limitation and Completion. The approval of specifications for demolition is invalid if demolition and construction or other work upon the property has not commenced within six (6) months of the date of approval of the permit. If in the course of demolition, work is delayed or suspended for more than six (6) months, the approval of the plans and specifications shall expire and before any work may resume, the owner of the Building or Structure shall resubmit the plans or specifications for approval pursuant to this Chapter. If construction on the Lot where the demolition occurred does not commence within 30 days, the owner must clear all remaining debris, fill any holes left by the demolition, and landscape the Lot in an attractive manner by at least planting grass over the entire empty Lot.
- F. Protection of party walls and Adjoining Buildings.
 - 1. Whenever a Building or other Structure on one side of a party wall is removed, existing party walls shall be maintained in a safe, weatherproof condition by and at the expense of the person causing the Building or other Structure to be removed. Temporary or permanent bracing shall be provided, as necessary for maintaining the

- stability of such party wall or Adjoining Building, whenever such stability is endangered by the removal of a Building or other Structure, or part thereof. Open beam holes in party walls exposed by removal of a Building or other Structure, or part thereof, shall be closed with approved masonry by and at the expense of the person causing them to be exposed.
2. Whenever any Building or other Structure is to be carried above the roof of an Adjoining Building, protection for skylights, roofs, and roof outlets of such Adjoining Building shall be provided by and at the expense of the person constructing or causing such Building or other Structure to be carried above the roof of the Adjoining Building, provided he is granted written permission to enter the Adjoining premises for that purpose.
 3. No accumulation of water that may undermine foundations or enter the Basement or Cellar of Adjoining property, or result in other injury to Adjoining property, shall be permitted in any excavation.
- G. Cleaning of debris, deposit and fee. Prior to the commencement of any demolition of any Structure or Building on any private property by any person, firm or corporation other than the owner of the property himself, the owner or lessee of the property or the contractor engaged in such work shall obtain an endorsement upon its demolition permit from and make a deposit of that amount determined by the Zoning Inspector by cash or certified check with the Zoning Inspector. Such endorsement and deposit shall be in addition to any other requirement. *See Chapter 21 for List of Fees.* During the period of demolition, the Street pavement, tree lawns and sidewalks shall be kept clean of all dirt and other debris caused by or arising from such work. In default thereof, and after reasonable notice to the holder of the demolition permit, the Village shall perform such cleaning and charge the cost thereof to the deposit herein before provided. Any amount expended by the Village which exceeds the cost of completing demolition or cleaning shall be charged to the holder of the demolition permit. After completion of such work and upon a determination by the Zoning Inspector that such areas are free of dirt and other debris, such deposit, less the cost of cleaning work performed by the Village and less a \$10.00 endorsement fee, shall be returned to the depositor thereof.
- H. Work started without permit. Where work for which a demolition permit is required is started prior to obtaining such permit, all of the fees normally required shall be doubled, but the payment of such double fees shall not relieve any person from fully complying with the requirements of this Chapter or any other ordinance, statute, or regulation. Such unpermitted work shall be stopped until the appropriate permit is obtained.

CHAPTER 14 — ENVIRONMENTAL MATTERS

14.0 WETLANDS; PERMANENT OPEN SPACE.

All wetlands shall remain as permanent open space. Wetlands may not be dredged, filled or drained, except as permitted by federal law.

14.1 STEEP SLOPES; SOIL EROSION AND SEDIMENTATION CONTROL.

- A. Erodible Slopes. The following standards shall apply to sloped portions of any Lot or property where the sloped area measures at least fifty feet in any direction. Such areas

are considered areas of steep slopes, or “erodible slopes”, and the following standards shall apply:

1. No more than 40% of the erodible slope shall be developed and/or re-graded or stripped of vegetation from areas where slope exceeds 12%.
2. No more than 30% of the erodible slope shall be developed and/or re-graded or stripped of vegetation from areas where the slope exceeds 20%.
3. No more than 15% of the erodible slope shall be developed and/or re-graded or stripped of vegetation from areas where the slope exceeds 30%.
4. All such areas shall remain as permanent open space to every extent possible.
5. Erodible slopes may be used to provide access to non-sloped areas, provided that no alternate means or routes of access are feasible.

B. Soil Erosion and Sedimentation Control Plan. In order to prevent Soil Erosion and Sedimentation, a Soil Erosion and Sedimentation control plan shall be required as a part of an Application for a Zoning Certificate whenever a Development in any District will involve clearing, grading, transporting, or other form of disturbing land by the movement of earth, provided that any one of the following descriptions applies to the said movement of land:

1. Excavation, fill or any combination thereof will exceed 500 cubic yards.
2. Fill will exceed 3 feet in vertical depth at its deepest point as measured from the natural ground surface.
3. Excavation will exceed 4 feet in vertical depth at its deepest point (excluding foundations) as measured from the natural ground surface.
4. Excavation, fill or any combination thereof will exceed an area of 5,000 square feet.
5. Plant and/or tree cover is to be removed from an area exceeding 5,000 square feet on any parcel of land.

Whenever any land located in a stream, stream channel, or body of water is disturbed, a Soil Erosion and Sedimentation control plan shall be provided with the Application for a Zoning Certificate.

C. Additional Requirements. All measures necessary to minimize Soil Erosion and to control Sedimentation in disturbed land shall be provided, including minimize velocities of water runoff, maximize protection of disturbed areas from storm water runoff, and retain Sedimentation within the Development sites as early as possible following disturbances.

14.2 MATURE WOODLANDS; WOODLANDS; YOUNG WOODLANDS.

- A. Requirements. No more than 15% of any Mature Woodland may be cleared or developed. The remaining 85% shall be maintained as permanent Mature Woodland. No more than 30% of any Woodland may be cleared or developed. The remaining 70% shall be maintained as permanent Woodland. No more than 60% of any Young Woodland shall be cleared. The remaining 40% shall be maintained as permanent Young Woodland.
- B. Replacement of Woodlands—Credit. In the case of Mature Woodlands or other Woodlands, the Developer may clear or develop more than the area otherwise permitted to be disturbed by this Chapter, provided that the total Mature Woodland or Woodland area disturbed shall not be increased by more than 50% of the area otherwise permitted to be disturbed (or 22.5% total of Mature Woodlands and 45% total of Woodlands). The

Developer shall designate a new Woodland area on a part of the site not presently forested. The new Woodland area shall consist of 1.2 times the acreage of the Woodland area disturbed pursuant to this subsection.

- C. Establishment of Woodlands. The establishment of a Woodland for the purposes listed in *Subsection (B)* above shall require that
1. Only native species trees and Woodland shrubs shall be used, and shall be used together in such a way as to support a healthy and diverse Woodland.
 2. All existing healthy trees shall be preserved to the maximum extent possible; all Development plans shall include and identify the location of existing healthy trees.
 3. All areas of newly established Woodland shall be seeded as lawn or prairie unless ground cover has already been established.
 4. All plantings shall occur during the season appropriate for the specific plant material within the calendar year following the improvement of any site or parcel or Lot.

14.4 SOLAR ENERGY; SOLAR PANEL INSTALLATIONS

- A. Permitting. A Solar Energy System may not be installed until and unless a Zoning Certificate is issued by the Commission. A Solar Energy System shall be permitted in any District as an Accessory Use subject to the criteria set forth below.
- B. Energy Generation. A Solar Energy System shall provide power for the Principal Use and/or Accessory Use of the Property on which the Solar Energy System is located only and shall not be used for the generation of power for other users or for the sale of energy to other users. This provision shall not be interpreted to prohibit the sale of excess power generated by a Solar Energy System from time to time to the local utility company.
- C. Standards for Development. The installation of a Solar Energy System shall be subject to the following development and design standards:
1. The solar panels of a Solar Energy System shall be placed such that Solar Glare shall not be directed onto or unreasonably effect neighboring or nearby properties or roadways.
 2. All power transmission lines from a ground mounted Solar Energy System to any building or other Structure shall be located underground. The design of the Solar Energy System shall conform to applicable industry standards.
 3. A Solar Energy System may be roof mounted or ground mounted. In addition to the foregoing standards for development, the following standards apply:
 - a. Roof Mounted Systems: A roof mounted Solar Energy System may be mounted on a Principal Use or Accessory Use building. In no instance shall any part of a roof mounted Solar Energy System extend beyond the edge of the roof. A roof mounted Solar Energy System may not exceed the maximum building height specified in the relevant District.
 - b. Ground Mounted Systems: A ground mounted Solar Energy System shall not be located within the required yard setback, which yard setback shall be determined in accordance with the setback requirement of the relevant District. In no instance shall any part of a ground mounted Solar Energy System exceed a height of four feet above ground level and the total size of the panels of the ground mounted Solar Energy System for a particular Lot shall not exceed 20 square feet.
- D. Mechanical Equipment. All mechanical equipment associated with and necessary for the operation of a Solar Energy System shall be screened from any adjacent property that is Residentially Zoned. The screen shall consist of shrubbery, trees, or other non-invasive plant

species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.

- E. Removal. If a ground mounted Solar Energy System is removed, any earth disturbance as a result of the removal of the ground mounted Solar Energy System shall be graded and reseeded. If a Solar Energy System has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe pursuant to the Zoning Code, the Solar Energy System shall be required to be repaired by the Owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Commission. If the Owner fails to remove or repair the defective or abandoned Solar Energy System, the Village may pursue legal action to have the Solar Energy System removed at the Owner's expense.

14.5 LIGHT POLLUTION; EXTERIOR LIGHTING STANDARDS

- A. Purpose. The purpose of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land Uses in the proximity of the light source. With respect to motor vehicles, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section does not apply to public Street lighting. For purposes of this section, "Glare" shall mean excessive brightness that is sufficiently greater than that to which the eyes are adapted, which causes annoyance or loss in visibility, so as to jeopardize health, safety, or welfare or which otherwise constitutes a nuisance.
- B. Applicability. The requirements of this section are applicable to all outdoor lighting having an aggregate rated lamp output equal to or exceeding 750 lumens (e.g., the rated output of a standard non-directional 60-watt incandescent lamp).
- C. Control of Glare.
 - 1. Generally. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property. The illumination projected from any use onto a Residential use shall at no time exceed 0.1 footcandle, measured line-of-sight at any time and from any point on the receiving residential property. Except as permitted for certain recreational lighting and permitted elsewhere in this Ordinance, lighting shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the lighting.
 - 2. Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, lighting shall be aimed straight down.
 - 3. Non-Horizontal Surfaces. For the lighting of predominantly non-horizontal surfaces, when their use is specifically permitted by this Ordinance, lighting shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
 - 4. Directional Light. Directional lighting such as floodlights and spotlights, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward

- or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
5. Other Lighting. “Barn lights,” aka “dusk-to-dawn lights,” when a source of glare as viewed from an adjacent residential use, shall not be permitted unless effectively shielded as viewed from the adjacent property.

CHAPTER 15 — SIGN REGULATIONS.

15.0 PURPOSE.

The purpose of Chapter is to establish minimum regulations for the display of Signs in the Village. (In Chapter 3 there are also important definitions of the various types of Signs discussed here in Chapter 15.) There is a significant relationship between the manner in which Signs are displayed, public safety and the value and economic stability of Adjoining property. The reasonable display of Signs is necessary as a public service and to the conduct of competitive commerce. This section is designed to maintain the attractive landscape and appearance of the Village to the benefit of the public welfare and health by restricting the type, size, number and design of Signs and outdoor advertisements

15.1 PERMITTED SIGNS, BY DISTRICT OR TYPE.

- A. Residential Districts. Real estate Signs, Home Occupation Signs, and public Building or church Signs or bulletin boards pertaining to the property on which they are placed, with not over 6 square feet of Sign area and unlighted, except for General Lighting.
- B. Mixed Use Districts. Business and Auxiliary Signs pertaining to the business on the property on which the Sign is located are permitted, whether free-standing, projecting, or attached flatly to the Building wall, provided that:
 1. Illumination of all Signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent Residential Districts or into the public way. Awnings may not be illuminated from the inside. Only Signs with opaque fields and translucent lettering may be internally illuminated; and
 2. Each business on a property is entitled to a total of 30 square feet of Sign Area advertising its existence, name, and/or nature, unless the Building in which the business is located is on a corner of two (2) Streets, in which case the business is entitled to 45 total square feet of Sign Area (so long as no other business occupies the same premises and so long as the Sign is split onto 2 sides of the Building with a maximum of 30 square feet on one side of the Building); and
 3. If more than two businesses occupy the same premises, said businesses shall combine Signs so that no more than two (2) main signs with a total of 45 square feet of Sign Area appear on the premises, whether located on a corner Lot or not; and
 4. All Signs, except Temporary Signs, shall have no more than a 1-to-3 Height-to-width or width- to-Height ratio.
 5. Free standing Signs shall not exceed 12 feet in Height.
 6. Each business may have one (1) lighted Open/Closed sign not to exceed 13 inches by 26 inches in size.

7. Each business with a window or windows facing the Street may place one (1) non-illuminated, white paper with black type, advertising Sign in each window sash, provided the Sign does not cover more than one-half (½) of the sash area, and there are no more than four (4) Signs per business or shared business site. Artificial window sashes may not be used to create window signage areas.
- C. Institutional Districts.
1. Illumination of all Signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent Residential Districts or into the public way, and
 2. Each Institutional entity is entitled as a matter of right to erect one (1) sign advertising its existence, name, and/or nature which shall not exceed 30 square feet of Sign Area, unless the Building in which the Institution is located is on a corner of two (2) Streets, in which case the Institution is entitled to 45 total square feet of Sign Area (so long as no other Institution occupies the same premises and so long as the Sign is split onto 2 sides of the Building with a maximum of 30 square feet on one side of the Building); and
 3. Each Building belonging to an Institutional entity within the Institutional District which is dedicated to Institutional Uses is entitled as a matter of right to be marked by no more than two (2) Signs, each of which shall not exceed six (6) square feet in Sign Area; and
 4. The Commission may, upon Application for additional or larger Signs, issue a permit for such, if it determines that the additional signage shall not have a negative impact on public health or safety, shall not unduly distract traffic, shall assist the Institutional entity without detriment to the interests of the general public, and that the Sign is in keeping with the general purposes of this Ordinance and
 5. All Signs, except Temporary Signs and except for the names of Buildings which honor donors, employees, or contributors, shall have no more than a 1-to-3 Height-to-width or width-to-Height ratio.
- G. Banners. Banners of any size promoting an exhibition, located at the site of the exhibition in the Institutional or Mixed Use Districts, are permitted 30 days prior to the starting date of the exhibition, and ending 72 hours after exhibition has closed. Banners placed by the Village in any District are exempt from this Ordinance.
- H. Barn Siding and Roof Signs. Signs affixed to, painted on, or appearing by shingle design, on a barn siding or roof, designating the land owner, Family name, year established, Ohio bicentennial, “Heart of Ohio,” and signs of similar import, are permitted. This section does not apply to Yard Barns consisting of 120 square feet or less.
- I. Billboards. Billboards shall not be permitted within the Village limits.
- J. Bulletin boards. Bulletin boards and Signs for a church, school, community, or other public or semi-public Institutional Building shall be permitted provided that the Sign Area of such bulletin board or Sign shall not exceed twelve (12) square feet.
- K. Changeable Copy Signs. Each Building in the Institutional or Mixed Use Districts may display a portable changeable copy Sign for up to 72 continuous hours, twice in any calendar year, provided the Sign does not block the sidewalk or otherwise constitute a trip hazard, and there is a break of at least 30 days between each display period.
- L. Historical and Dedication Plaques. Historical and dedication plaques are exempt from this Ordinance.

- M. Outdoor Furniture Signs. Advertising Signs affixed to outdoor tables, chairs, and benches are permitted in the Institutional or Mixed Use Districts, so long as there is only one (1) Sign affixed to each table, chair, or bench; the Sign does not exceed 4 inches by 6 inches in size; such outdoor furniture does not block the sidewalk, or otherwise constitute a trip hazard; and there are no more than two (2) pieces of furniture outside any individual Building.
- N. Political Signs. Political Signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, may be displayed beginning no more than 45 days prior to election and shall be removed no later than 3 days after such election. Such Signs shall not exceed six (6) square feet in area; shall not be illuminated; shall not create a safety or visibility hazard; shall not be affixed to any public utility pole or tree; and shall not be located within a public right-of-way. If such Signs are placed in a public right-of-way, or are not removed at the end of the 3-day post election period, the Village shall remove and dispose of them. This section is not applicable to political campaign headquarters Signs which shall require a Temporary Sign permit.
- O. Real Estate Signs. Real estate Signs do not require a permit and are not subject to the thirty (30) day time limit for Temporary Signs. Real estate Signs shall be removed within thirty (30) days of closing on the property.
- P. Sandwich Board Signs. A Temporary Sign placed in the right-of-way or on the land between the Building and the right-of-way as a freestanding Sign, which may include chalk and dry-erase boards, is permitted in the Institutional or Mixed Use Districts, so long as the Sign does not exceed 32 inches by 48 inches in size, and does not block the sidewalk or otherwise constitute a tripping hazard.
- Q. Vending Machines. Outside vending machines are permitted in the Institutional or Mixed Use Districts, so long as they are not placed in an area facing the Street, or facing an Adjoining Residential Lot.
- R. Wall Signs. A Building wall in the Mixed Use District may be used for display of general commercial advertising, provided that the area of such Sign does not exceed 30 square feet.

15.2 ADDITIONAL REGULATIONS.

Notwithstanding any other provisions of this section to the contrary:

- A. Prohibited Illumination. Any Sign located in any District shall not have flashing illumination or flickering, flashing, neon, simulated neon, or running lights of any kind. Businesses displaying Internally Lighted Signs shall only light their Signs if said business is open for business; such Signs shall not be lit during hours when the business is closed. Indirectly Lighted Signs may be displayed through the night, providing that the lighting complies with *Section 14.5* of this Ordinance.
- B. Auxiliary Signs. An Auxiliary Sign may be free-standing, attached to free-standing Structures or equipment, or may be attached to the Building or windows.
- C. No Signs in Bufferyards. No Free-Standing Sign shall be located within any Bufferyards required by the Use of the site on which it is located.
- D. Sign Set Backs. All Signs shall be set back from the established right-of-way line of any Street or highway so that they shall not interfere with the visibility of traffic, especially at corners and intersections; in Residential Districts, all Signs shall be set back at least 10

feet from the right of way line. No roof Signs shall be permitted. No Sign shall extend beyond the top or ends of the Building walls to which it is attached. Signs may not obscure architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.). Wall Signs shall be located no higher than the windowsill line of the second Story.

- E. No Signs on Trees. No Sign, Temporary or otherwise, shall be affixed to a tree or utility pole.
- F. Temporary Sign Time Limits. A Temporary Sign, once displayed for 30 consecutive days or less, shall not be reused or redisplayed in the Village on the same property for 90 days thereafter. Any such reuse or redisplay shall serve to reclassify the Sign as one other than “Temporary” and shall require a Sign permit Application to be filed and granted for its continued display.
- G. Condition. All Signs, of any type, shall be maintained in a sightly and safe condition which means that they shall not be capable of blowing down or away, they are sufficiently weather-resistant to maintain their appearance and message, and that they do not unnecessarily distract vehicular traffic.

15.3 SIGN PERMITS.

A separate permit shall be required for the erection of Signs regulated in this Ordinance, except that no permit shall be required for a qualifying Temporary Sign. Each Application for a Sign permit shall be accompanied by scale drawings, showing the design proposed, the size, character and color of the letters, lines and symbols, method of illumination, the exact location of the Sign in relation to the Building and property, and details and specifications for construction. The Application for a Sign permit shall be submitted to the Zoning Inspector who shall forward it within ten (10) days to the Commission for review at its next regularly scheduled meeting. The Commission shall review Sign permit Applications on the following criteria:

- A. Whether the proposed Sign complies with all relevant sections of this Ordinance.
- B. Whether the proposed design and materials present a cohesive and well-considered example of commercial art.
- C. Whether the proposed Sign shall serve as an unnecessary distraction to vehicular traffic or poses other risks to vehicular or pedestrian traffic.
- D. Whether the proposed Sign shall enhance the Village character and architecture therein.

CHAPTER 16 — PLANNING AND ZONING COMMISSION.

16.0 RE-ESTABLISHMENT AND APPOINTMENT OF THE COMMISSION.

The Commission as it is presently formulated and functioning is hereby authorized and/or re-authorized by the Village Council. The Commission shall consist of the Mayor, a Village Council member, and five (5) citizens of the Village, appointed by the Mayor and approved by Village Council, to serve six (6) year terms. Vacancies shall be filled in the same manner for the un-expired terms. Members of the Commission shall serve until their successors are appointed. Members of the Commission shall be removable from their positions for cause upon the filing of a written complaint with the Chairperson of the Commission and after public hearing thereon.

16.1 OFFICERS.

The Commission shall select a Chairperson, Vice-Chairperson and a secretary at its first meeting

after January 1 of each year. The Chairperson is to conduct the meetings of the Commission according to the established rules of procedure; determine order of meeting agendas; keep each member apprised of meeting times, dates, and agendas; administer oaths to each person offering testimony for the consideration of the Commission; and be responsible for the recording of each public meeting. The secretary is to keep all minutes of the meetings. The Zoning Inspector shall keep the calendar of meetings and events pertaining to the Commission; distribute a copy of documents, drawings, and other papers for each item of business which comes before the Commission to each member; maintain records of and communicate all correspondence to and on behalf of the Commission; and provide for appropriate notice to public and others of meetings. The Commission may elect to impose or eliminate other duties upon the officers and the Zoning Inspector as necessary.

16.2 POWERS AND DUTIES.

The Commission fulfills the purposes of this Ordinance through the execution of the following duties and powers:

- A. Authorization of Zoning Certificates. It shall hear and decide on the authorization, after Due Consideration, of all Applications for a Zoning Certificate in accordance with the provisions of this Ordinance.
- B. Authorization of Other Matters. It shall hear and decide on the authorization, after Due Consideration and in accordance with the provisions of this Ordinance, of Applications filed for Conditional Uses, or for interpretation of the Zoning Map, or for decision upon other special questions upon which the Commission is authorized to pass by this Ordinance. In considering an Application for a Conditional Use, or interpretation of the Zoning Map, the Commission shall give due regard to the nature and condition of all adjacent Uses and strictures, and in authorizing a Conditional Use the Commission may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this Ordinance for the particular Conditional Use as the Commission may deem necessary for the protection of adjacent properties and the public interest and the purposes of this Ordinance.
- C. Temporary Use. The Commission shall hear and decide on the authorization, after Due Consideration, of Applications for the Temporary Use of a Structure or premises in any District for a purpose or Use that does not conform to the regulations prescribed elsewhere in this Ordinance for the District in which it is located, provided that such Use is of a Temporary nature and does not involve the erection of a Structure and is not a preliminary Action to the Application for a Conditional Use permit or zoning change. A Zoning Certificate for such Use shall be granted in the form of a Temporary and revocable permit, for not more than two (2) months, subject to such conditions as shall safeguard the public health, safety, convenience, and general welfare.
- D. Ordinance Violations; Fees, Fines. The Commission shall hear and decide after Due Consideration complaints regarding violations of this Ordinance; further, it shall have the power to levy and collect any fees or fines in connection with the administration of this Ordinance.
- E. Ordinance Amendments. The Commission shall hear and make recommendations to Village Council regarding amendments or changes to the Ordinance, including the detailed requirements of particular sections or the Districts as reflected upon the Zoning Map of the Village.

- F. Historical Survey. The Commission may maintain a continuing survey of cultural or historical resources in the community, including all Buildings, Structures, sites, objects and areas of architectural, historical, or Aesthetic Significance, according to survey guidelines established by the Ohio Historic Preservation Office.
- G. Historical Register. The Commission may keep a current register of all properties that are cited as Historic District sites and provide the Zoning Inspector with a current copy thereof. This register shall be kept available for public inspection at the Zoning Inspector's office.
- H. Village Acquisition of Rights, Property. The Commission may make recommendations to the Village Council concerning the acquisition of Development rights, easements, or property through eminent domain proceedings as necessary to further the purposes of this Ordinance.
- I. Development Grants. The Commission may make recommendations to the Village Council concerning the utilization of grants from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the graceful Development and maintenance of the natural and historic resources within the Village.
- J. Cooperation With Other Governmental Bodies. The Commission may request and receive any appropriate information, cooperation, assistance, or studies from any Village department, board, committee, agency, or commission and any county or township department, board, agency or commission and evaluate and comment upon decisions by other municipal agencies which affect the physical Development and land Use patterns in the Village. If the property subject to Commission jurisdiction is governmentally owned, the government stands in the position of any other citizen and is subject to the provisions of this Ordinance.
- K. Experts. The Commission may consult technical experts or other persons as may be required to assist in the performance of these enumerated duties and powers or for such other tasks as Village Council may require. In the event that the Village Council makes appropriations available for such purpose, the experts or persons may be hired or paid for their services.
- L. Additional Grants. The Commission may accept grants, gifts, and bequests on behalf of the Village and may make Application for, receive and administer such from governmental or private entities consistent with the purposes of this Ordinance.
- M. Continuing Education. The Commission may provide for its members to attend educational sessions, seminars, or conferences pertaining to environmental, planning, or preservation issues at least once a year; or may obtain educational materials and produce publications; or join professional organizations related to planning and related fields.

16.3 PROCEDURES AND MEETINGS.

The Commission may set a regular meeting time to discuss its business as necessary, provided that the Commission meets not less than once every three (3) months. Meeting times, dates, and locations shall be publicized as required by law. Notice of meeting times, dates and locations shall be sent two (2) weeks in advance to any landowner whose property is a matter before the Commission. In the event that notice cannot be provided to an owner by mail, notice may be made by publication in a newspaper of general circulation. Meetings shall be conducted according to Robert's Rules of Order, or any other method formally adopted as procedural policy

by the Commission that addresses: order of business, length of speech/presentation, number of speakers, length of meetings, continuations of meetings, and the effect of attendance by the landowner with business before the Commission. All meetings of the Commission shall be open to the public. All meetings of the Commission shall be either video- or audio-taped; these records shall be kept in the office of the Commission for no less than 45 days after the meeting. In the event an appeal of the Commission's decision is filed, the taped record shall be maintained indefinitely, until the appeal is fully resolved through the appellate process. Unless the Commission passes a rule to the contrary, owners and Developers are required to attend any meeting or hearing upon their Applications. Failure to attend may result in the rejection of the Application without further proceedings, at the discretion of the Commission.

16.4 FORMAT OF APPLICATIONS.

Applications for authorization of any type from the Commission shall be submitted with the original and eight (8) copies. If the Application involves "like for like" alterations, it shall be on the form attached hereto as Exhibit B. Otherwise, the Application shall be on the form attached hereto as Exhibit A, or such other form as may be provided and prescribed by the Commission and/or the Zoning Inspector in the future, or if none is so prescribed, shall contain the following information on 8 ½ x 11 white paper:

- A. Name and address and phone number(s) of owner, Developer, Applicant, or complainant.
- B. Address of subject property with a scale map of the surrounding area as called for in this Ordinance.
- C. Nature of the Application: Zoning Certificate, demolition permit, construction permit, Conditional Use permit, or other.
- D. Detailed written description of the project (including traffic reports, lighting plans, and other reports called for by this Ordinance). Specifically, the Application shall state, at minimum, the existing and intended Use of each Building or Structure or part thereof, and the number of families or Dwelling Units the Building is designed to accommodate.
- E. Illustrations: Drawings, plans, maps, photographs, or other illustrative documentation of the project. Plans shall be drawn to scale in black line or blue print, showing the actual shape and dimensions of the Lot to be built upon or to be changed in its Use, in whole or in part; the exact location, size and Height of any Building or Structure to be erected or altered; in the case of a proposed new Building or Structure or proposed alteration of an existing Building or Structure, scale drawings showing the front, side, and rear elevations of the proposed Building or Structure, or of the Structure as it shall appear after the work for which a permit is sought shall have been completed; and, when no Buildings are involved, the location of the present Use and proposed Use to be made of the Lot; and such other information with regard to the Lot and neighboring Lots as may be necessary to determine and provide for the enforcement of this Ordinance.
- F. Materials: Samples, plant lists, and contractor names, if available.

16.5 REVIEW OF APPLICATIONS BY ZONING INSPECTOR

The Application shall be submitted with any required fee to the Zoning Inspector who shall determine if the Application is complete within fifteen (15) days. If the Application is complete, the Zoning Inspector may, at his/her discretion, elect to grant, deny, or conditionally grant the following Applications according to the compliance of the Application with this Ordinance: Applications for porch, roof, door, window, deck, patio, driveway, and sidewalk projects not exceeding \$10,000.00 in estimated project cost; or, any demolition project of a Structure not

exceeding 500 square feet in size and which is not a Historical Building; and, provided that the Zoning Inspector shall have no authority to independently determine an application for Conditional Use or any other project or matter not specifically listed within this sentence. Conditions attached to the granting of an Application by the Zoning Inspector, if any, are binding upon the applicant. The Zoning Inspector shall provide a written or verbal summary of any approved or denied Application at the next scheduled Commission meeting. Alternatively, and where the decision is not within the authority of the Zoning Inspector as defined herein, the Zoning Inspector shall forward the Application immediately to the Commission for the scheduling of a meeting or other review. If the Application is denied by the Zoning Inspector, the applicant may appeal the decision to the full Commission. If the Application is incomplete, the Zoning Inspector shall notify the Applicant in writing immediately and the Applicant shall have fifteen (15) days to complete the Application in full. Alternatively, the Applicant may elect to withdraw the Application for time to make the completions and without penalty to the applicant. If the Application is not withdrawn and is not completed within the fifteen (15) day period, the Zoning Inspector shall return the Application and all but one (1) copy and the deposited fee to the Applicant and no further Action shall be required by the Zoning Inspector or Commission.

16.6 REVIEW OF APPLICATIONS BY THE COMMISSION.

- A. Notice. Once the Zoning Inspector has forwarded an Application to the Commission, it shall schedule the notice of and the meeting on the Application and shall ensure that proper notice is given to the parties called for under this Ordinance.
- B. Approval. The Commission may grant, deny, or conditionally grant the Application according to the compliance of the Application with this Ordinance and the standards and criteria which appear in it. Conditions attached to the granting of an Application by the Commission are binding upon the Applicant.
- C. Timing. At the conclusion of the hearing or meeting upon the Application, the Commission may take immediate Action on the Application, or may delay Action for up to thirty (30) days. In the event immediate Action is taken, the Chairperson of the Commission shall verbally state the Commission's findings of facts and its decision. In the event Action is taken at a later date, the Commission shall reduce its findings of fact and its decision to writing. In all cases, the Commission's findings of fact and decision shall be announced in a public meeting, and shall be accurately reflected in the minutes of the meeting.
- D. Appeal to Village Council. If the Application is denied by the Commission, the applicant may appeal the decision to the Village Council at the next regularly scheduled Village Council meeting. Failure to appear at that next regularly scheduled Village Council meeting waives the right to appeal the Commission's decision to deny the Application.

16.7 PUBLIC NOTICE OF CONDITIONAL USE APPLICATIONS

Notice of an Application for a Conditional Use shall be forwarded by ordinary mail to all property Owners of record Adjoining the Lot or property, which is the subject of the Application. Such notice shall be postmarked a minimum of ten (10) days prior to any hearing or Action on such Application by any Village body. Further, such notice shall be posted at the Village Post Office at least seven (7) days prior to any hearing or Action on any Application by any Village body. In order to facilitate the foregoing notice provisions and adequate community input, Applications for Conditional Use permits shall be submitted to the commission at least twenty-

one (21) days prior to any regular meeting at which they are to be discussed

CHAPTER 17 — PUD; LAND SUBDIVIDING AND DEVELOPMENT

See APPENDIX D for the procedures and requirements relating to PUD development.

CHAPTER 18 — ENFORCEMENT AND ADMINISTRATION.

18.0 ZONING CERTIFICATES REQUIRED.

It shall be unlawful for any owner, lessee or tenant to use or to permit the use of any Structure, Building, or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been authorized by the Commission and issued by the Zoning Inspector. No Development permitted by this Ordinance, including Accessory and Temporary Uses, may be established or changed, no Structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no Building used, occupied, or altered with respect to its Use after the effective date of this Ordinance until a Zoning Certificate has been secured. A Zoning Certificate shall show that such Building or premises or a part thereof, and the proposed Use of the premises, are in conformity with the provisions of this Ordinance and shall be upon such form as the Commission or Zoning Inspector shall provide or shall be endorsed upon the Application submitted by the Applicant. Nothing herein shall relieve any Applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this Ordinance.

Notwithstanding, the foregoing requirements, no Zoning Certificate shall be required for the following improvements:

- A. Maintenance. Routine maintenance and repair, not resulting in size increase of existing Structures.
- B. “Like for Like”. Replacement, repair or routine maintenance of roof, siding, windows or doors, gutters or down spouts, or decking with material of comparable size and color, and in a manner which is considered to be “like for like” repair or replacement in the judgment of the Zoning Inspector and/or the Commission. Applicant shall be required to fill out the form attached as Exhibit B regarding such “like for like” improvements.
- C. Minor Construction. New construction costing less than one-thousand dollars (\$1000.00) which does not increase the size or affect the basic nature and Use of an existing Structure or Lot.
- D. Repair. Repair or replacement of driveways or sidewalks.
- E. Emergency construction, repair or replacement. Any construction, repair, or replacement for which a Zoning Permit is otherwise required which in the discretion of the Zoning Inspector constitutes an emergency situation requiring prompt or immediate Action to protect the Resident, the Resident’s neighbors or the Village from imminent harm to persons or property in any significant degree may proceed without prior consideration or approval of an Application for a Zoning Permit. In the event such an emergency is certified by the Zoning Inspector, the Resident(s) making such repairs shall, at their earliest opportunity, and prior to the next regular meeting of the Commission occurring after their emergency, file an Application for a permit for the Action taken on an emergency basis and such related repairs and improvement as are contemplated.

The fact that a Zoning Permit is not required for projects as set forth above herein, does not excuse the contractor performing such work from meeting all registration requirements for Village Income Tax purposes, as may be set forth elsewhere in ordinances of the Village.

18.1 DURATION OF ZONING CERTIFICATE.

For new construction or new Uses, an issued Zoning Certificate shall lapse and be null and void twelve (12) months after the date of issuance unless the Applicant requests an extension of time in advance of the lapse date. An initial request for an extension shall be made in writing to the Zoning Inspector who may, if he is satisfied that acceptable progress on the project has been made, extend the certificate's validity by up to six (6) months. Thereafter, if further extension is necessary, Application to the Commission is required. The Commission may grant an extension for the period of time found to be necessary for completion of the project, however, at the lapse of that period, the Zoning Certificate shall be null and void if the project has not been completed and a Certificate of Occupancy issued, if required. The Zoning Certificate may be revoked by the Commission if, after complaint, notice, and a hearing thereon, it determines that a project is being executed in violation of the terms and conditions of the certificate or of this Ordinance.

18.2 CERTIFICATE OF OCCUPANCY REQUIRED.

If a Certificate of Occupancy is required by the State of Ohio or Knox County, it shall be unlawful for any owner, lessee or tenant to occupy any Structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged unless such Certificate of Occupancy is obtained indicating that the building or Use complies with all applicable regulations and requirements. Such Certificate of Occupancy shall show and certify that such Building, Structure or premises has been constructed, altered, or improved in compliance with the provisions of all applicable codes and ordinances, and all conditions and requirements, if any, stipulated by proper authority. The issuance of a Certificate of Occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.

18.4 BUILDING INSPECTIONS.

At any time when an inspection of a Building is required under this Ordinance to verify compliance with the Ohio Basic Building Code or other applicable Building code, the Applicant for a permit may elect to hire a qualified Building inspector at his own cost or may permit the Village to provide the inspector at cost to be paid in advance of inspection.

18.5 SIGN PERMITS REQUIRED.

For the construction, alteration, or location of any Sign, other than a Temporary Sign, a Sign Permit is required to be obtained according to the provisions of Chapter 15; such permit shall continue to be valid indefinitely, until or unless the Commission determines that the condition of the Sign has changed so Substantially as to constitute a violation of the provisions of this Ordinance related to Signs.

18.6 ENFORCEMENT BY ZONING INSPECTOR.

The office and position of the Zoning Inspector is continued by the passage of this Ordinance. The Zoning Inspector shall be appointed by the Mayor of the Village. The Zoning Inspector shall be chosen based upon demonstrated interest, expertise, education, or experience in one or more

of the following fields: architecture, planning, land use, engineering, law, utilities, art, business, or construction. It shall be the duty of the Zoning Inspector to enforce this Ordinance in accordance with the administrative and other provisions of this Ordinance. The Zoning Inspector shall process all Applications which the Zoning Inspector is authorized to process after they are filed in full compliance with and are complete in the terms of all of the applicable requirements contained in this Ordinance. When a decision has been returned to the Zoning Inspector by the Commission authorizing a particular Action or certificate, the Zoning Inspector shall issue or endorse such certificate or take the required Action within fifteen (15) days.

18.7 ENFORCEMENT BY OTHERS.

Any resident of the Village, including Village employees and officials, may take appropriate legal Action to compel enforcement or compliance with the terms of this Ordinance by an owner, the Zoning Inspector, the Commission, or any other Village officer or authority. This remedy exists in addition to any other remedies provided by law to prevent unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct or abate a violation; to prevent the occupancy of a Building, Structure or land; or to prevent any illegal act, conduct, business or Use in or about such premises.

18.8 COMPLIANCE BY OTHER OFFICIALS, AGENCIES, OR EMPLOYEES.

All departments, officials, and public employees of the Village, vested with the duty or authority to issue permits, certificates, or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for any Use, Building or purpose in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void. The willful issuance of a permit or certificate in violation of this Ordinance by any employee or agency may subject such to removal or other Action.

18.9 VIOLATIONS.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, move, demolish, or Use any Building or land in violation of any of the provisions of this Ordinance. Any person violating any of the provisions of this Ordinance, or any amendment or supplement thereto, shall be guilty of a 3rd degree misdemeanor (if the value of the property is less than \$200,000) or guilty of a 1st degree misdemeanor (if the value of the property is greater than \$200,000). Each and every day during which such illegal Action or activity or failure to act occurs and continues shall be deemed to be a separate offense which may be cited and charged against the owner or property. In case any Building or land is constructed, altered, changed, moved or demolished in violation of this Ordinance, the offending owner may be required, in addition to the above penalties, to make a complete restitution of the original status of the land and/or Building to the pre-violation condition.

CHAPTER 19 — DISTRICT CHANGES AND REGULATION AMENDMENTS

19.0 VILLAGE COUNCIL MAY AMEND ZONING ORDINANCE.

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Village Council may by ordinance, after recommendation thereon by the Commission and subject to the procedures provided in this Chapter, amend, supplement, or change the regulations, District boundaries or classification of property, now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Commission to submit to the

Village Council its recommendations regarding all Applications or proposals for such amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion, or by an Application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this Ordinance.

19.1 PROCEDURE FOR CHANGE.

Applications for any change of District boundaries or classification of property as shown on the Zoning map, and for amendments to regulations, shall be filed upon such forms as may be proscribed from time to time, and shall be accompanied by such data and information so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include a map drawn to a scale of not less than 100 feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of existing Uses of all Buildings and the Principal Use of all properties within 500 feet of such land. Each such Application shall be signed by at least one of the owners or lessees of property within the area proposed to be reclassified. Applications for amendments or District changes initiated by the Commission shall be accompanied by its motion pertaining to the proposed amendment. Upon the filing of an Application for any amendment with the Clerk of Council, the Clerk shall prepare a statement giving the names and addresses of the Owners of all properties lying within 500 feet of any part of the exterior boundaries of the premises of the zoning classification which is proposed to be changed. This statement shall also include the names and addresses of all owners of the properties within the area which is the subject of the amendment.

19.2 COMMISSION REVIEW, NOTICE.

The Commission shall prepare a report and recommendation on the proposed amendment based upon the contents of this Ordinance, other planning documents prepared by the Village, the characteristics of the area which is the subject of the amendment, and the contents of the Application for the change. The Commission may solicit opinions from the public in written form, but the Commission is not required to hold a special public hearing on the change in reaching its conclusions for its recommendation to Council. The only notice required by the Commission in making a recommendation on a proposed amendment is to provide notice of the item on its agenda for the meeting at which it shall be considered.

19.3 VILLAGE COUNCIL HEARING, NOTICE.

After receiving from the Commission its recommendation on the proposed amendment or supplement, and before consideration of such amendment, the Village Council shall hold a public hearing thereon, at least 30 days notice of the time and place of which shall be given to all persons listed in the statement required from the Village Clerk pursuant to *Section 19.1* above and by publication in a newspaper of general circulation in the Village. Following such hearing, and after reviewing the recommendations of the Commission thereon, the Village Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance and/or the Zoning Map at its next regularly scheduled meeting.

19.4 AMENDMENT OR MAP CHANGE PENDING: ZONING CERTIFICATE, BUILDING PERMIT.

Whenever the Village Council has accepted for review a change or amendment of the Ordinance

or Zoning Map as evidenced by resolution of record, no Zoning Certificate or Building Permit shall be issued within 60 days from the date of such resolution which would authorize the construction of a Building or the establishment of a Use which would become non-conforming under the contemplated amendment or change.

19.5 REAPPLICATION FOR AMENDMENT OR CHANGE ONCE DENIED.

An Application for a change in zoning classification or for modification of the Ordinance which is Substantially the same as one denied by Village Council shall not be processed or reviewed by Village Council within six (6) months of the date of denial. This provision in no way limits the citizens' right to address the Substantially same issue through the initiative and/or referendum process as provided by statute.

CHAPTER 20 — MISCELLANEOUS PROVISIONS.

20.0 SEVERABILITY.

If any provision of this Ordinance or the application thereof is held invalid in a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared severable in all respects.

20.1 CONFLICTING ORDINANCES.

Nothing contained in this Ordinance shall supersede the powers of other legislative or regulatory bodies or relieve any property Owner of complying with the requirements of any other municipal ordinances or regulations, or of state or federal statutes. In the interpretation and application of this Ordinance, the provisions contained herein shall be held to be the minimum requirements, adopted for the promotion of public health, morals, safety, and general welfare. In case of any conflict between this Ordinance, or any part thereof, and the whole or part of any existing or future ordinance of the Village, or the whole or part of any existing or future private covenants or deeds, the most restrictive of the provisions shall, in all cases, apply. In the event there is conflict between a decision of the Commission and any other administrative or legislative entity, the decision of the Commission shall prevail, excepting decisions directly related to an appeal or properly exercised legislative decisions by Village Council.

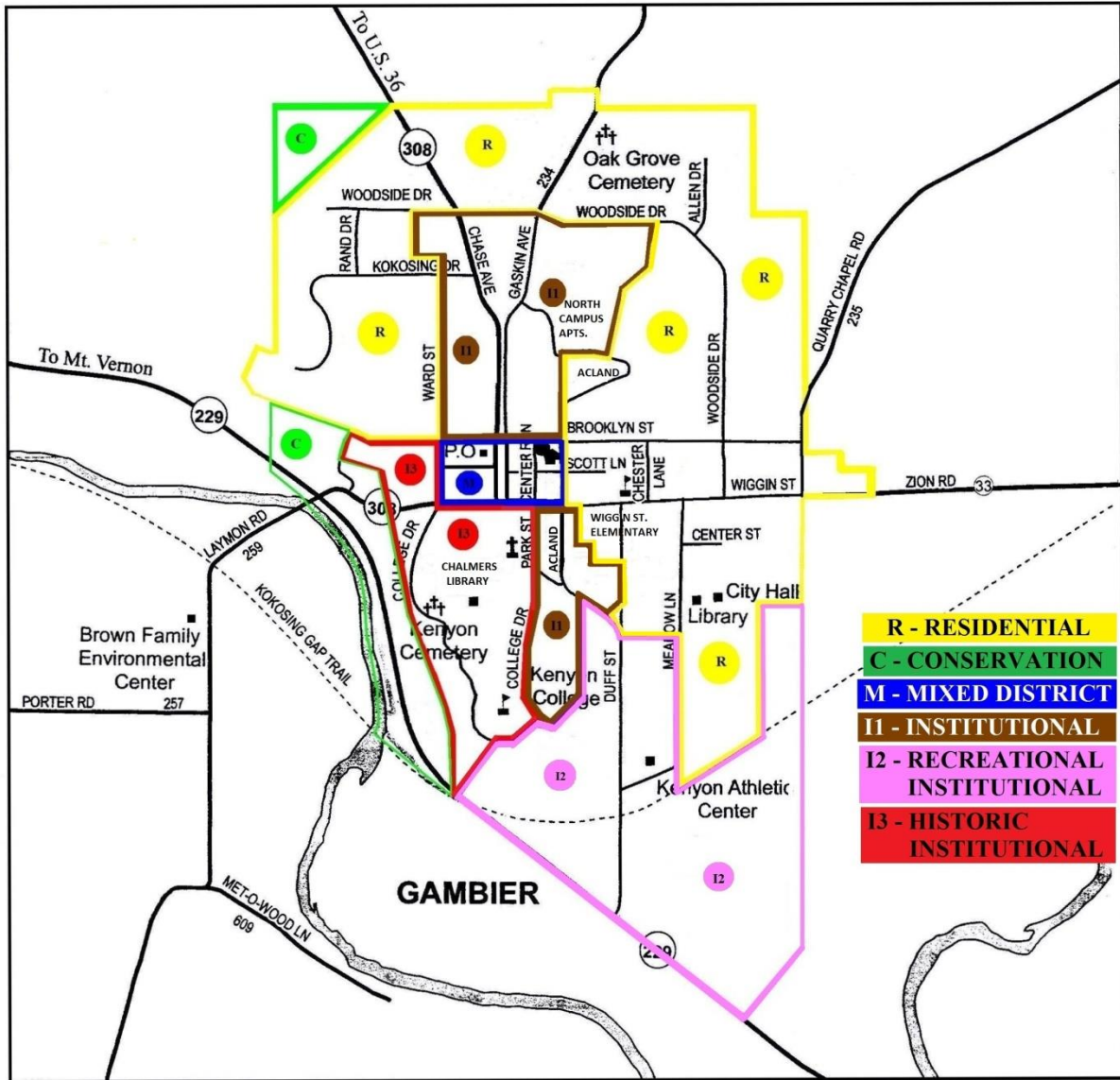
20.2 POWERS RESERVED BY THE VILLAGE COUNCIL.

All planning and zoning powers granted to villages under the Ohio Revised Code that are not specifically delegated herein, are expressly reserved to the Commission except powers regarding Zoning Variances. Zoning variances shall be submitted to, and determined by, the Village Council in accordance with such zoning variance ordinance as may be passed by Village Council from time to time, or in the absence of such an ordinance, in accordance with the Ohio Revised Code and applicable Ohio case law.

CHAPTER 21— SCHEDULE OF FEES.

<u>TYPE OF PERMIT/CERTIFICATE/SERVICE</u>	<u>FEE</u>
Application fee for a Zoning Certificate for swimming pools, hot tubs, decks, Fences, and accessory Buildings	\$75.00
Application fee for all other Zoning Certificates (minimum fee \$20.00) of Building cost	\$4.00 per \$1000
Maximum fee for any Application	\$20,000
Application for Conditional Use Permit	\$75.00
Note: This is in addition to the cost of the required permit	
Application fee for a Sign Permit	\$45.00
Demolition Permit for garage or Accessory Building less than 500 sq. ft.	\$35.00
Demolition Permit for all other Buildings: per 1,000 sq. ft. on all stories	\$75.00
Petition to re-zone property	\$100.00
Improvement inspections provided by the Village	At cost

APPENDIX A — GAMBIER ZONING MAP



APPENDIX B — TABLE OF REQUIRED BUFFERYARD PLANTS

Standards given in the table below may be relaxed or modified by the Commission after verification of adequate buffering to eliminate or minimize potential nuisances such as dirt, litter, noise, Glare of lights, signs, and unsightly Buildings or parking areas, or to provide spacing to reduce adverse impacts of noise or odor.



Bufferyard Standards

BUFFER TYPE	NUMBER OF PLANTS PER 50 LINEAR FEET OF BUFFERYARD						
	WIDTH	HEIGHT OF SCREEN WALL OR FENCE IN FEET	HEIGHT OF BERM IN FEET	THREE FEET HIGH SHRUBS ON BERM	SIX FEET HIGH EVERGREEN TREES	1.5 INCH CALIPER TREES*	2.5 INCH CALIPER TREES*
A	10	6					
B screen type	15	6				1	2
B berm type	15		4	12			2
C screen type	25	6				2	2
C berm type	25		6	6		2	2
D screen type	35	6				4	4
D berm type	35		8			3	3

*Measured 1 foot from bottom of tree.

APPENDIX C — GOOD NEIGHBOR STANDARDS

INCORPORATION OF ORDINANCE NO. 1999-07 AN ORDINANCE PROVIDING FOR PERFORMANCE STANDARDS BY WHICH APPLICATIONS FOR DEVELOPMENT WILL BE EVALUATED, AND BY WHICH THE ACTUAL PERFORMANCE OF THOSE OPERATIONS WILL BE MONITORED; COMMONLY KNOWN AS “GOOD NEIGHBOR STANDARDS.”

1. Purposes The purposes of this Ordinance are to provide a number of performance standards by which applications for development will be evaluated by the Village and by which the actual performance of new and existing operations and uses will be monitored by the Village for compliance. The purposes of these performance standards are to protect the Village in general, and abutting and neighboring landowners in particular, from any potential negative impacts that uses may have on the physical environment and the quality of life currently enjoyed by Gambier.

2. Applicability The good neighbor standards shall be met by all new and existing uses introduced into the Village. At the same time as any application is made for any permits or approvals from the zoning inspector or the Planning Commission or Council, the developer shall include a statement indicating compliance with these standards. The Village zoning inspector, Planning Commission, and council must consider the degree to which a new development will or will not comply with these standards before rendering a decision on the application. Failure to meet the good neighbor standards may be grounds for delaying or rejecting an application.

3. Water Quality Objective: Development or use of land within the Village of Gambier should not result in harm, pollution, or reduction of ground water.

Standards:

3.1 All outdoor storage facilities for fuel, chemicals, or industrial wastes, and potentially harmful raw materials, must be located on impervious pavement, and shall be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm. This requirement is intended to prevent harmful materials from spilling and seeping into the ground, contaminating the ground water.

3.2 Storage tanks for residential fuels, not exceeding two hundred seventy-five (275) gallons in size, may be exempted from this requirement provided that there is no seasonal high water table within four (4) feet of the surface, and that no rapidly permeable sandy soils are located on the land.

4. Dust, Fumes, Vapors, Gases and Odors

Objective: Development or use of land within the Village of Gambier should not result in excessive airborne nuisances such as dust, fumes, vapors, gases, and odors.

Standards:

4.1 Emission of smoke, dust, dirt, fly ash or other particulate matter, or of noxious, toxic, or corrosive fumes, vapors or gases in such quantities as to be evident or perceptible at the property line of any lot on which a use is conducted, or which could be injurious to human health, animals or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the property creating that emission shall not be permitted.

4.2 No land use or establishment shall be permitted to produce harmful, offensive, or bothersome odors, scents, or aromas, (such as, but not limited to, those produced by manufacturing processes, food preparation, food processing, food sales, rendering, fermentation processes, decaying organic matter, and/or incinerators) perceptible beyond that use's lot line, either at ground or other habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be indicated on all plans for new development or uses including a description of the source of such and the anticipated frequency and/or duration thereof.

5. Glare

Objective: Development or use of land in the Village of Gambier should not significantly increase or create glare caused by exterior lighting.

Standards:

5.1 All provisions of Section 14.5 of the Zoning Ordinance of the Village of Gambier shall be complied with. The provisions of the Zoning Ordinance shall be used in determining compliance with these Good Neighbor Standards, however, a violation of the provisions of the Zoning Ordinance shall be cited solely under the Zoning Ordinance.

5.2 Outdoor lighting shall be controlled in both height and intensity to maintain the Village's rural character. Therefore, no land-use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any village road or state highway so as to impair the vision of the driver of any vehicle upon that town way. To achieve this, luminaries shall be shielded to prevent light shining beyond the lot lines into neighboring properties or public ways.

5.3 In the mixed use, I2 and I3 zones all outdoor lighting (except for security purposes) shall be turned off between 11 p.m. and 6 a.m.. Exceptions will be granted for businesses operating during those hours.

6. Heat, Radiation, Electrical or Magnetic Interference, and Explosive Hazard

Objective: Development or use of land in the Village of Gambier shall not result in the creation of heat, radiation, electrical interference, magnetic interference, or hazards of explosion or fire.

Standard:

6.1 No use shall cause perceptible heat or radiation beyond the property line of the use, nor shall it pose danger to surrounding areas by reason of a fire, explosion, or other safety hazard. No use shall cause electrical, magnetic, or other interference with any use, process, equipment, appliance, or device located beyond the property line of the property on which the use is located.

7. Refuse Disposal

Objective: Development or use of land in the Village of Gambier should not create excessive refuse, by-products, or other waste; recycling of materials used in construction and/or materials used by the use permitted on the property is encouraged.

Standard:

7.1 All refuse containers shall have tight-fitting lids and shall be enclosed or screened so as to not be visible at property lines. Operator of uses shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. Upon request by the Planning Commission, the Village Council may consider the impact of a particular waste or by-products upon the Village's disposal methods and/or disposal areas (as to volume, flammability or toxicity) and may require the user to dispose of such wastes at non-village sites, in conformance with all applicable State or Federal regulations. The Village Council may also require the user to specify the amount and exact nature of all wastes to be generated by the proposed operation.

8. Storm Water Run-Off

Objective: Development or land use in the Village of Gambier should not produce excessive increase in ground water.

Standard:

8.1 Surface water run-off shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by such project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible. The design period is the 50-year storm.

9. Erosion Control

Objective: Development or land use in the Village of Gambier should not increase or create additional erosion hazard areas; development or land use in the Village should effectively control erosion hazards.

Standards:

9.1 To minimize erosion of soil and sedimentation of watercourses and water bodies the following practices should be implemented: a. Stripping of vegetation, soil removal, and

regarding or other development should minimize loss of soil whether caused by rainfall or contact with other bodies of water. b. The duration of exposure of the disturbed area shall be kept to the practical minimum of time required for the development. c. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development. d. Permanent (final) vegetation and any necessary mechanical erosion control measures shall be installed as soon as practical and contemporaneously with construction whenever possible. e. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods. f. The top of a cut or bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Planning Commission. g. During grading operations, effective methods of dust control shall be used.

10. Noise

Objective: Development or use of land in the Village of Gambier should not produce disruptive or objectionable noise on a regular or periodic basis.

Standards:

10.1 Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.

10.2 The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this Ordinance shall be established by the time period and type of land use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.

10.3 Sound from any source controlled by this ordinance shall not exceed the following limits at the property line of said source. Sound Pressure Limits 7a.m. – 10 p.m. 10 p.m. – 7 a.m. dB(A) dB(C) dB(A) dB(C) Mixed -use 55 67 50 62 Institutional 55 67 50 62 Residential 50 62 45 57

a. Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

b. The levels specified may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes in any one day. c. Both the dB(C) and dB(A) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of this Ordinance.

10.4 Exclusions These levels shall not apply to intermittent noise emitted by or related to: a. Natural phenomena. b. Church bells rung as part of any official church ceremony or service, and tower clock bells. c. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation. d. Warning devices required by OSHA or other State or Federal safety regulations. e. Noise from domestic power equipment such as, but not limited to, lawn and yard tools or similar devices operated during daytime hours. f. Felling trees and removing logs, during daytime hours. g. Noise generated by any construction or demolition equipment which is operated during daytime hours. Emergency construction or repair work by public utilities at any hour shall also be exempted. h. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours. i. Noise created by any recreational activities which are permitted by law and/or for which a license or permit has been granted by the Village, including, but not limited to, parades, sporting events, concerts, and firework displays.

10.5 Specific Prohibitions a. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, to wit: b. Owning, possessing or harboring any animal or bird which frequently or for continued duration makes sounds which create a noise disturbance across a residential real property boundary. For the purpose of this Ordinance, a barking dog shall mean a dog that barks, bays, cries, howls, or makes other noise continuously and/or incessantly for a period of more than ten (10) minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a “barking dog” for purposes of this Article, if, at the time the dog is barking or making other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog. c. The using, operating or permitting to be played, used or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure. d. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise. e. No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds Manufacturer’s Gross Vehicle Weight (GVW) for a period in excess of ten (10) minutes within any eight (8) hour period during nighttime hours, when such vehicle is parked on or adjacent to a residential premises or on a public road next to a residential premises.

11. Manner of Enforcement

11.1 The Village Administrator is directed to enforce the provisions of this Ordinance.

11.2 No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this Ordinance while such person is engaged in the performance of his duty.

11.3 Violations of this Ordinance shall be prosecuted in the same manner as other criminal violations, provided, however, that in the event of an initial violation of the provisions of this Ordinance, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken in the event the cause of the violation has been removed, the condition abated or fully corrected within the time period specified in the written notice. The notice shall state that unless corrections are made within the allocated time, the violator is subject to prosecution pursuant to the provisions of this Ordinance.

11.4 In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail, return receipt requested, to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing or such notice. Subsequent violations of the same offense shall result in the immediate filing of a criminal complaint.

12. Penalties

Any person in violation of any of the standards of this Ordinance shall be deemed guilty of a minor misdemeanor and upon conviction thereof shall be fined in the amount not to exceed One Hundred Dollars (\$100.00). Each day such violation continues after the time for correction of the violation has been given in an order, shall constitute a separate violation.

13. Severability

Any provisions of the Zoning Ordinance of the Village of Gambier which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph, or section of this Ordinance shall be deemed unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of the Ordinance shall continue in effect.

14. Effective Date

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.
Passed: This 6th Day of September 1999 S/Jennifer Farmer, Mayor S/Mary Samuell,
Clerk/Treasurer

APPENDIX D — PUD REQUIREMENTS

17.0 PUD PROCEDURES CONTROL

If an Owner or Developer wants to create a Development of any type on one or more Adjoining parcels of land in the Village, the procedures as incorporated into the Ordinance as this APPENDIX D, are to be used to establish a Planned Unit Development (PUD) District by Application in accordance with the provisions of this Chapter and the requirements contained herein which shall take precedence over all other conflicting regulations contained in the Ordinance. The procedures of this APPENDIX D are to be used by the Developer or Owner to obtain information, plan land Developments, apply for review, and construct land improvements, and by the Commission, and Village Council, if appropriate, to review, study, make recommendations, approve, modify or reject such plans, and otherwise administer this Ordinance. The procedures found in this APPENDIX D are also designed to assure the construction of such improvements as reviewed by the Commission, that natural site assets such as existing trees and topsoil are preserved, that necessary Drainage is provided, that on- and off-site extensions of pavements and utilities are constructed, that the Village is assured that all required improvements are constructed for the entire project, and to provide enforcement procedures therefor.

17.1 PURPOSE AND INTENT.

The application of flexible and creative land use regulations to the development of land is often difficult or impossible within traditional zoning district standards. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish a Planned Unit Development District designation in which development is in harmony with the general purpose and intent of this Ordinance. The objective of a Planned Unit Development District is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of this Ordinance, while departing from the strict application of the dimensional standards of the traditional Districts. Planned Unit Development Districts are intended to allow design flexibility and provide performance standards that may, in addition to the purposes set forth in Chapter 1:

- A. Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible;
- B. Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;
- C. Result in a desirable environment with more benefits, amenities, improved arrangement and design than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;
- D. Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;
- E. Foster the safe, efficient and economic use of land, transportation, public facilities and services;
- F. Encourage concentrated land use patterns which decrease the length of automobile travel, and encourage pedestrian circulation between land uses;

- G. Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, and the provision of recreation areas and open space in excess of existing standards;
- H. Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;
- I. Ensure a rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;
- J. Provide an environment of stable character compatible with surrounding areas; and
- K. Provide for innovations in land development.

17.2 USES AND DESIGN STANDARDS.

- A. Uses. Within the PUD Zoning District, permitted uses shall include all uses allowable under the Zoning Ordinance or a compatible combination of any or all of these uses provided the proposed location of any of the uses will not adversely affect adjacent property and/or public health, safety and general welfare.
- B. Design Standards. The following design standards shall be maintained within every PUD Zoning District:
 1. Special attention should be given to designing a primary entrance to any building that is both attractive and functional. Primary entrances should be clearly visible from the street.
 2. Buildings should promote and enhance a comfortable pedestrian scale and orientation. Building elevations should be varied and articulated to provide visual interest to pedestrians.
 3. Exterior building materials and finishes should convey an impression of durability and permanence. Materials such as brick, stone, and wood are encouraged. Divided light windows are encouraged, and painted and opaque glass, as well as glass block, are prohibited.
 4. Wherever possible, buildings should incorporate covered porches or arcades.
 5. Building elevations facing a street or pedestrian thoroughfare should be articulated with architectural features such as windows, dormers, offsetting walls, alcoves, or bays. Undifferentiated blank walls facing a street, pedestrian thoroughfare, or major parking area should be avoided.
 6. Roof forms must comply with the village's minimum standard for pitch, with deep pitches preferred over shallow ones.
 7. Preferred colors for exterior building finishes, exclusive of roofs, include earth tones, pastels of earth tones, historic (e.g., "Williamsburg") colors, and the complete spectrum of grays and whites. High-intensity primary colors, metallic finishes, and black are to be avoided, except as accent elements.
 8. All roof- and wall-mounted communications components (excluding those necessary for reception of satellite signals) should be screened from public view by walls, fences, or evergreen foliage. Any communal garbage or recycling collection facilities should be treated likewise; screening by chain-link fence, with or without inserts, is prohibited.
 9. Buildings should be located to minimize the visibility of parking areas to pedestrians and vehicular traffic. The overall impression should be that architecture and landscape are the primary design elements. Street side parking is prohibited.

10. A continuous pedestrian network of paved or graveled walks of a minimum width consistent with Village Ordinances must be provided, along with linkages to adjacent existing and planned pedestrian thoroughfares. Paving may consist of scored concrete or modular materials, including brick and stone; asphalt is prohibited as a paving material for this purpose.
11. Building heights should help form a sense of street enclosure but should not create a sheer wall out of proportion with other neighborhood structures and with pedestrians.
12. Landscaping should include trees planted along at least the street side of all pedestrian thoroughfares, with a minimum planting distance, on center, of thirty feet and a maximum of seventy feet. A bench must be provided at a minimum of every five hundred yards.
13. Grading of the site should be kept to a minimum to preserve the natural features of the site; excessive recontouring of the land is to be avoided. Likewise, efforts should be made to preserve mature trees on the site.
14. Retaining walls, if necessary, must be designed as an integral part of the landscape. They must be constructed of, or faced with, attractive, durable materials such as brick or stone.
15. Fences must conform with village ordinances. Additionally, vinyl fencing is prohibited.
16. A PUD shall not exceed the building and hard surface density (normally regulated by lot size, setbacks etc.) as permitted in the conventional Zoning District most similar in nature and function to the pertinent portion of the PUD as determined by the Commission. Where a PUD is most similar in nature and function to a Residential District, total impermeable surface area shall not exceed 25% of the area for Development. Retention of large trees and use of varied architecture are encouraged to soften density. Roadways and Building spacing shall be reviewed to assure sufficient width and turning radius for emergency vehicle access. Unless emergency access is otherwise assured, clearance between Buildings shall be at least 17 ft. measured at lowest point of roof overhang.

17.3 GENERAL PROCEDURES.

Procedures and conditions set forth for determination of PUDs and development(s) therein shall be strictly followed except when the Planning Commission and Council have approved a written statement submitted with the rezoning application, by the applicant clearly showing that such procedures or conditions do not apply in the specific case.

17.4 OWNERSHIP.

A PUD shall be in joint or common ownership or control at the time the rezoning application is made for a PUD District, or where joint or common ownership and/or control does not exist, each owner within the Planned Unit Development shall sign the application for rezoning. Any transfer of land within the Development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A Development Plan approved hereunder shall be binding upon the applicant(s), their successors and assigns and shall limit and control the issuance of validity of all Certificates of Zoning approval.

17.5 PLAN CONTENTS.

The following described contents shall be provided to secure approval for PUD zoning. The basic process shall require: (1) a Preliminary Development Plan and (2) a Final Development Plan. All plans shall be drawn to a scale suitable to the scope of the project and acceptable to the Municipality as determined by the Zoning Inspector. Ten (10) copies of each plan shall be submitted to the Zoning Inspector, who shall accept such plans as Zoning Inspector, and as agent for the Commission.

- A. Contents of Preliminary Development Plan. It is the intent of these regulations that the Preliminary Development Plan indicates the following in text and/or map form, as appropriate:
1. North point and scale
 2. The location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units in the development plan.
 3. The size, location and use of nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership of such areas.
 4. The provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
 5. The traffic circulation patterns, including public and private streets and parking areas, indicating their relationship to topography and existing streets, or showing other evidence of reasonableness.
 6. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.
 7. The relationship of the development to existing and future land use in the surrounding areas, the street system, community facilities, services and other public improvements.
 8. An affidavit of the applicant listing all property owners within the 200 feet contiguous to, and directly across the street from, the parcel(s) included in the Preliminary Development Plan and their addresses as appearing on the Knox County Auditor's current tax list.
 9. A written statement regarding the potential impact of the proposed development on the student population of the local school district(s).
 10. A brief narrative explaining how the project will benefit the Village, and why a PUD is needed.
 11. Any other additional information that in the opinion of the Commission or Village staff is pertinent to the review of the proposed plan.
- B. Contents of Final Development Plan. Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted to the Commission for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plans shall necessitate revision of portions of the approved Preliminary Development Plan located outside of the area to be included within boundaries of the Final Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Ordinance

before approval of the Final Development Plan. Council shall also be required to approve any change to the Preliminary Development Plan and the rezoning. Final Development Plans are intended to be detailed representations of the total aspects of the approved Preliminary Development Plan. Contents of the Final Development Plan shall include:

1. The boundaries of the property which is the subject of the Final Development Plan with accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments;
2. All municipal, corporation, township and county lines and section lines traversing or immediately adjacent to the property which is the subject of the Final Development Plan, and adjacent subdivision boundaries within 200 feet of such property, accurately referenced to the boundaries of the project by bearings and distances;
3. A bar scale, north point, legal description and total acreage of the area which is the subject of the Final Development Plan;
4. Accurate location of all monuments, which shall be concrete six inches by six inches by thirty inches with iron pipe cast in center, one such monument to be placed at each corner and at each change of direction of the boundary, at each street intersection and at the beginning and end of curves on one side of the street;
5. A certificate by a surveyor registered in the State of Ohio that the plan represents a survey made by him and that the monuments shown actually exist and that all dimensional and geodetic details are correct;
6. Accurate outlines, dimensions and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, and the acreage of such reserved areas;
7. The lines of adjoining streets and alleys with their width and names;
8. All lot lines and easements with their dimensions;
9. Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners; which shall be designed in such a manner as to allow free and easy access by fire engines and other large emergency and road maintenance vehicles;
10. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school site, open spaces and other public or private facilities;
11. A detailed statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density of population and building intensity;
12. Detailed engineering plans for the provision of all streets and utilities including provisions for off-site connections and facilities necessary to serve the entire areas which are the subject of the Final Development Plan;
13. Detailed engineering site grading plans including proposed finished grades;
14. Proposed drainage facilities;
15. Detailed landscaping plans;
16. Architectural drawings demonstrating the design and character of the proposed structures, buildings, uses and facilities and the physical relationship of all elements;
17. All proposed restrictions or reference made thereto and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions;
18. Evidence that the applicant has sufficient control over the land in question to initiate the proposed project within five years;
19. A certificate to the effect that the owner will dedicate to public use all streets,

- sidewalks, parks and other lands intended for public use, sewer systems, water systems, hydrants, and all other project infrastructure, provided the same are acceptable to the Village of Gambier;
20. A tabulation showing the exact area of each lot, reserve or other parcel shown on the plan (other than streets and alleys), such areas to be computed inclusive of and after the extension of lot or parcel lines to the center lines of contiguous public ways, such as streets and parking areas;
 21. Approval of detailed water and sewer engineering plans by Knox County Health Department and the Ohio EPA, including certification that all permit-to-install (PTI) fees for the Ohio EPA shall be paid by the developer;
 22. Space for signature of the Planning Commission chair, vice chair or designee and the date of Commission approval;
 23. Location and character of all signs;
 24. The proposed size, location, ownership and use of nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, other public areas and open spaces, and the methods of access whereby all residents of the PUD can have ingress to and egress from the aforesaid areas or portions of the tract whether such areas have been previously established or will be established in the future;
 25. An affidavit of the applicant listing all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) included in the Final Development Plan and their addresses as appearing on the Knox County Auditor's current tax list;
 26. A surety bond in favor of The Village of Gambier, Ohio, from a company authorized to transact business in the State of Ohio, and acceptable to the Village, and in an amount set by the Village in consultation with its Engineers, conditioned on the faithful performance of the Developer in completing all street, sewer, water, sidewalk, and other infrastructure elements of the project;
 27. Any other additional information that in the opinion of the Commission, Village Council, or Village staff is pertinent to the review of the proposed plan.

17.6 BASIS OF PLAN APPROVAL.

Deviations from strict application of traditional Zoning District standards found elsewhere in this Ordinance shall be fully offset by specific advantages of creative land use as determined by the Commission. In particular, maximum use of common open space or "green space" is encouraged as an important offsetting factor permitting relaxation of traditional standards. "Common open space" means a visible and accessible parcel or parcels of land within a site, designed and intended for the use and enjoyment of all of the occupants of the PUD. In keeping with the rural, pedestrian character of the community, common open space should include, but not be limited to recreational areas, natural areas, landscaped areas or other improvements or amenities beneficial to the health, safety and welfare of the public, PUD occupants and PUD visitors. "Common open space" shall be reviewed, determined and approved by the Commission. Other factors to be considered for approval of the Preliminary Development Plan include:

1. That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Ordinance;
2. That the proposed development advances the general welfare of the Municipality;

3. That the benefits, amenities, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;
4. The various types of land or building that are proposed in the project;
5. Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density of dwelling units may not violate any contractual agreement contained in any utility contract then in effect;
6. Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;
7. Building heights of all structures with regard to their visual impact on adjacent facilities;
8. Front, side and rear yard definitions and uses where they occur at the development periphery;
9. Area ratios and designation of the land surfaces to which they apply;
10. Spaces between buildings and open areas;
11. Width of streets in the project;
12. Setbacks from streets;
13. Off-street parking and loading standards;
14. The order in which development will likely proceed in complex, multi-use, multi-phase developments;
15. The potential impact of the proposed plan on the ability to provide police and fire protection, sewer, water, and other village services, and the impact on student population of the local school district(s).

17.7 PROCEDURE FOR APPROVAL OF A PUD.

The following procedures shall be used to secure approval of a PUD and the appropriate changes of zoning resulting therefrom.

A. Pre-Application Meetings and Documents

1. Pre-Application Meeting. The applicant is encouraged to meet informally with the Village Zoning Inspector, to submit a Pre-Application Plan for review and discussion prior to the formulation and submittal of a Preliminary Development Plan. The Pre-Application Plan is conducted for the applicant's benefit, at applicant's discretion, and its submission does not constitute a formal review. With the submission of the Pre-Application Plan, the applicant waives any rights to a formal approval until such time as a Preliminary Development Plan is submitted for approval as detailed in these provisions. Additionally, the applicant is encouraged to meet with the Chief of the College Township Fire Department. The Village Administrator and the Fire Chief shall review the plan to ensure that all public roadways serving the PUD are designed in such a manner as to allow free and easy access by fire engines and other large emergency and road maintenance vehicles, and to ensure water mains and fire hydrants are of sufficient size and quantity to efficiently extinguish fires.
2. Existing resources and site analysis plan. The Zoning Inspector shall review the pre-application plan submitted by the applicant, and provide a preliminary determination as to whether the proposed project is feasible given village resources, and whether the

- site is suitable for the project being contemplated.
3. Site inspection by the Chair of the Commission, the Zoning Inspector, and the applicant. After review by the Village Zoning Inspector, the Applicant's Preliminary Development Plan shall be forwarded to the Village Commission, which shall schedule a date and time to inspect the project site with the applicant.
 4. Pre-sketch plan conference. After site inspection has been completed, the Village Commission shall meet informally with the applicant for review and discussion prior to submittal of a Preliminary Development Plan. Notice of the conference shall be provided by the Commission to all adjoining land owners by ordinary mail at least ten (10) days prior to the conference.
 5. Sketch Plan Overlay Sheet. After the pre-sketch plan conference, and prior to submitting a Preliminary Development Plan, the Applicant shall submit a Sketch Plan Overlay Sheet, roughly showing the boundaries of the proposed project, and the areas designated therein. The Sketch Plan Overlay Sheet shall be reviewed by the Village Commission, and returned to the Applicant with comments relative to the scope, layout, and feasibility of the project.
- B. Submission of Preliminary Development Plan
1. Applicant shall submit a Preliminary Development Plan in accordance with this Chapter, with all of the information required by *Section 17.5(A)* of this Ordinance, along with the required filing, engineering, and legal fees.
 2. The fee for filing a Preliminary Development Plan shall be Three Hundred and 00/100 Dollars (\$300.00). Additionally, applicant shall pay such reasonable fees as may be required for the Preliminary Development Plan to be reviewed by the Village's engineers and legal counsel. Initial engineering and legal fees shall be estimated by the Zoning Inspector, in consultation with the Village's engineers and legal counsel. The estimated engineering and legal fees shall be based upon the scope and complexity of the project, and shall be paid in advance along with the filing fee. Additional engineering and legal fees shall be assessed in direct proportion to the number of change orders ultimately required for the preliminary development plan stage of the project. Applicant shall pay such additional engineering and legal fees, based on the Village's actual costs therefore, within thirty (30) days after receipt of an invoice therefore.
- C. Review of Preliminary Development Plan
1. Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector at least ten (10) days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in a refusal of acceptance.
 2. The Zoning Inspector shall transmit the complete application package to the Commission, and other parties as the Zoning Inspector deems appropriate, for review and comment.
 3. A public hearing by the Commission shall be held not more than forty-five (45) days from the date of acceptance of the application package.
- D. Action by Commission. Within thirty-five (35) days from the public hearing, the Commission shall review the application for Preliminary Development Plan and forward one of the following recommendations to Village Council:

1. Recommend that the zoning amendment be granted as requested, with rationale.
 2. Recommend modification of zoning amendment, with rationale.
 3. Recommend that the zoning amendment be denied, with rationale.
- G. Action by Village Council. Upon receipt of the recommendation by the Commission, Village Council shall review and take action on the application, following the procedures specified in this Ordinance. Following approval by Village Council, the subject shall be considered as zoned PUD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.
- H. Submission of Final Development Plan
1. Not later than twelve (12) months from the approval of the Preliminary Development Plan, the Developer shall submit a Final Development Plan in accordance with this Chapter. The Final Development Plan shall be in general conformance with the Preliminary Development Plan, and shall include all information required by *Section 17.5(B)* of this Ordinance. At the time the Final Development Plan is submitted, the Developer shall also submit the required filing, engineering, and legal fees. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.
 2. The fee for filing a Final Development Plan shall be Three Hundred and 00/100 Dollars (\$300.00). Additionally, applicant shall pay such reasonable fees as may be required for the Final Development Plan to be reviewed by the Village Engineer and Village Solicitor. Initial engineering and legal fees shall be estimated by the Zoning Inspector, in consultation with the Village Engineer and Village Solicitor. The estimated engineering and legal fees shall be based upon the scope and complexity of the project, and shall be paid in advance along with the filing fee. Additional engineering and legal fees shall be assessed in direct proportion to the number of change orders ultimately required for the final development plan stage of the project. Applicant shall pay such additional engineering and legal fees, based on the Village's actual costs therefore, within thirty (30) days after receipt of an invoice therefore.
- I. Review of Final Development Plan
1. Ten (10) copies of the completed Final Development Plan shall be submitted to the Zoning Inspector at least ten (10) days prior to the Commission's next scheduled meeting.
 2. The Zoning Inspector shall transmit the Final Development Plan to the Commission, and other parties as the Zoning Inspector deems appropriate, for review and comment.
 3. A public hearing by the Commission shall be held not more than forty-five (45) days from the date of acceptance of the Final Development Plan.
- H. Action by Planning Commission. Within thirty-five (35) days from the public hearing, The Commission shall approve, or approve with modification, the Final Development Plan if it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned. Thereupon, the Commission chair, vice chair or designee shall affix his/her signature and approval date thereto attesting to such approval. Following approval of the Final Development Plan and the attestation of such action by the Commission chair, vice chair or designee, the applicant shall provide one Mylar copy of all plans as part of the Final Development Plan for records of the Village.

- I. Council Approval Prior to Recording. A final subdivision plat prepared in accordance with applicable requirements of the subdivision regulations for the area covered by the Final Development Plan shall be prepared for Council approval prior to appropriate recording.
- J. Amended Preliminary Development Plan. At any time the applicant and/or his/her successors in title to the property may submit an amended Preliminary Development Plan. In such event the same procedures shall be followed as in the case of an original Preliminary Development Plan and if approved such amended Preliminary Development Plan shall in all respects be considered as if it were the originally adopted Preliminary Development Plan.
- K. Expiration and Extension of Approval Period. The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit may be approved if the Commission finds that such extension is in the public interest.
- L. Option to Consolidate Preliminary Development Plan and Final Development Plans. At Developer's option, with the consent of the Commission, the Developer may consolidate the procedures for submission and approval of the Preliminary Development Plan and Final Development Plan. In the event of such a consolidation, the Developer and the Commission shall mutually agree upon plan content, fees, and timelines.

17.8 RECORDING AND TRANSFER.

When a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within three months unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of Council shall become null and void. If construction has not begun within two years of approval of the Final Development Plan, all approvals and permits shall be invalidated and canceled. Original tracings will become the permanent record of the County Recorder. One copy of this tracing, reproduced on Mylar, showing the date and place of recording, shall be supplied by the owner to Council as local public records. Such two year period may be extended by the Commission for good cause.

17.9 APPEAL.

If the Planning Commission disapproves the Final Development Plan in a PUD application, the applicant shall have thirty (30) days in which to file an appeal with the Council for review. Such appeal shall be in writing, filed within thirty (30) days of the disapproval, and shall be filed with the Village Administrator. Council shall hold a hearing on the appeal within sixty (60) days after it is filed, and shall render a written decision with findings of fact and conclusions within thirty days after the hearing is concluded.

17.10 LAND FOR PUBLIC AND COMMON USE.

- A. Dedication and acceptance of Streets; related Title Insurance. The Preliminary Development Plan shall include all requests for dedication of any land for public use and any easements. The acceptance of any Street or utility for public use and maintenance, and assignment of Street names, shall be by separate Action of Village Council. Six months after the completion of permitted paving, but not sooner than June 1 of the year

following the completion of the pavement, an inspection of all Street improvements installed by the Developer shall be made by the Village Engineer. Any defects disclosed by this inspection shall be corrected by the Developer at his expense. When the Street improvements installed by the Developer are approved by the Village Engineer, the Developer shall file as set forth in this Ordinance an abstract, certificate of title, guarantee of title or title insurance in the amount of at least \$1,000.00 showing the title to the Street or Streets in the subdivision of the Village to be good for Street purposes and to be free and clear from all encumbrances whatsoever. The Commission shall then approve the plat for the dedication of such Street areas, shall accept the Streets as Village Streets and release all related bonds (see below).

- B. Land reserves for public use; "common open space". In addition to land for local Streets which principally serve the subdivision, the Commission may request by resolution that land for other Streets, for Parks, playgrounds, or other public Uses as necessary, be set aside and preserved for a period of 120 days after the Application for approval of a Preliminary Development Plan is submitted, or for a longer period as may be mutually agreed, to allow the Village time to start proceedings to acquire such land by gift, purchase, exchange, devise, or appropriation. During such period, no Structure shall be erected, no trees or topsoil shall be removed or destroyed, no grading shall be done, nor shall any land so reserved be put to any Use whatsoever except on written approval of the Commission. If no "common open space" or open land for a recreational or open and passive Use is shown within a proposed PUD, the Commission may reject the Application and require the Developer reapply with a new design that provides such "common open space".
- C. Common land. Whenever a Developer submits a Preliminary Development Plan showing common land either for recreation, Streets, pedestrian circulation or other purposes, the covenants and restrictions of such land shall be submitted with the Preliminary Development Plan to the Commission. The Commission shall not approve any common land unless such covenants and restrictions set forth that the common land shall be:
 - 1. Used only for the Uses set forth in the restrictions and covenants;
 - 2. Improved by the Developer;
 - 3. Owned by a home association, condominium ownership, or similar private or non-profit organizations with owners of each Dwelling Unit having a share in the common land; and
 - 4. Maintained at no cost to the Village with the owner of each Dwelling Unit and/or Lot, or alternatively the organization, being responsible for his share of the maintenance cost, which share when not paid shall be a lien against the property. The Village Solicitor shall give his written approval of such covenants and restrictions as a precondition to acceptance by the Commission.

17.11 DEVELOPER RESPONSIBLE FOR REQUIRED IMPROVEMENTS.

The Developer of any PUD shall provide and install at its expense the improvements required by the Preliminary Development Plan; or he shall provide financial guarantees in lieu of actual installation as precedents to the recording and sales of Lots and the issuance of Zoning Certificates.

- A. Improvements within the PUD. Land for rights-of-way for all Streets within the

subdivision shall be dedicated by the Developer, and all necessary related easements shall be provided. Utilities and pavements shall be furnished and installed as hereinafter required and they shall be of such sizes and capacities as are required for the Development and as may be necessary to serve adjacent undeveloped land which is an integral part of the service area. The Developer shall be required to extend improvements to the boundary of the PUD to serve Adjoining land. However, where the Commission determines that a connecting Street is necessary for the Adjoining land, but the present construction of pavement and/or utilities therein are not warranted, the Commission may require the dedication of land for such connecting Street and the pavement for the intersections constructed and connections to the utilities made available for future extension.

- B. Off-site extensions. The construction of off-site improvements may be required of a Developer as a precedent to approval if adequate utilities or Streets are not available at the boundary of the proposed PUD, provided the Commission finds the extension of the improvements across undeveloped or unserved areas would not be warranted as a special assessment to the intervening properties or a municipal expense until some future date.
- C. Grading. The Developer shall prepare a grading plan in order to establish Street grades, floor elevation of Buildings and a system of Drainage for private Lots, all in proper relation to each other and to existing topography, as follows:
1. The grading plan shall be established with the intention of meeting the following purposes: to divert water away from Buildings; to prevent standing water and soil saturation detrimental to Buildings and the use of the Lot; to provide for disposal of water from the Lot except that which shall be retained for irrigation; to preserve desirable and valuable site features; and to provide grades for safe and convenient access to and around Buildings and the Lot for their use and maintenance.
 2. The finished grading shall be designed in accordance with all relevant state provisions, if any. The grading of the roadway shall extend the full width of the right-of-way except in rolling topography. Tree lawns shall be graded at a gradient of not less than 2% or more than 4% upward between the curb and the sidewalk or property line.
 3. The floor elevation of each Building shall be established in proper relation to the surrounding grades, to the driveway and the Street. There shall be a minimum grade of 2% around each Building so that water drains to lower areas or Drainage swales which shall have a minimum grade of .5%. The Lot Drainage system shall be designed so that surface water shall drain onto the driveway, a Drainage Structure on the Lot, a Street gutter and storm sewer, or a natural drainageway. The minimum grades of impervious surface driveways shall be .5%; the maximum shall be 12%. Grading shall be adjusted so there shall be no abrupt grades in the front yards and along side Lot lines. The grades of earth terraces shall not exceed a 2½ to 1 slope. If a masonry retaining wall exceeds 3 feet in Height, a hedge, Fence, or railing shall be provided on its top.
 4. The topsoil shall be stripped from the roadway and construction areas, piled separately and not removed from the site or used as spoil. The Commission may require that as many trees as can be reasonably utilized in the final Development plan be retained, and that grading be adjusted to the existing grade around the trees.
- D. Drainage facilities. A Drainage system shall be designed and constructed by the

Developer for the proper Drainage of the surface water of the PUD and each Lot as follows:

1. Enclosed storm sewer. An enclosed storm sewer system shall be provided and connected to an existing storm sewer system, Drainage ditch or other waterway, as determined by the Village Engineer. The system shall have a capacity to serve the PUD and Drainage area of which it is a part. The system shall include pipes, culverts, manholes, catch basins, drain inlets and a connection for each Lot.
2. Open Drainage system. Subject to the approval of the Commission, the Developer may rechannel drainage to any water course through his property in order to contain the storm drain flow. The Developer may be required to deed in fee, dedicate or grant an easement to the Village for a drainage channel not less in width than required by a plan or standards adopted by the Village or as directed by the Engineer. The Developer shall be responsible for clearing the drainage way of all debris as a condition of acceptance of this method of drainage. The Village Engineer shall determine the proper cross-section, grade, width of channel and alignment of the open drainage system.
3. Design standards. The drainage system shall be designed in accordance with the standards of the Knox County Engineering Department. The design of storm frequency shall be for 5 years (for single- and Duplex uses) or 10 years (for all other uses). During any 2-year storm, post-development storm water discharge shall not exceed pre-development storm water discharge.
4. Acceptance of storm and sanitary sewers. Prior to final approval of any newly installed sewer system and/or reconstructed sewer, the contractor constructing such sewer or the Developer shall cause to be made at his expense one set of photographs of the entire sewer system installed, both sanitary and Drainage, at the completion of all mains, showing thereby that the sewer system was constructed upon sound engineering standards and that the system is free of any and all accumulations of foreign substances and debris and that the passage and flow of sewage and storm water shall be free and clear. Upon inspection of such photographs, and if satisfied that such sewer is free and clear of all foreign substances and debris and is of sound workmanship and complies with sound engineering standards, the Village Engineer is thereupon authorized to approve the same as a final inspection, placing in safe keeping for future reference all photographs which shall remain the property of the Village.
- E. Sanitary Sewers. Sanitary sewers shall be designed in accordance with the master sewer plan of the Village and shall be constructed by the Developer; a house connection shall be provided for each Lot or Unit. The sanitary system shall be designed and constructed in accordance with such regulations and standards established by the Village Engineer and/or the Knox County Sanitary Engineering Department. Final approval shall be made according to the process found in paragraph D, above.
- F. Water Service. A public water distribution system shall be designed and constructed by the Developer and a supply shall be provided for each Lot or Unit. The water distribution system shall be designed and constructed in accordance with the rules and standards established by the Village Engineer and/or the Knox County Water Department.
- G. Utility service. All utilities, including gas, electric, cable, and telephone services shall be located underground. The electrical contractor for the Developer shall install code

approved galvanized conduit of rigid type at a minimum burial depth of 24 inches below the finished grade. The initial backfill shall be a minimum depth of 12 inches of sand. The conduit shall run from the grade level connection chamber to the meter socket and shall conform to any specifications of the servicing electric company. Galvanized conduits of a rigid type shall be used for all bends and connections. The electrical contractor shall also install in a like manner conduit to service telephone lines from the telephone company roadway ground connection to the telephone entrance ell. The installation shall conform to the specifications of the telephone company.

H. Gas fuel service. The Developer shall submit plans for a gas fuel distribution system for the PUD Development and a supply line shall be provided for each Lot. The gas system shall be designed and constructed in accordance with the rules and standards of the federal Department of Transportation.

I. Pavement, curbs, and sidewalks. The pavement, curbs and sidewalks shall be designed and constructed by the Developer according to the following standards:

1. Pavement. For all pavement constructed in accordance with this Chapter, the width of the pavement shall be measured between the vertical faces of straight curbs and the outside edges of rolled curbs. The materials and the construction shall be in accordance with the “Material Specifications” of the State Department of Transportation. The pavement requirements may be modified if found necessary by the Village Engineer, and if approved by the Commission in advance of installation, because of extraordinary traffic loads or unusual soil conditions in specific locations. After the underground utilities and house connections are installed and backfilled, and rough grading completed, the roadway subgrade shall be shaped, rolled and compacted. In PUD Developments approved for concrete Streets and those which are continuations or extensions of existing concrete Streets, the Developer shall construct the final pavement of reinforced concrete with integral curbs, or the Developer may request to construct a temporary pavement of slag or stone for use during the Building construction period and furnish a cash bond of at least 25% of the amount of the performance bond or in other amounts mutual agreed to, guaranteeing that all pavements shall be maintained in a passable and reasonable condition and rebuilt as necessary to comply with the standards of the Village at the completion of the construction of the Buildings and without expense to the Village, until final acceptance of final pavement for maintenance and use. Otherwise, in all other Developments, the Developer shall construct asphalt pavement for roadways unless new, more “environmentally friendly” materials become available and are requested by the Commission. In subdivisions where the topography is undulating such that Lot grades shall create difficulties in construction, then the Developer may elect to construct an asphalt pavement with flush curbs and no gutters, provided that the Village Engineer has approved such installation in advance.
2. Curbs and gutters. Where required by this Chapter, concrete roll curbs integral with the pavement shall be constructed. Straight curbs may be provided at intersections where rolled curbs are used elsewhere.
3. Driveways and curb cuts. Driveways and curb cuts shall be located along the lowest side of the Lot, not less than three feet from the side Lot line or another driveway, unless two driveways are to be combined into a shared driveway. Shared driveways or service drives are encouraged; recorded easements for such elements are required.

Developments using shared driveways or service drives may reduce the required side yards by one-half (1/2). Driveways shall be not less than 8 feet and not more than 16 feet wide. Curb cuts or straight curbs and the flare for rolled curbs of driveways shall be 3 to 5 feet wider than the driveway on each side; the driveway grade of the apron shall not exceed 3% from the edge of the pavement to the property line and the maximum grade of the on-site driveway shall not exceed 10%.

4. Parking areas. The design of off-Street parking areas and their service driveways shall be in accordance with the standards set forth in Chapter 5.
5. Public sidewalks. Sidewalks shall be constructed contemporaneously with Street construction. The Developer shall grade the tree lawns on both sides of the Street between the curb and the sidewalk. A Developer may seek a waiver of the requirement to construct sidewalks contemporaneously from the Commission; such a waiver shall require the installation of sidewalks upon the sale of 51% of the Lots or units in the subdivision or within 2 years from the time when the Development was first opened for sale, whichever occurs first. Sidewalks shall be located in the public right-of-way so that the inner line is approximately 6 inches from the property line. On corner Lots, each sidewalk shall be extended to the curb. Sidewalks shall be not less than 3.5 feet wide and no more than 5.5 feet wide. Sidewalks shall be constructed of concrete 4 inches thick or gravel and shall link directly with the nearest existing Village sidewalk.
- J. Street Trees. The Developer shall select and install deciduous trees to be planted along the tree lawn of all Developments. Trees shall be planted on the tree lawn at an interval of no less than 50 feet. Tree species shall be selected with such habit of growth that they shall fill the space desired within a reasonable time, producing a pleasing effect in scale with Adjoining property. Miniature tree species shall not be used in tree lawn planting. Trees of untried species, or unknown endurance or those requiring frequent spraying shall not be used. Trees generally recommended along Streets are Red Maple, Norway Maple, Sugar Maple, Red Oak, White Oak, Thornless Honey Locust, London Plane, Amur Cork and Sweet Gum. Trees which have undesirable characteristics such as excessively thick foliage, low branches, unpleasant odors, susceptibility to disease or attack by insects or which have large root systems shall not be planted in any tree lawn; some of these include, but are not limited to, Poplar, Willow, Cottonwood, American Elm, nut or fruit trees, Ailanthus, Mountain Ash and other Ash varieties, and Oregon Maple.
- K. Design Standards for required improvements. The design of the water system, storm and sanitary sewage systems and roadways, the grading of the subdivision and each Lot shall be in accord with the various aforesaid standards and requirements. Drawings and specifications for such improvements shall be reviewed and approved by the Village Engineer, and the installation shall be subject to his continuous inspection. At the completion of construction, and before acceptance, the Developer shall furnish the Village with a set of records or “as-built” tracings showing the locations, size, and elevations of all underground utilities.

17.12 PERFORMANCE GUARANTEE IN LIEU OF INSTALLATION OF IMPROVEMENTS.

Concurrently with the Application for approval of the Final Plat, the Developer shall execute and file with the Village a performance bond, secured as hereinafter required, in lieu of actual

installation or completion of required improvements.

- A. Form of bond. The performance bond shall be conditioned upon proper installation of all improvements approved by the Commission and required by the codified ordinances of the Village within two years after such approval, and shall provide that the Village shall have the right, in the event of default, (1) to install the required improvements after first giving 10 days written notice to the Developer, (2) to proceed against the Developer and against any surety on the bond for the cost thereof and (3) to apply to the cost of such improvements any funds deposited with the Village in escrow as security for performance of the conditions of the bond. The bond shall further provide that the Developer shall hold harmless the Village, its agencies, officers and employees from all claim, demands, and causes of Action of every nature and description arising out of the installation of improvements within the Developer's PUD, conditions existing during the construction or installation of such improvements and all damages to neighboring property Owners resulting from approval of the Developer's PUD by the Village and the installation of improvements therein, including, without limitation, damages resulting from increase in surface water flowing from the PUD and all claims arising out of changes to natural ditches or Drainage courses. The terms "claim, demands, and causes of Action," shall include all expenses of defending against such claims, demands and causes of Action, including fees payable to attorneys and expert witnesses, wages paid to Village employees while occupied in defense of such claims, demands and causes of Actions and wages or salaries reimbursed by the Village to Village officers to compensate them for wages and salaries lost while engaged in such defense. The form of each performance bond shall be approved in writing by the Village Solicitor.
- B. Security for bond. Performance bonds shall be secured by either:
 1. Guarantee. The written guarantee of one or more surety companies authorized to conduct business within the State of Ohio. The form of such guarantee shall be approved in writing by the Village Solicitor. The Village Solicitor may reject a performance bond in the event that he reasonably determines that the assets of the surety company or companies, subject to attachment within the State of Ohio, are insufficient to secure performance of the Developer's obligations, taking into account other outstanding liabilities and contingent liabilities of the surety company or companies; or
 2. Deposit. Deposit of cash in the full face value of the bond, with the Village or with an escrow agent or trustee. In the event funds are deposited with an escrow agent or trustee, all documents or instruments governing the terms of such deposit shall be approved in writing by the Village Solicitor.
- C. Amount of bond. The amount of performance bonds shall be determined by the Village Engineer, and shall be in an amount equal to the estimated total cost of materials and labor required to install or construct all improvements required by this Ordinance including the estimated cost of repairing or reconstructing public improvements which may be damaged by construction activity. The amount of a performance bond shall also include estimated damages, if any, to neighboring properties which are the subject of the hold harmless provision contained in *Subsection (A)* above, and the estimated costs of defending against claims for any such damages.
- D. Reduction of bond and return of security. When the Village Engineer has certified in writing that all PUD improvements have been satisfactorily completed, the performance

bond submitted by the Developer shall be canceled and all funds deposited as security therefor shall be returned. Upon written certification by the Village Engineer that any portion of the improvements has, upon inspection, been found satisfactorily completed, a reduction in the amount of bond or partial withdrawal of funds deposited as security therefor, equal to the cost of such completed improvements, as estimated by the Village Engineer may be authorized by such Village Engineer if, in the opinion of the Village Engineer, the remaining bond or security shall be fully sufficient, under all circumstances, to guarantee performance of the conditions of the bond. In the event that the Developer shall have been required to post a maintenance bond for the same subdivision pursuant to the requirements of this Chapter, the Village may retain so much of the funds posted as security for the Developer's performance bond as may, in the judgment of the Village Engineer, be necessary to provide adequate security for the performance of the conditions of the Developer's maintenance bond.

17.13 CERTIFICATION OF COMPLETION; MAINTENANCE BOND.

- A. Certification of completion. With respect to all improvements which have been installed by the Developer, the Village Engineer shall furnish to the Commission, at the time that the request is made for final approval, a certification that all such improvements have been constructed and installed according to the approved plans therefor, and are ready for use and that they have been approved by the various agencies whose approval is required.
- B. Maintenance bond. The Developer shall furnish to the Village a maintenance bond in the amount of the total cost of all improvements that have been installed. This bond shall be conditioned on the proper operation of these improvements for a period of 3 years from the date of the granting of the final approval. The bond shall provide that the Village shall be held harmless and free of tort and contract claims of third persons, with the right given to the Village to affect any necessary repair or correction of these improvements during such 3 year period and hold the principal and surety jointly and severally liable on the bond. Before the Village exercises its right to effect any necessary repairs or correction to the required improvements during such 3 year period it shall first give a 10 day written notice to the Developer of its intention to do so. The Developer may elect to make the necessary repairs or corrections during that time and give notice to the Village of completion thereof.

17.14 INSURANCE.

The Developer agrees to indemnify and hold harmless the Village against and from any and all loss, cost, damage, liability, and expense on account of damages to property of, or injury to or death of, the Village and any of its employees, agents or representatives or any third person, caused by, growing out of or in any way whatsoever attributable to the construction of the improvements and the use of any Street during construction. The Developer further agrees, but without limiting its liability, to indemnify the Village to carry liability insurance contracts with any insurance company or companies acceptable to the Clerk of Village Council during the period of construction in the sum of between \$100,000 and \$200,000 for injury to or death of persons, and in the sum of \$5000 for damage to or destruction of property, which insurance contracts shall include the Village as a named insured. The Developer agrees to maintain on file with the Village during the period of the construction, certificates or memorandum of insurance evidencing that the insurance contracts are in force. As a precondition to installation of the

required improvements, the Developer shall place his agreement to these conditions in writing that shall be filed with the insurance records with the Village.

EXHIBIT A — ZONING APPLICATION

APPLICATION FOR ZONING CERTIFICATE

Name of Owner/Applicant _____ Date of Application _____

Construction Site Address _____

Contractor _____ Phone # _____

Zoning District: Residential "R" _____ Mixed Use "M" _____ Conservation "C" _____
Institutional "I-1" _____ Institutional "I-2" _____ Institutional "I-3" _____

Are any buildings on the lot at present? If so what? _____

Reason for Permit: New Work _____ Repair _____ Remodeling _____

Building to be used as: Residence _____ Private Garage _____ Business _____
Institutional _____ Other _____

Description of planned work: _____

Type of construction: Wood _____ Brick _____ Stone _____ Concrete _____ Other _____

Estimated Construction Cost: \$ _____ **Fee (Due w/submission of Application):** \$ _____

Attach Drawing or Sketch - REQUIRED

All electrical installations shall be in accordance with the National Electrical Code and no installation of electrical equipment shall be made except in conformity thereto.

*****Call Before You Dig*** OUPS 1-800-362-2764**

NOTE: State of Ohio Codes require submission and approval of plans to be used for Residential purposes (4 units or more), or any other use that is intended to have traffic, use, or occupancy by the Public.

APPLICANT MUST ATTEND REVIEWING MEETING. Approved permits can be picked up at Gambier's Community Center *after 1 PM* the day following the Zoning Board meeting.

AN INCOME TAX REGISTRATION AND SUB-CONTRACTOR DISCOLSURE FORM MUST BE FILLED OUT ALONG WITH THIS FORM.

The above information is true and correct to the best of my knowledge

Applicant's Signature

Telephone Number

Printed Name

Address

City, State, Zip Code

DO NOT WRITE BELOW THIS LINE

ZONING & PLANNING REVIEW

Approved _____ Disapproved _____ Date _____

Permit No. _____

Commission Chairperson or Zoning Inspector

APPLICATION FOR REZONING

Name of Owner/Applicant _____ Date of Application _____

Location to be Rezoned _____

Current Zoning District: Residential "R" ___ Mixed Use "M" ___ Conservation "C" ___

Institutional "I-1" ___ Institutional "I-2" ___ Institutional "I-3" ___

Rezoning to Zoning District: Residential "R" ___ Mixed Use "M" ___ Conservation "C" ___

Institutional "I-1" ___ Institutional "I-2" ___ Institutional "I-3" ___

Reason for Rezoning: _____

Are any buildings on the lot at present? If so what? _____

Building to be used as: Residence _____ Private Garage _____ Business _____
Institutional _____ Other _____

Fee of \$100.00 (Due w/submission of Application): \$ _____

NOTE: State of Ohio Codes require submission and approval of plans to be used for Residential purposes (4 units or more), or any other use that is intended to have traffic, use, or occupancy by the Public.

APPLICANT MUST ATTEND MEETING

The above information is true and correct to the best of my knowledge

Applicant's Signature

Telephone Number

Printed Name

Address

City, State, Zip Code

DO NOT WRITE BELOW THIS LINE

ZONING & PLANNING REVIEW

Comments: _____

Approved _____ Disapproved _____

Date _____

Permit No. _____

Commission Chairperson or Zoning Inspector

APPLICATION FOR CONDITIONAL USE PERMIT

Name of Owner/Applicant _____ Date of application _____

Construction Street Address _____ Application Fee _____

Contractor _____ Telephone Number _____

Zoning District: Residential “R” ____ Mixed Use “M “ ____ Conservation “C” ____
Institutional “I-1” ____ Institutional “I-2” ____ Institutional “I-3” ____

Are any buildings on the lot at present? If so what? _____

Reason for Permit: New Work _____ Repair _____ Remodeling _____

Building to be used as: Residence _____ Private Garage ____ Business ____
Institutional ____ Other _____

Detailed description of the planned work: _____

Estimated Construction Cost \$ _____ FEE \$ _____

Scale Drawing, Sketch &/or additional information may be necessary or REQUIRED

All electrical work must be in accordance with the National Electrical Code and no installation or work of electrical equipment shall be made except in conformity thereto.

AN INCOME TAX REGISTRATION AND SUB-CONTRACTOR DISCOLSURE FORM MUST BE FILLED OUT ALONG WITH THIS FORM.

APPLICANT MUST ATTEND ALL APPLICABLE MEETINGS. Approved permits can be picked up at Gambier’s Community Center **after 1PM** the day following the Planning & Zoning meeting.

***Call Before You Dig* OOPS 1-800-362-2764**

The above information is true and correct to the best of my knowledge

Applicant’s Signature _____ Telephone Number _____

Printed Name _____ Address _____

City, State, Zip Code _____

DO NOT WRITE BELOW THIS LINE

ZONING & PLANNING REVIEW

Approved _____ Disapproved _____ Date _____

Permit No. _____

Commission Chairperson or Zoning Inspector

APPLICATION FOR DEMOLITION PERMIT

Name of Owner/Applicant _____ Date of Application _____

Demolition Site Address _____ Application Fee _____

Contractor _____ Telephone Number _____

Zoning District: Residential "R" ___ Mixed Use "M" ___ Conservation "C" ___
Institutional "I-1" ___ Institutional "I-2" ___ Institutional "I-3" ___

Describe building(s) &/or structure(s) on present site _____

Provide age, history and condition of **all** buildings to be demolished. **Attach descriptions & information as needed.**

Is building or structure on any Historical Record or Inventor? Yes _____ No _____

Reason building(s) or structure(s) are being demolished. **Attach explanation and information as needed.** _____

Future use of lot or site (if applicable). _____

***Attach scale drawings/sketches for "Future Use" Plans – REQUIRED ***

All electrical installations shall be in accordance with the National Electrical Code and no installation of electrical equipment shall be made except in conformity thereto.

***Call Before You Dig* OOPS 1-800-362-2764**

AN INCOME TAX REGISTRATION AND SUB-CONTRACTOR DISCOLSURE FORM MUST BE FILLED OUT ALONG WITH THIS FORM.

NOTE: State of Ohio Codes require submission and approval of plans to be used for Residential purposes (4 units or more), or any other use that is intended to have traffic, use, or occupancy by the Public.

APPLICANT MUST ATTEND PLANNING & ZONING MEETING. Approved permits can be picked up at Gambier's Community Center **after 1 PM** the day following the Zoning Board meeting.

=====

The above information is true and correct to the best of my knowledge

Applicant's Signature

Telephone Number

Printed Name

Address

City, State, Zip Code

DO NOT WRITE BELOW THIS LINE

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ZONING & PLANNING REVIEW

Approved _____ Disapproved _____ Date _____

Permit No. _____

Commission Chairperson or Zoning Inspector

APPLICATION FOR SIGN PERMIT

Name of Owner/Applicant _____ Date of application _____

Construction Street Address _____ Application Fee _____

Contractor _____ Telephone Number _____

Zoning District: Residential "R" ____ Mixed Use "M" ____ Conservation "C" ____
Institutional "I-1" ____ Institutional "I-2" ____ Institutional "I-3" ____

Are any buildings on the lot at present? If so what? _____

Reason for Permit: New Sign ____ Sign Repair ____ New Use Sign ____

Building to be used as: Residence ____ Private Garage ____ Business ____
Institutional ____ Other _____

Detailed description of the planned work: _____

Cost of Sign \$ _____ FEE \$ _____

Type of Construction: Wood ____ Brick ____ Stone ____ Concrete ____ Other _____

Comments: _____

APPLICANT MUST ATTEND ALL APPLICABLE MEETINGS. Approved permits can be picked up at Gambier's Community Center *after* 1PM the day following the Planning & Zoning meeting.

AN INCOME TAX REGISTRATION AND SUB-CONTRACTOR DISCOLSURE FORM MUST BE FILLED OUT ALONG WITH THIS FORM.

***Call Before You Dig* OOPS 1-800-362-2764**

The above information is true and correct to the best of my knowledge

Applicant's Signature Telephone Number

Printed Name Address

City, State, Zip Code

DO NOT WRITE BELOW THIS LINE
.....
ZONING & PLANNING REVIEW

Approved ____ Disapproved ____ Date _____

Permit No. _____

Commission Chairperson or Zoning Inspector

EXHIBIT B — “LIKE FOR LIKE” ZONING APPLICATION

APPLICATION FOR "LIKE FOR LIKE"

Name of Owner/Applicant _____ Date of Application _____

Construction Site Address _____

Contractor _____ Phone # _____

Address of Contractor _____

Zoning District: Residential "R" ___ Mixed Use "M" ___ Conservation "C" ___
Institutional "I-1" ___ Institutional "I-2" ___ Institutional "I-3" ___

Building to be used as: Residence ___ Private Garage ___ Business ___
Institutional ___ Other _____

Description of planned work: _____

Type of construction: Wood ___ Brick ___ Stone ___ Concrete ___ Other _____

Cost of repairs or replacements: \$ _____

All electrical installations shall be in accordance with the National Electrical Code and no installation of electrical equipment shall be made except in conformity thereto.

*****Call Before You Dig*** OUPS 1-800-362-2764**

NOTE: State of Ohio Codes require submission and approval of plans to be used for Residential purposes (4 units or more), or any other use that is intended to have traffic, use, or occupancy by the Public.

AN INCOME TAX REGISTRATION AND SUB-CONTRACTOR DISCOLSURE FORM MUST BE FILLED OUT ALONG WITH THE "LIKE FOR LIKE" FORM.

The above information is true and correct to the best of my knowledge

Applicant's Signature

Telephone Number

Printed Name

Address

City, State, Zip Code

DO NOT WRITE BELOW THIS LINE

ZONING & PLANNING REVIEW

Comments: _____

Approved for "Like for Like" _____

Disapproved for "Like for Like" _____

Date _____

Zoning Inspector