

**Alexandria Zoning Code
Modified 2024**

PREAMBLE

An ordinance of the Village of Alexandria, Licking County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Ohio Revised Code (R.C.) Chapter 713., dividing the incorporated portion of the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of structures of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public rights-of-way; providing for the compatibility of different land uses and the most appropriate use of land; providing for the powers and duties of the administrative officers as provided hereafter; and prescribing penalties for the violation of the provisions in this ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, convenience, comfort, prosperity and general welfare; and for the repeal thereof.

Therefore, be it ordained by the Council of the Village of Alexandria, Licking County, State of Ohio:

**Alexandria Zoning Code
Table of Contents**

ARTICLE 1 GENERAL

| | | |
|-------------|--|----|
| Section 100 | Title | 13 |
| Section 101 | Provisions Declared Minimum Requirements..... | 13 |
| Section 102 | Severability Clause | 13 |
| Section 103 | Repeal of Conflicting Resolution, Effective Date | 13 |

ARTICLE 2 DEFINITIONS

| | | |
|-------------|-------------------|----|
| Section 200 | Definitions | 14 |
|-------------|-------------------|----|

ARTICLE 3 ENFORCEMENT

| | | |
|-------------|---|----|
| Section 300 | Zoning Permits Required..... | 28 |
| Section 301 | Contents of Application for Zoning permit | 28 |
| Section 302 | Approval of Zoning Permit..... | 29 |
| Section 303 | Submission to Director of Transportation | 29 |
| Section 304 | Expiration of Zoning Permit..... | 29 |
| Section 305 | Record of Zoning Permits..... | 30 |
| Section 306 | Failure to Obtain a Zoning Permit | 30 |
| Section 307 | Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates | 30 |
| Section 308 | Complaints Regarding Violations | 30 |
| Section 309 | Penalties for Violation | 30 |
| Section 310 | Schedule of Fees, Charges, and Expenses | 30 |

ARTICLE 4 NON-CONFORMITIES

| | | |
|-------------|--|----|
| Section 400 | Intent | 31 |
| Section 401 | Incompatibility of Non-Conformities..... | 31 |
| Section 402 | Avoidance of Undue Hardship..... | 31 |
| Section 403 | Single Non-Conforming Lots of Record..... | 31 |
| Section 404 | Non-Conforming Lots of Record..... | 31 |
| Section 405 | Non-Conforming Use of Land..... | 32 |
| Section 406 | Non-Conforming Structures..... | 32 |
| Section 407 | Non-Conforming Uses of Structures or of Structures and Land in Combination | 32 |

Section 408 Repairs and Maintenance 33
 Section 409 Uses Under Conditional Use Provisions Not Non-Conforming Uses..... 33

ARTICLE 5 ADMINISTRATION

Section 500 Office of Zoning Inspector Created 34
 Section 501 Duties of the Zoning Inspector 34
 Section 502 Planning and Zoning Commission Created 34
 Section 503 Proceedings of the Planning and Zoning Commission 35
 Section 504 Duties of the Planning and Zoning Commission..... 35
 Section 505 [blank] 35
 Section 506 [blank] 35
 Section 507 Duties of the Zoning Inspector, Planning and Zoning Commission, Legislative Authority and Courts on Matters of Appeal..... 35
 Section 508 Procedures and Requirements for Appeals and Variances..... 36
 Section 509 Appeals 36
 Section 510 Stay of Proceedings 36
 Section 511 Variance 36
 Section 512 Application and Standards for Variances 36
 Section 513 Supplementary Conditions and Safeguards 37
 Section 514 Public Hearing by the Planning and Zoning Commission..... 37
 Section 515 Notice of Public Hearing..... 37
 Section 516 Notice to Parties in Interest 37
 Section 517 Notice to Neighboring Property Owners 38
 Section 518 Action by the Planning and Zoning Commission 38
 Section 519 Procedure and Requirements for Approval of Conditional Use Permits 38
 Section 520 General 38
 Section 521 Contents of Application for Conditional Use Permit..... 38
 Section 522 General Standards Applicable to All Conditional Uses..... 39
 Section 523 Specific Criteria for Conditional Uses 39
 Section 524 Supplementary Conditions and Safeguards 41
 Section 525 Procedure for Hearing, Notice..... 41
 Section 526 Action by the Planning and Zoning Commission 41
 Section 527 Expiration of Conditional Use Permit..... 42

ARTICLE 6 AMENDMENT

Section 600 Procedure for Amendments or District Changes 43

| | | |
|-------------|---|----|
| Section 601 | General | 43 |
| Section 602 | Initiation of Zoning Amendments..... | 43 |
| Section 603 | Contents of Application | 43 |
| Section 604 | Transmittal to Planning and Zoning Commission | 44 |
| Section 605 | Recommendation by Planning and Zoning Commission..... | 44 |
| Section 606 | Submission to Director of Transportation | 44 |
| Section 607 | Public Hearing by Village Council | 44 |
| Section 608 | Notice of Public Hearing..... | 44 |
| Section 609 | Notice to Property Owners by Village Council..... | 44 |
| Section 610 | Action by Village Council..... | 45 |
| Section 611 | Effective Date and Referendum | 45 |
| Section 612 | Annexation | 45 |

ARTICLE 7 PROVISIONS FOR OFFICIAL ZONING MAP

| | | |
|-------------|---|----|
| Section 700 | Official Zoning Map | 46 |
| Section 701 | Identification of the Official Zoning Map | 46 |
| Section 702 | Interpretation of District Boundaries | 46 |

ARTICLE 8 ESTABLISHMENT AND PURPOSE OF DISTRICTS

| | | |
|-------------|---|----|
| Section 800 | Intent | 47 |
| Section 801 | Residential Districts..... | 47 |
| Section 802 | Suburban Estate Residential District (SER) | 47 |
| Section 803 | Low Density Residential District (R-1)..... | 47 |
| Section 804 | Medium-Low Density Residential District (R-2)..... | 47 |
| Section 805 | Medium-Low Density Old Alexandria Residential District (R-3)..... | 47 |
| Section 806 | Medium Density Residential District (R-4)..... | 47 |
| Section 807 | Medium Density Multi-Family Residential District (R-8) | 47 |
| Section 808 | Manufactured/Mobile Home Park District (MHP)..... | 47 |
| Section 809 | Business Districts..... | 48 |
| Section 810 | Local Business District (LB) | 48 |
| Section 811 | Old Alexandria Business (OAB) | 48 |
| Section 812 | General Business District (GB) | 48 |
| Section 813 | Accommodation Business District (AB)..... | 48 |
| Section 814 | Manufacturing Districts..... | 48 |
| Section 815 | Light Manufacturing District (M-1) | 48 |
| Section 816 | Heavy Manufacturing District (M-2)..... | 49 |

| | | |
|-------------|--|----|
| Section 817 | Special Districts..... | 49 |
| Section 818 | Agricultural District (AG)..... | 49 |
| Section 819 | Flood Plain Overlay District (FPO) | 49 |
| Section 820 | Conservation District (C) | 49 |
| Section 821 | Amendments..... | 49 |

ARTICLE 9 DISTRICT REGULATIONS

| | | |
|-------------|--|----|
| Section 900 | Compliance with Regulations..... | 50 |
| Section 901 | Official Schedule of District Regulations Adopted | 50 |
| Section 902 | Intent of District Regulations | 50 |
| Section 903 | Suburban Estate Residential District (SER) | 51 |
| Section 904 | Low Density Residential District (R-1)..... | 52 |
| Section 905 | Medium-Low Density Residential District (R-2)..... | 53 |
| Section 906 | Medium-Low Density Old Alexandria Residential (R-3) | 54 |
| Section 907 | Medium Density Residential District (R-4)..... | 55 |
| Section 908 | Medium Density Multi-Family Residential District (R-8) | 56 |
| Section 909 | Manufactured/Mobile Home Park District (MHP)..... | 57 |
| Section 910 | Local Business District (LBD)..... | 58 |
| Section 911 | Old Alexandria Business (OAB) | 59 |
| Section 912 | General Business District (GB) | 61 |
| Section 913 | Accommodation Business District (AB)..... | 62 |
| Section 914 | Light Manufacturing District (M-1) | 63 |
| Section 915 | Heavy Manufacturing District (M-2)..... | 64 |
| Section 916 | Agricultural District (AG)..... | 65 |
| Section 917 | Flood Plain Overlay District (FPO) | 66 |
| Section 918 | Conservation District (C) | 67 |
| Section 919 | Reduction in Area Requirements | 67 |

ARTICLE 10 SUPPLEMENTARY DISTRICT REGULATIONS

| | | |
|--------------|---|----|
| Section 1000 | General | 68 |
| Section 1001 | Conversion of Dwelling to More Units | 68 |
| Section 1002 | Private Swimming Pools..... | 68 |
| Section 1003 | Community or Club Swimming Pools | 68 |
| Section 1004 | Temporary Buildings | 69 |
| Section 1005 | Parking and Storage of Certain Vehicles | 69 |
| Section 1006 | Disabled Vehicles..... | 69 |

Section 1007 Nuisance Control..... 69

Section 1008 Required Trash Areas 69

Section 1009 Manufactured Homes 69

Section 1010 Supplemental Yard and Height Regulations..... 69

Section 1011 Setback Requirements for Corner Buildings 70

Section 1012 Visibility at Intersections 70

Section 1013 Fence and Wall Restrictions in Front Yard 70

Section 1014 Yard Requirements for Multi-Family Dwellings..... 70

Section 1015 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential
Districts 70

Section 1016 Architectural Projections 70

Section 1017 Exceptions to Height Regulations 71

Section 1018 Special Provisions for Commercial and Industrial Uses 71

Section 1019 Fire Hazards..... 71

Section 1020 Radioactivity or Electrical Disturbance 71

Section 1021 Noise 71

Section 1022 Vibration 71

Section 1023 Air Pollution 71

Section 1024 Glare 71

Section 1025 Erosion 72

Section 1026 Water Pollution 72

Section 1027 Enforcement Provisions 72

Section 1028 Measurement Procedures 72

Section 1029 Address Identification 72

ARTICLE 11 OFF-STREET PARKING AND LOADING FACILITIES

Section 1100 General Requirements 73

Section 1101 Parking Space Dimensions 73

Section 1102 Loading Space Requirements and Dimensions 74

Section 1103 Paving 74

Section 1104 Drainage..... 74

Section 1105 Maintenance..... 74

Section 1106 Lighting..... 74

Section 1107 Location of Parking Spaces..... 74

Section 1108 Screening and/or Landscaping..... 75

Section 1109 [blank] 75

| | |
|--|----|
| Section 1110 Minimum Distance and Setbacks | 75 |
| Section 1111 Joint Use | 75 |
| Section 1112 Improvements | 75 |
| Section 1113 Width of Driveway Aisle | 76 |
| Section 1114 Access..... | 76 |
| Section 1115 Width of Access Driveway..... | 76 |
| Section 1116 Striping..... | 76 |
| Section 1117 Parking Space Requirements..... | 77 |
| Section 1118 Residential | 77 |
| Section 1120 Recreational or Entertainment | 78 |
| Section 1121 Institutional..... | 79 |
| Section 1122 Schools (Public, Parochial, or Private)..... | 79 |
| Section 1123 Manufacturing | 80 |
| Section 1124 General Interpretation of Article 11 | 80 |
| Section 1125 Restrictions on Parking Commercial Vehicles on Public and Private Property .. | 80 |
| Section 1126 Approval of Parking and Loading Plans Prior to Issuance of Building Permit or Certificate of Compliance | 81 |

ARTICLE 12 SIGNS

| | |
|--|----|
| Section 1200 Intent | 82 |
| Section 1201 Governmental Signs Excluded..... | 82 |
| Section 1202 General Requirements for All Signs and Districts | 82 |
| Section 1203 Measurement of Sign Area..... | 83 |
| Section 1204 Signs Permitted in District - No Permit Required..... | 83 |
| Section 1205 Signs Permitted in Districts - Permit Required | 84 |
| Section 1206 Outdoor Advertising: Off Premise Displays and/or Billboards | 85 |
| Section 1207 Setbacks for Public and Quasi-Public Signs | 85 |
| Section 1208 Special Yard Provision | 85 |
| Section 1209 General Permit Procedures..... | 85 |
| Section 1210 Violations..... | 86 |
| Section 1211 Non-Conforming Signs or Billboards..... | 87 |

ARTICLE 13 PLANNED UNIT DEVELOPMENT

| | |
|---|----|
| Section 1300 Objectives for Planned Unit Development..... | 88 |
| Section 1301 Provisions Governing Planned Unit Development..... | 88 |
| Section 1302 Conflict and Interpretation | 88 |

Section 1303 Types of Planned Unit Development Districts 88

Section 1304 Minimum Project Area 89

Section 1305 Project Ownership 89

Section 1306 Common Open Space and Disposition Thereof 89

Section 1307 PUD Obligations are Binding and Enforceable Conditions 90

Section 1308 Utility Requirements 90

Section 1309 Minimum Lot Sizes 90

Section 1310 Lots to Abut Upon Common Open Space 90

Section 1311 Height Requirements 90

Section 1312 Parking 90

Section 1313 Arrangement of Commercial Uses 91

Section 1314 Arrangement of Industrial Uses 91

Section 1315 Procedure for Approval of PUD District 91

Section 1316 Pre-Application Meeting 91

Section 1317 Contents of Application for Approval of Preliminary Development Plan 92

Section 1318 Public Hearing by Planning and Zoning Commission 92

Section 1319 Notice of Public Hearing by Planning and Zoning Commission 92

Section 1320 Notice to Property Owners by Planning and Zoning Commission 93

Section 1321 Approval in Principle by Planning and Zoning Commission 93

Section 1322 Final Development Plan 93

Section 1323 Contents of Application for Approval of Final Development Plan 93

Section 1324 Public Hearing by Planning and Zoning Commission 94

Section 1325 Recommendation by Planning and Zoning Commission 94

Section 1326 Criteria for Recommendations by Planning and Zoning Commission 94

Section 1327 Action by Village Council 95

Section 1328 Supplementary Conditions and Safeguards 95

Section 1329 Expiration and Extension of Approval Period 95

ARTICLE 14 MANUFACTURED/MOBILE HOME PARK DISTRICTS

Section 1400 Intent 96

Section 1401 Procedures for Approval of Manufactured/Mobile Home Park 96

Section 1402 General Standards for Manufactured/Mobile Home Parks 96

Section 1403 Contents of Application for Development of Manufactured/Mobile Home Parks 96

Section 1404 Manufactured/Mobile Home Park Requirements 97

Section 1405 Park Size 97

Section 1406 Density, Width and Depth 97

| | |
|--|----|
| Section 1407 Access..... | 97 |
| Section 1408 Buffering and Screening..... | 97 |
| Section 1409 Skirting | 97 |
| Section 1410 Floor Area | 98 |
| Section 1411 Height..... | 98 |
| Section 1412 Manufactured Home Stand | 98 |
| Section 1413 Patio..... | 98 |
| Section 1414 Anchors..... | 98 |
| Section 1415 Landscaping..... | 98 |
| Section 1416 Water | 98 |
| Section 1417 Sewage Disposal | 98 |
| Section 1418 Electrical System..... | 98 |
| Section 1419 Supplementary Conditions and Safeguards | 99 |
| Section 1420 Additional Considerations..... | 99 |
| Section 1421 Storm Drainage | 99 |
| Section 1422 Recreation and Open Space | 99 |
| Section 1423 Underground Utilities..... | 99 |
| Section 1424 Garbage and Refuse Storage | 99 |
| Section 1425 Service Buildings..... | 99 |
| Section 1426 Associated Commercial Development | 99 |

ARTICLE 15 FENCES

| | |
|---|-----|
| Section 1500 Intent | 100 |
| Section 1501 Scope | 100 |
| Section 1502 Definitions | 100 |
| Section 1503 Permitted Types | 101 |
| Section 1504 Restrictions | 101 |
| Section 1505 Fence and Wall Restrictions in Front Yards | 101 |
| Section 1506 Corner or Through Lot..... | 101 |
| Section 1507 Maintenance..... | 102 |
| Section 1508 Permit..... | 102 |
| Section 1509 Inspection..... | 102 |
| Section 1510 Fee..... | 102 |
| Section 1511 Penalty | 102 |

ARTICLE 16 LANDSCAPING

| | |
|--|-----|
| Section 1601 Purpose..... | 103 |
| Section 1602 Definitions | 103 |
| Section 1603 Preservation of Natural Features | 103 |
| Section 1604 Street Tree Requirements for New Development..... | 103 |
| Section 1605 Landscaping Screening..... | 104 |
| Section 1606 Parking Lot Landscaping..... | 105 |
| Section 1607 Landscape Materials | 106 |
| Section 1608 Wet and Dry Stormwater Basins | 106 |
| Section 1609 Undesirable Species | 107 |

ARTICLE 17 ADULT ENTERTAINMENT

| | |
|---------------------------------|-----|
| Section 1700 Definitions | 108 |
| Section 1701 Prohibitions | 109 |
| Section 1702 Penalties | 109 |

ARTICLE 18 DEMOLITION AND MOVING OF STRUCTURES

| | |
|--|-----|
| Section 1800 General | 110 |
| Section 1801 Permit Application | 110 |
| Section 1802 Certain Buildings Prohibited from Moving | 110 |
| Section 1803 Related Costs..... | 110 |
| Section 1804 Insurance Requirements | 110 |
| Section 1805 Red Light Warnings at Night | 111 |
| Section 1806 Liability for Damages..... | 111 |
| Section 1807 Permits and Regulations | 111 |
| Section 1808 Demolition Requirements in Accordance with American National Standards Institute (ANSI) Safety and Health Requirements | 112 |
| Section 1809 Backfilling, Grading, and Restoration | 113 |
| Section 1810 Completion of Demolition | 113 |
| Section 1811 American National Standards Institute (ANSI) Safety and Health Requirements for Demolition | 114 |

ARTICLE 19 ACCESSORY DWELLING UNITS

| | |
|--|-----|
| Section 1901 Accessory Dwelling Units..... | 115 |
| Section 1902 General | 115 |
| Section 1903 Entrance..... | 115 |

| | |
|--|-----|
| Section 1904 Lot Size | 115 |
| Section 1905 Lot Coverage..... | 115 |
| Section 1906 Maximum Number of Accessory Buildings..... | 115 |
| Section 1907 Setbacks | 115 |
| Section 1908 Maximum Size..... | 116 |
| Section 1909 Maximum Height | 116 |
| Section 1910 Detached Accessory Dwelling Units..... | 116 |
| Section 1911 Parking..... | 116 |
| Section 1912 Short-Term Rentals..... | 116 |
| Section 1913 Occupancy by Owner or a Responsible Person..... | 116 |

ARTICLE 20 FLOOD DAMAGE PREVENTION

| | |
|--|-----|
| Section 2001 Statutory Authorization..... | 118 |
| Section 2002 Findings of Fact..... | 118 |
| Section 2003 Statement of Purpose | 118 |
| Section 2004 Methods of Reducing Flood Loss..... | 118 |
| Section 2005 Lands to Which These Regulations Apply..... | 119 |
| Section 2006 Administration | 119 |
| Section 2007 Abrogation and Greater Restrictions | 119 |
| Section 2008 Interpretation | 119 |
| Section 2009 Warning and Disclaimer of Liability | 119 |
| Section 2010 Appeals and Variances | 120 |
| Section 2011 Additional Flood Zone Variance Considerations | 120 |
| Section 2012 Conditions for Flood Zone Variances | 120 |

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ARTICLE 1 GENERAL

Section 100 Title

This ordinance shall be known and may be cited to as the Village of Alexandria, Licking County, Ohio Zoning Ordinance, or Code.

Section 101 Provisions Declared Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Wherever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 102 Severability Clause

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

Section 103 Repeal of Conflicting Resolution, Effective Date

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law. The interpretation of this Ordinance shall be liberally construed in favor of the governing body and deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this Ordinance may conflict with a state law, such state law shall take precedence over the Ordinance.

Section 104 Disclaimer of Liability

This Ordinance shall not create liability on the part of the Village, or any officer or employee thereof, for any decision that results from reliance on this Ordinance, or any administrative decision made thereunder, and/or the failure to comply with the regulations of this Ordinance.

ARTICLE 2 DEFINITIONS

Section 200 Definitions

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- (a) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) The words “shall” or “must” are a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- (d) The words “used” or “occupied” includes the words “intended, designed, or arranged to be used or occupied.”

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Accessory Dwelling Unit (ADU): A self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area; that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and whose use is subordinate and incidental to the larger single-family dwelling. An interior ADU is located within the primary dwelling place; usually built through conversion of existing space. A detached ADU is physically separated from the primary dwelling; they make take the form of a building constructed or converted on the property, or they may be living space added to an existing building. An attached ADU is added to the primary dwelling without being inside the existing building, such as a room added over an attached garage.

Adult Entertainment Facility: See Article 17

Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

- (a) The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
- (b) The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

Airport: Any runway, land area, or other facility designed or used either publicly or privately by any person for the taking off and landing of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangars, and other necessary buildings and open spaces.

Alley: See Thoroughfare.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: See Setback Line.

Building, Principal: A building in which is conducted the main or principal use of the lot on which the building is situated.

Business, General: Commercial uses which generally require location on or near major thoroughfares and/or their intersections, and which tend, in addition to serving the day-to-day needs of the whole community, to serve the surrounding communities. General business uses include, but need not be limited to, such activities as supermarkets, department stores, and stores that sell hardware, apparel, footwear, appliances, or furniture.

Business, Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and service, restaurants, motels, and commercial recreation.

Business, Local: Commercial establishments which cater to, and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor areas. Uses in this classification tend to serve a day to day need in the neighborhood.

Business, Services: Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with Commission or room or kept overnight on the premises.

Club: A building, or portion thereof, or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Entertainment Facilities: Any profit-making activity which is generally related to the entertainment field, such as a motion picture theater, carnival, nightclub, cocktail lounge, or similar entertainment activity.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Planning and Zoning Commission and the legislative authority of Alexandria Village, showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community.

Conditional Uses: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Planning and Zoning Commission. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Planning and Zoning Commission to allow a use other than a principally permitted use to be established within the district.

Corner Lot: See Lot Types.

Cul de Sac: See Thoroughfare.

Dead End street: See Thoroughfare.

Density: A unit of measurement usually measured as the number of dwelling units per acre of land.

- (a) Gross density: the number of dwelling units per acre of the total land to be developed.
- (b) Net density: the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Deed Restrictions: Land use rules imposed upon the buyer (grantee) by the seller (grantor).

Developer's Agreement: Agreement or contract between a developer and the Village imposing certain restrictions or conditions that apply to the development in question. Creating the development is contingent on the following of this agreement.

Disabled Vehicle: Any vehicle unable to fulfill its intended purpose, whether by mechanical defect or alteration, unless the alteration created a new intended purpose.

Drive-through Facility: A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-up windows, menu boards, order boards or boxes, drive-in restaurants, drive-up banks and automated teller machines. Drive-through facilities shall not include the direct refueling of motor vehicles, or a car wash, parking spaces used for customer pick-up or loading of goods or products purchased on-site or prior to the customer's arrival, or parking and loading spaces used for the donation of secondhand goods.

Dwelling: Any building or structure (except a travel trailer, recreational vehicle, or mobile home as defined by R.C. 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Multi-family: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Rooming House (Commissioning House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons, and where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Single-family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-family: A dwelling consisting of two dwelling units, neither of which is an accessory dwelling unit, which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling Unit, Accessory (ADU): See Accessory Dwelling Unit (ADU)

Dwelling Unit, Industrialized: An assembly of materials or products comprising all or parts of a total structure which, when constructed, is self-sufficient or substantially self-sufficient, and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit, but not a mobile home.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

Farm Vacation Enterprises (Profit or Non-Profit): Farms adapted for use as vacation farms, picnicking, and sports areas, fishing waters, camping, scenery and nature recreation areas, hunting areas, hunting preserves, and watershed projects.

Flood Plain: Land, including the flood fringe and the flood way, subject to inundation by the regional flood.

Flood, Regional: Large floods which have previously occurred, or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Flood Way: That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the flood way.

Flood Way Fringe: That portion of the flood plain, excluding the flood way, where development may be allowed under certain restrictions.

Floor Area of a Non-Residential Building (to be used in Calculating Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

- (a) Not more than one space is rented for parking to person not resident on the premises.
- (b) No more than one commercial vehicle is permitted, which does not exceed two tons capacity.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Service Station: Building and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered, and sales made:

- (a) Sales and service of spark plugs, batteries, and distributors, parts.
- (b) Tire servicing and repair, but not recapping or regrooving.
- (c) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
- (d) Radiator cleaning and flushing.
- (e) Washing, polishing and sale of washing and polishing materials.
- (f) Greasing and lubrication.
- (g) Providing and repairing fuel pumps, oil pumps, and lines
- (h) Minor servicing and repair of carburetors
- (i) Adjusting and repairing brakes
- (j) Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
- (k) Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations

- (l) Provisions of road maps and other informational material to customers, provision of restroom facilities
- (m) Warranty maintenance and safety inspections.
- (n) Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of autos not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Home Occupation: An occupation conducted in a dwelling unit, provided that:

- (a) No more than one person other than members of the family residing on the premises shall be engaged in such an occupation.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- (d) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (f) No permit is needed for a home occupation.

Hospital: See Institution.

Hotel or Motel and Apartment Hotel: A building or any portion thereof in which lodging or boarding and lodging are provided and offered to the public for compensation and in which, as a rule, the rooms are occupied temporarily and not as dwelling units. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory, which is herein separately defined.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

Junk Buildings, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

Kennel: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Landscaping: The use of trees, shrubs, grass, ground covers and other plant materials.

Living Space: Enclosed floor area of a residential building, excluding porches, patios, and basements, unless the basement is designed to meet local building code's requirements as to height and egress. Outside dimensions of foundation shall be used for calculation. If a building is cantilevered past the foundation or lower level, the outside dimensions of the structure will be used.

Loading Space, Off-street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located completely outside of any street or alley right-of-way.

Location Map: See Vicinity Map.

Lot: For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- (a) A single lot of record
- (b) A portion of a lot of record
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot Measurements: A lot shall be measured as follows:

- (a) Depth: The distance between the mid points for straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rearmost points of the side lot lines in the rear.
- (b) Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows.

- (a) Corner lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points to the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (b) Interior lot: A lot with only one frontage on a street.
- (c) Through lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (d) Reversed frontage lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The portion of comprehensive plan adopted by the Village Planning and Zoning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufactured Home: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet at the time it is placed at the construction site for permanent location on a lot. See R.C. 3781.06(C)(4).

Manufactured/Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more manufactured/mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resources.

Manufacturing, Heavy: Processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, and pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and not nuisances.

Mobile Home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length, or when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections and does not qualify under the definition of a manufactured home or industrialized unit. See R.C. 4501.01(O).

Non-Conformities: A building, structure, or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Nursery, Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space: An area substantially open to the sky which may be on the same lot as a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities that the Planning and Zoning Commission deems permissive. Streets, parking area, structures for habitation, and the like shall not be included.

Parking Lot/Parking Area: An open area, other than a street, containing more than ten (10) off-street parking spaces available to the public, or as an accompaniment to residents, members, employees, or customers. Excludes the storing of abandoned, impounded, or wrecked vehicles. Excludes loading spaces.

Parking Space, Off-street: An off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room but shall be located totally outside of any street or alley right-of-way. Off-street parking spaces must comply with all yard requirements, see Section 1015.

Parties in Interest: Any owner of contiguous property or any person or entity that notifies the Planning and Zoning Commission, in writing, that they are a party in interest in matters of zoning.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the Village of the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility or a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, administrative and cultural buildings, and structures, not including public land/or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-Public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

Recreation Camp: An area of land on which two or more travel trailers, recreational vehicles, campers, tents, or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreation Facilities: Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

Recreational Vehicles: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried out within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Right-of-way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

Setback Line: A line established by the zoning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Short-Term Rental: A Short-Term Rental means the use and occupancy of a dwelling or dwelling unit or any part thereof in exchange for a rental fee, for a period of 90 consecutive days or less.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located. If the sign can fall, it is a sign. Paintings are not signs.

Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

Sign, Off Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

Sign, On Premises: Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

Sign, Projecting: Any sign which projects from the exterior of a building.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Structure: Anything constructed or erected, the use for which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool: A pool, pond, lake, or open tank containing at least 18 inches of water at any point and maintained by the owner or manager.

- (a) Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use
- (b) Community: Operated with a charge for admission; a primary use.

Thoroughfare, Street or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- (a) Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting another street.
- (b) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- (c) Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or another type of development, which primarily carries traffic from local streets, including the principal entrance to circulation routes within residential subdivisions.
- (d) Cul de sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- (e) Dead End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- (f) Local Street: A street primarily for providing access to residential or other abutting property.
- (g) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from

said arterial or collector street, not normally more than six hundred (600) feet from each other.

- (h) Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Through Lot: See Lot Types.

Transportation, Director of: The Director of the Ohio Department of Transportation.

Use: The specific purposes for which land/or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations 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 action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who need medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and /or recuperation. It may also include Boarding that is incidental to the primary activity.

Vicinity Map: A drawing located on the plat which sets forth by dimensions of other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and/orient the area in question.

Walkway: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Yard: A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward. Accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- (a) Yard, Front: A yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
- (b) Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- (c) Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Permit: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE 3 ENFORCEMENT

Section 300 Zoning Permits Required

No building or other above ground structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefore, issue by the Zoning Inspector,

Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Planning and Zoning Commission deciding an appeal, conditional use, or variance or from Village Council approving a Planned Unit Development District, as provided by this Ordinance.

At the Zoning Inspector's discretion certain accessory buildings may be excluded from the requirement of a zoning permit if the following rules are followed. Noncompliance with these rules will revert project back to status requiring permit:

- (a) Property line clearance distances according to district rules.
- (b) Accessory building square footage not to exceed 150 square feet.
- (c) Minimum slope on roof 4/12, unless covered with rubber material.

Height limit to average of two horizontal dimensions (Example: 8 x 12 = 10' height):

- (a) No untreated wood (includes framing, siding, and trim) within 6" of grade (ground level)
- (b) Must sit plumb and level within 2" tolerance.
- (c) Must be properly supported by individual support points, girders, beams, etc. to prevent sagging in structure.

As with any other decision of the Zoning Inspector, this discretionary judgement by the Zoning Inspector can be appealed to the Planning and Zoning Commission by any affected party.

Note: Accessory structures may also be subject to deed restrictions (See deed, developer, or homeowner's association)

Section 301 Contents of Application for Zoning permit

The application for a zoning permit shall be signed by the owner or the applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or is not substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information:

- (a) Applicant's Name, address, and phone number;
- (b) Owner's Name, address, and phone number;
- (c) Address and/or legal description of property;
- (d) Existing uses;
- (e) Proposed use;
- (f) Zoning district;
- (g) Plans in triplicate (unless on 8.5" x 11" paper) drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing

buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;

- (h) Building heights;
- (i) Number of off-street parking spaces or loading berths;
- (j) Number of dwelling units; and
- (k) Such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

Section 302 Approval of Zoning Permit

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

One copy of the plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of the Ordinance.

Section 303 Submission to Director of Transportation

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation.

If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Ordinance, issue the zoning permit.

Section 304 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected.

If the work described in any zoning permit has not been substantially completed within two and one-half (2½) years of the date of issuance thereof said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected,

together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 305 Record of Zoning Permits

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

Section 306 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under Section 309 of this Ordinance.

Section 307 Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 309 of this Ordinance.

Section 308 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall properly record such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

Section 309 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this Ordinance shall constitute a misdemeanor. Any person who violates or fails to comply with this Ordinance shall upon conviction thereof be fined not more than one hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists, in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 310 Schedule of Fees, Charges, and Expenses

The Village Council shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variance, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigating, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Village council. Until full payment of the required fee is made, no action shall be taken on any application or appeal.

ARTICLE 4 NON-CONFORMITIES

Section 400 Intent

Within the districts established by this Ordinance or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination, which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 401 Incompatibility of Non-Conformities

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

Section 402 Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal, shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Section 403 Single Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance notwithstanding limitations imposed by other provisions of this Ordinance. Such a lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, in which such lot is located. Variances of requirements area or lot width shall be obtained only through action of the Planning and Zoning Commission as provided in Section 508 and 518.

Section 404 Non-Conforming Lots of Record

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes

compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

Section 405 Non-Conforming Use of Land

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this Ordinance.
- (b) No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance.
- (c) If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- (d) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 406 Non-Conforming Structures

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

- (a) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- (b) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it may be reconstructed.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 407 Non-Conforming Uses of Structures or of Structures and Land in Combination

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

- (a) No existing structure devoted to a use not permitted by this Ordinance may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of

this Ordinance, but no such use shall be extended to occupy any land outside such building.

- (c) If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Planning and Zoning Commission, be changed to another non-conforming use provided that the Planning and Zoning Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning and Zoning Commission may require appropriate conditions and safeguards in accordance with other provisions of this Ordinance.
- (d) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- (e) When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (f) Where non-conforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

Section 408 Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 409 Uses Under Conditional Use Provisions Not Non-Conforming Uses

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a non-conforming use in such district but shall without further action be considered a conforming use.

ARTICLE 5 ADMINISTRATION

Section 500 Office of Zoning Inspector Created

A Zoning Inspector, designated by the Village Council, shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Village Council may direct. The Village Zoning Inspector, before entering upon his duties, may give bond as required by the Village Council.

Section 501 Duties of the Zoning Inspector

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

- a) Upon finding that any of the provisions of this Zoning Ordinance are being violated, he shall notify in writing the person responsible for such violation, ordering the action necessary to correct such violation.
- b) Order discontinuance of illegal uses of land, buildings, or structures.
- c) Order removal of illegal buildings or structures or illegal additions or structural alterations.
- d) Order discontinuance of any illegal work being done.
- e) Take any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent any violation. This may include the issuance of citations or the issuance of and action on permits and certificates and such similar administrative duties as are permissible under the law.
- f) Explain the Zoning Code to the public.
- g) Maintain records of all permits issued, correspondence sent and received, and other actions taken in the performance of the job. These records will be filed in the Village Office in a timely basis to maintain the public's access to such information. Original records will be filed by address in the Village office.
- h) Issue address numbers and serve notice of such numbers to copy to: correspondence, development file, Licking County Auditor, Police Department, Fire Department, Water and Sewer, Taxing Authority, utility providers, communication providers, and others as requested.
- i) Periodically mail copies of zoning permits to Licking County Auditor.

The Zoning Inspector shall report to Village Council monthly by:

- a) Attending at least one council meeting each month with two written reports of the previous month's activity.
- b) Zoning report: Compilation of all permits issued, revoked, and fees collected.
- c) Zoning activity log: Log of all contacts with public, opinions given, questions asked, inspections performed.
- d) Attending Planning and Zoning Commission meetings.

Section 502 Planning and Zoning Commission Created

A single combined Board of Zoning Appeals and Planning Commission is created, to be known as the Alexandria Planning and Zoning Commission (Planning and Zoning Commission), consisting of five (5) members to be nominated and appointed by the Village Council to serve for terms of six years each. The Planning and Zoning Commission shall consist of the Mayor, one member of the legislative authority to be elected thereby for the remainder of his term as

such member of the legislative authority, and three citizens of the village to be appointed by the Mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one or two years. All such members shall serve without compensation.

Section 503 Proceedings of the Planning and Zoning Commission

The Planning and Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Planning and Zoning Commission may determine. All meetings shall be open to the public. The Planning and Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Planning and Zoning Commission.

Section 504 Duties of the Planning and Zoning Commission

For the purposes of this Ordinance the Planning and Zoning Commission shall have the following duties:

- (a) Initiate proposed amendments to this Ordinance.
- (b) Review all proposed amendments to this Ordinance and make recommendations to the Village council as specified in Article 6.
- (c) Review all planned unit developments and make recommendations to the Village Council as provided in Article 13.

Section 505 [blank]

Section 506 [blank]

Section 507 Duties of the Zoning Inspector, Planning and Zoning Commission, Legislative Authority and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Planning and Zoning Commission shall be to the courts as provided by law.

It is further the intent of this Ordinance that duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance as provided by law.

Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Planning and Zoning Commission to the courts as provided in R.C. Chapters 2505 and 2506. Any such appeal shall be made within ten (10) days of the Planning and Zoning Commission's written decision.

Section 508 Procedures and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 509-518, inclusive, of this Ordinance. Further appeal may be made to the Licking County Court of Common Pleas as provided in R.C. Chapter 2506.

Section 509 Appeals

Appeals to the Planning and Zoning Commission concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer of the legislative authority of the Village affected by any decision of the Zoning Inspector.

Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Planning and Zoning Commission, a notice of appeal specifying the grounds upon which the appeal is being taken.

The Zoning Inspector shall transmit to the Planning and Zoning Commission all the papers constituting the record upon which the action appealed from was taken.

Section 510 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Planning and Zoning Commission after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Planning and Zoning Commission or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

Section 511 Variance

The Planning and Zoning Commission may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

Section 512 Application and Standards for Variances

A variance from the terms of this Ordinance shall not be granted by the Planning and Zoning Commission unless and until a written application for a variance is submitted to the Zoning Inspector and the Planning and Zoning Commission containing:

- (a) Applicant's name, address, and phone number;
- (b) Owner's name, address, and phone number;
- (c) Address and/or Legal description of property;

- (d) Description of nature of variance requested, including the section number wished to be varied from;
- (e) A narrative statement demonstrating that the requested variance conforms to the following standards:
 - 1) That special conditions and circumstances exist which are peculiar to the land, structure, or buildings involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 2) That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - 3) That special conditions and circumstances do not result from the actions of the applicant; and
 - 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district

A variance shall not be granted unless the Planning and Zoning Commission makes specific findings of fact based directly on the evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

Section 513 Supplementary Conditions and Safeguards

Under no circumstances shall the Planning and Zoning Commission grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 309 of this Ordinance.

Section 514 Public Hearing by the Planning and Zoning Commission

The Planning and Zoning Commission shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance.

Section 515 Notice of Public Hearing

Notice of the public hearing required in Section 514 shall be given by the Planning and Zoning Commission by at least one publication on the Village website/social media and posted at the Village Office and/or other public sites as deemed appropriate. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance, including the name of the applicant and affected property.

Section 516 Notice to Parties in Interest

Before holding the public hearing required in Section 515 written notice of such hearing shall be mailed by the Chairman of the Planning and Zoning Commission, by first class mail, at least

ten (10) days before the day of the hearing to all parties in interest. The notice shall consist of the same information as required of notices published as specified in Section 515.

Section 517 Notice to Neighboring Property Owners

Before holding the public hearing required in Section 515 written notice of such hearing shall be mailed by the Chairman of the Planning and Zoning Commission by certified mail, at least ten (10) days before the day of the hearing to all neighboring (contiguous and across the street) properties. The notice shall consist of the same information as required of notices published as specified in Section 515.

Section 518 Action by the Planning and Zoning Commission

Within thirty (30) days after the public hearing required in Section 514, the Planning and Zoning Commission shall either approve, approve with supplementary conditions as specified in Section 513, or disapprove the request for appeal or variance. If a request for variance is granted, the Planning and Zoning Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Planning and Zoning Commission decisions shall be made in the manner specified in Section 507.

Section 519 Procedure and Requirements for Approval of Conditional Use Permits

Conditional uses shall conform to the procedures and requirements of Section 519-527, inclusive, of this Ordinance.

Section 520 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some of the more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 520-527, inclusive.

Section 521 Contents of Application for Conditional Use Permit

An application for a conditional use permit shall be filed with the Zoning Inspector by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- (a) Applicant's name, address, and phone number;
- (b) Owner's name, address, and phone number;
- (c) Address and/or legal description of property;
- (d) Description of existing use;
- (e) Zoning district;
- (f) Description of proposed conditional use;
- (g) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Commission may require, to determine if the proposed conditional use meets the intent and requirements of this Ordinance;

- (h) A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property, a discussion of the general compatibility with adjacent and other properties in the district, and the relationship of the proposed use to the comprehensive plan; and
- (i) Such other information as may be required in Section 522.

Section 522 General Standards Applicable to All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in Section 522, the Planning and Zoning Commission shall review the facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (a) Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
- (b) Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the Village comprehensive plan and/or the Zoning Ordinance;
- (c) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- (d) Will not be hazardous or disturbing to existing or future neighboring uses;
- (e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (f) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (g) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor;
- (h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfare; and
- (i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The Planning and Zoning Commission may require the applicant at his expense to provide expert testimony or official documentation to substantiate his application.

Section 523 Specific Criteria for Conditional Uses

Following is a list of specific requirements for conditionally permitted uses that may be required in whole or in part as specified under the Official Schedule of District Regulations:

- (a) All structures and activity areas should be located at least one hundred (100) feet from all property lines.
- (b) Loudspeakers which cause a hazard or annoyance shall not be permitted.
- (c) All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street.

- (d) There shall be no more than one (1) sign oriented to each abutting street identifying the activity.
- (e) No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
- (f) Structures should have primary access to a collector thoroughfare.
- (g) Such development should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
- (h) Such development should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses.
- (i) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
- (j) Such uses should be properly landscaped to be harmonious with surrounding residential uses.
- (k) Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- (l) All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or the community in general.
- (m) The area of use shall be completely enclosed by a six (6) foot fence and appropriately landscaped to be harmonious with surrounding properties.
- (n) Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- (o) Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
- (p) Such developments should be located on or immediately adjacent to state highways.
- (q) Such uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.
- (r) There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
- (s) Information shall be submitted on the anticipated depth of excavation and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
- (t) All work conducted in connection with such operation shall be done between the hours of 7:30 A.M. and 5:00 P.M.
- (u) All equipment and machinery shall be operated and maintained in such a way as to minimize dust, noise, and vibration. Access roads shall be maintained in dust free condition by surfacing or other treatment as may be specified by the County Engineer.
- (v) There shall be filed with the Commission a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees, shrubs, or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.

- (w) All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure
 - 1) That the excavated area shall not collect or permit to remain therein stagnant water, or
 - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- (x) There shall be filed with the Village Council a bond, payable to the Village and conditional on the faithful performance of all requirements contained in the approved restoration plan.
 - 1) The rate of the required bond shall be fixed by ordinance of the Village Council.
 - 2) The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
- (y) The Commission may consult with the Licking County Planning Commission or Ohio Department of Transportation and require appropriate access management criteria be met.

Section 524 Supplementary Conditions and Safeguards

In granting any conditional use, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Section 309 of this Ordinance.

Section 525 Procedure for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in Section 520, the Planning and Zoning Commission shall hold a public hearing, publish notice, and give written notice to all parties in interest according to the procedures specified in Section 514 through 516.

Section 526 Action by the Planning and Zoning Commission

Within thirty (30) days after the public hearing required in Section 524, the Planning and Zoning Commission shall either approve, approve with supplementary conditions as specified in Section 523, or disapprove the application as presented. If the application is approved or approved with modifications, the Planning and Zoning Commission shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Planning and Zoning Commission for approval. If the application is disapproved by the Planning and Zoning Commission the applicant may seek relief through the Court of Common Pleas. Appeals from Planning and Zoning Commission decisions shall be made in the manner specified in Section 507.

Section 527 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one specified conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one (1) year. The conditional use is granted to the land, and not the person (applicant) owning or occupying the land at the time the conditional use is granted. Any change in the conditional use is subject to review by the Planning and Zoning Commission.

ARTICLE 6 AMENDMENT

Section 600 Procedure for Amendments or District Changes

This Ordinance may be amended by utilizing the procedures specified in Sections 601-613, inclusive, of this resolution.

Section 601 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Village Council may by ordinance after receipt of recommendation thereon from the Planning and Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 602 Initiation of Zoning Amendments

Amendments to this Ordinance may be initiated in one of the following ways:

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

Section 603 Contents of Application

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Section 700 shall contain at least the following information:

- (a) Applicant's name, address, and phone number;
- (b) Owner's name, address, and phone number;
- (c) Address and/or legal description of property;
- (d) Proposed amending ordinance, approved as to form by the Village Legal Advisor;
- (e) Present use;
- (f) Present zoning use;
- (g) Proposed use;
- (h) Proposed zoning district;
- (i) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
- (j) A list of all property owners and their mailing addresses who are within 200 feet, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, when known, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
- (k) A statement on how the proposed amendment relates to the comprehensive plan; and
- (l) A fee as established by the Village Council according to Section 310.

Applications for amendments proposing to amend, supplement, change or repeal portions of this Ordinance other than the Official Zoning Map shall include items 1,2,9, and 10 listed above.

Section 604 Transmittal to Planning and Zoning Commission

Within five (5) days after the adoption of an ordinance by the Village Council or the filing of an application by at least one owner of a property, the ordinance or application shall be transmitted to the Planning and Zoning Commission.

Section 605 Recommendation by Planning and Zoning Commission

Within sixty (60) days from the receipt of the proposed amendment or resolution by Village Council, the Planning and Zoning Commission shall make a recommendation to the Village Council. The Planning and Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 606 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning and Zoning Commission shall give notice, by registered or certified mail to the Director of Transportation.

The Planning and Zoning Commission may proceed as required by law; however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village Council that he shall proceed to acquire any land needed, then the Village Council shall refuse to approve the re-zoning.

If the Director of Transportation notifies the Village Council that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

Section 607 Public Hearing by Village Council

Upon receipt of the recommendation from the Planning and Zoning Commission, the Village Council shall schedule a public hearing, to be held not more than forty (40) days from the receipt of the recommendation from the Planning and Zoning Commission.

Section 608 Notice of Public Hearing

Notice of the public hearing required in Section 607 shall be given by the Village Council by at least one publication on the Village website/social media and posted at the Village Office and/or other public sites as deemed appropriate. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 609 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first

class mail, at least twenty (20) days before the day of the public hearing to all owners of property within 200 feet, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published as specified in Section 608

Section 610 Action by Village Council

Within thirty (30) days after the public hearing required by section 607, the Village Council shall either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning and Zoning Commission, it must do so by not less than three-fourths (3/4) of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three (3) different days except that such ordinance may become emergency legislation if three-fourths (3/4) of the members of the Village Council vote to dispense with this rule.

Section 611 Effective Date and Referendum

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

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect.

Section 612 Annexation

All land annexed to the Village after the adoption of this Ordinance shall remain subject to the previous Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to Township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this article.

ARTICLE 7 PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map

The districts established in Article 8 of this Ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Ordinance.

Section 701 Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village.

Section 702 Interpretation of District Boundaries

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

- (a) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the center lines of street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined using the scale shown on the Official Zoning Map.
- (d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- (e) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.

ARTICLE 8 ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent

The following Zoning Districts are hereby established for the Village of Alexandria, Ohio. For the interpretation of this Ordinance Zoning Districts have been formulated to realize the general purposes as set forth in the preamble of this Ordinance. In addition, the specific purposes of each Zoning District shall be as stated.

Section 801 Residential Districts

Residential districts are established to meet the purposes set forth in Sections 802-808, inclusive.

Section 802 Suburban Estate Residential District (SER)

The purpose of the SER District is to permit the establishment of low-density single-family dwellings with lot sizes sufficient for individual water and sewer facilities, but not to exceed one dwelling unit per two gross acres.

Section 803 Low Density Residential District (R-1)

The purpose of the R-1 District is to encourage the establishment of low-density single-family dwellings not to exceed one dwelling unit per gross acre.

Section 804 Medium-Low Density Residential District (R-2)

The purpose of the R-2 District is to encourage the establishment of medium-low-density single-family dwellings not to exceed two dwelling units per gross acre.

Section 805 Medium-Low Density Old Alexandria Residential District (R-3)

The purpose of the R-3 District is to accommodate existing lots with existing or similar uses within the original plat maps of the Village before annexation of surrounding areas.

Section 806 Medium Density Residential District (R-4)

The purpose of the R-4 District is to encourage the establishment of medium density single family dwellings not to exceed four dwelling units per gross acre. Centralized water and sewer facilities are required.

Section 807 Medium Density Multi-Family Residential District (R-8)

The purpose of the R-8 District is to encourage the establishment of medium density multi-family dwellings not to exceed eight dwelling units per net acre of land. All such districts must abut upon an arterial or collector thoroughfare as specified on the Major Thoroughfare Plan and have centralized public water and sewer facilities of sufficient size. The preferred housing type will be townhouses and garden apartments.

Section 808 Manufactured/Mobile Home Park District (MHP)

The purpose of the MHP District is to encourage the development of manufactured/mobile home parks in a well-planned environment. Such districts shall abut upon an arterial or collector

thoroughfare as identified on the Major Thoroughfare Plan. Manufactured/mobile home parks shall comply with regulations of Chapter HE-27 of the Ohio Sanitary Code.

Section 809 Business Districts

Business districts are established to meet the purposes set forth in Sections 810-813, inclusive.

Section 810 Local Business District (LB)

The purpose of the LB District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a collector thoroughfare as specified in the Major Thoroughfare Plan. Marginal strip development shall be prohibited.

Section 811 Old Alexandria Business (OAB)

The purpose of the OAB district is to enable better use and development of properties that do not fit the regular code regulations because of their platting prior to the 1979 zoning ordinance.

Section 812 General Business District (GB)

The purpose of the GB District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. Shopping centers will be the predominant building approach. Strip development shall be prohibited. GB Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan.

Section 813 Accommodation Business District (AB)

The purpose of the AB District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to service the motoring public. AB Districts are generally associated with interchange areas along the major limited access highways.

Section 814 Manufacturing Districts

Manufacturing districts are established to meet the purposes set forth in Sections 815-816, inclusive.

Section 815 Light Manufacturing District (M-1)

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare and which operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense business and residential uses.

Section 816 Heavy Manufacturing District (M-2)

The purpose of the M-2 District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities, and reasonable access to arterial thoroughfares; they may have extensive open storage and service areas and generate heavy traffic but shall be prohibited if they create nuisances beyond the limitations established by the Planning and Zoning Commission. Mining, processing, and storage are within this district.

Section 817 Special Districts

The special districts are established to meet the purposes set forth in Sections 818-820, inclusive.

Section 818 Agricultural District (AG)

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. This district was also established to control the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operators.

Section 819 Flood Plain Overlay District (FPO)

The purpose of the FPO District is to provide for the proper use and development of lands subject to periodic flooding and encourage development of such lands in a manner that will promote and protect public life, health, safety, and welfare of the general citizenry. The Flood Plain Overlay changes automatically, according to current FEMA regulations and maps.

Section 820 Conservation District (C)

The purpose of the C District to protect unique nature, scenic, and open space areas while ensuring that adequate land is set aside for parks and recreation.

Section 821 Amendments

Nothing in Article 8 shall be interpreted in such a manner as to preclude amendment of the district regulations as provided by the Ohio Revised Code, or the provisions of this Ordinance.

ARTICLE 9 DISTRICT REGULATIONS

Section 900 Compliance with Regulations

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

- (a) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (b) No building or other structure shall be erected or altered:
 - 1) To provide for greater height or bulk.
 - 2) To accommodate or house or a greater number of families.
 - 3) To occupy a greater percentage of lot area.
 - 4) To have narrower or smaller rear yards, front yards, side yards.
- (c) No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein.
- (d) Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

Section 901 Official Schedule of District Regulations Adopted

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this ordinance and in Article 10 of this Ordinance "Supplementary District Regulations." District regulations of the MHP District shall be those specified in Article 14.

Section 902 Intent of District Regulations

It is the intent of these regulations to set forth within the district regulations the Permitted Uses, the Conditionally Permitted Uses, the general requirements of the district, and other regulations as they pertain in general to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district, and as such, are governed by Article 4 and Article 5, and other articles or these regulations.

Rules, regulations, requirements, standards, ordinances, articles, and/or sections not specifically included for each district, but which are contained in these regulations, and which are applicable to each district or use shall be applied as if stated in full in Article 8 of these regulations.

Uses specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or the Planning Commission as permitted or conditionally permitted in any district shall be referred to the Planning and Zoning Commission for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

Section 903 Suburban Estate Residential District (SER)

Permitted Uses, Dimensional Requirements, and other Regulations of the Suburban Estate Residential (SER) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Agriculture (no permit is required for those uses as defined in Article 2 of these regulations)
- (b) Single family dwellings
- (c) Churches
- (d) Public and private schools
- (e) Public parks and playgrounds
- (f) Governmental buildings
- (g) Cemeteries
- (h) Clubs, golf courses
- (i) Nursery-plant materials and sales
- (j) Private stables
- (k) Private swimming pools
- (l) Accessory uses and structures

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Institutions, Nursery-nursing home, clinic
- (b) Extraction of sand, gravel, and other materials
- (c) Storage yards for equipment, machinery, or materials
- (d) Kennels and stables
- (e) Home occupations
- (f) Private recreational camp

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of two hundred (200) feet and minimum lot area not less than two acres (87,120 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, provided however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.

Side Yard: There shall be side yards of not less than twenty-five (25) feet on each side.

Rear Yard: There shall be a rear yard of not less than fifty (50) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of 960 feet of living space by outside dimensions, exclusive of porches, garages, and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 904 Low Density Residential District (R-1)

Permitted Uses, Dimensional Requirements, and other Regulations of the Low Density Residential (R-1) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Agriculture (no permit is required for those uses as defined in Article 2 of these regulations)
- (b) Single family dwellings
- (c) Churches
- (d) Public and private schools
- (e) Public parks and playgrounds
- (f) Governmental buildings
- (g) Cemeteries
- (h) Clubs, golf courses
- (i) Nursery-plant materials and sales
- (j) Private stables as an accessory use
- (k) Private swimming pools as an accessory use
- (l) Accessory uses and structures

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Institutions, Nursery-nursing home, clinic

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of one hundred (100) feet and minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, provided however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average

of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.

Side Yard: There shall be side yards of not less than twenty-five (25) feet on each side.

Rear Yard: There shall be a rear yard of not less than fifty (50) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of 1,000 feet of living space by outside dimensions, exclusive of porches, garages, and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 905 Medium-Low Density Residential District (R-2)

Permitted Uses, Dimensional Requirements, and other Regulations of the Medium-Low Density Residential (R-2) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Agriculture (no permit is required for those uses as defined in Article 2 of these regulations)
- (b) Single family dwellings
- (c) Churches
- (d) Public and private schools
- (e) Public parks and playgrounds
- (f) Governmental buildings
- (g) Clubs, golf courses
- (h) Nursery-plant materials and sales
- (i) Private swimming pools as an accessory use
- (j) Accessory uses and structures

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted

- (a) Institutions, Nursery-nursing home, clinic

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of one hundred (100) feet and minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, provided however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.

Side Yard: There shall be side yards of not less than twenty-five (25) feet on each side.

Rear Yard: There shall be a rear yard of not less than fifty (50) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of 1,000 feet of living space by outside dimensions, exclusive of porches, garages, and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 906 Medium-Low Density Old Alexandria Residential (R-3)

Permitted Uses, Dimensional Requirements, and other Regulations of the Medium-Low Density Old Alexandria Residential (R-3) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Single family dwellings
- (b) Churches
- (c) Public and private schools
- (d) Public parks and playgrounds
- (e) Governmental buildings
- (f) Accessory uses and structures
- (g) Swimming pools

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following use may be conditionally permitted:

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of sixty (60) feet and minimum lot area not less than 10,000 square feet. All lot area measurements shall be exclusive of road right-of-way and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than thirty-five (35) feet.

Side Yard: There shall be side yards of not less than five (5) feet on each side.

Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of 1,000 square feet. All dwelling bulk requirements for the R-3 District are to be determined from inside dimensions, exclusive of porches, garages, and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 907 Medium Density Residential District (R-4)

Permitted Uses, Dimensional Requirements, and other Regulations of the Medium Density Residential (R-4) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Single family dwellings
- (b) Churches
- (c) Public and private schools
- (d) Public parks and playgrounds
- (e) Governmental buildings
- (f) Accessory uses and structures

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Two family dwelling units

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of sixty (60) feet and minimum lot area not less than 10,000 square feet. Every lot or tract of land upon which there is erected a two-family dwelling shall have a minimum width of at least seventy (70) feet and a minimum lot area of not less than 12,000 square feet. All lot area measurements shall be exclusive of road right-of-way and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than thirty-five (35) feet.

Side Yard: There shall be side yards of not less than five (5) feet on each side.

Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

Dwelling Bulk: Single family dwellings or structures shall have a minimum area of 850 square feet of living space. Two-family dwelling units shall have a minimum area of 600 square feet of living space. All dwelling bulk requirements for the R-4 District are to be determined from inside dimensions, exclusive of porches, garages, and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 908 Medium Density Multi-Family Residential District (R-8)

Permitted Uses, Dimensional Requirements, and other Regulations of the Medium Density Residential (R-8) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Two-family dwellings
- (b) Three-family dwellings
- (c) Multi-family dwellings, including townhouses, provided apartment structures not containing more than four dwelling units per structure
- (d) Churches
- (e) Public and private schools
- (f) Public parks and playgrounds
- (g) Governmental buildings
- (h) Accessory uses and structures

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following use may be conditionally permitted

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: For each two-family structure there shall be a lot area of not less than 7,200 square feet per two-family structure. For each structure which contains more than two (2) dwelling units, there shall be not less than 1,200 square feet additional lot area per each additional lot area per each additional dwelling unit. Maximum density shall not exceed eight dwelling units per net acre of land. For each permitted use, and conditional use, only one principal use shall be permitted on a lot and such lot shall not be covered more than forty percent by structures and required off-street parking. For a two-family dwelling there shall be lot width of

sixty-five (65) feet or more at the front setback line of the dwelling, and for each dwelling unit more than two (2) there shall be required an additional ten (10) feet of lot width and such lot shall have access to and abut on a public right-of-way for a distance of thirty-five (35) feet or more.

Front Yard: There shall be a front yard of twenty (20) percent or more of the lot depth.

Side Yard: For dwellings or associated accessory buildings there shall be a total of side yards of not less than twelve (12) feet with a minimum of five (5) feet on one side.

Rear Yard: For main or principal buildings there shall be a rear yard of twenty (20) percent or more for the lot depth.

Dwelling Bulk: Dwelling units in the R-8 District shall have a minimum floor area of 600 square feet for each dwelling unit. All dwelling bulk requirements for the R-8 District are to be determined from inside dimensions, exclusive of porches, garages, and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 909 Manufactured/Mobile Home Park District (MHP)

Permitted Uses, Dimensional Requirements, and other Regulations of the Manufactured/Mobile Home Park (MHP) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Buildings or permanent type structures used exclusively to provide services for occupants of the park, such as a recreation building, swimming pools and bath houses, laundry rooms, manufactured/mobile home park offices, storage rooms, and the like.
- (b) Accessory buildings or structures that are clearly incidental and attached to a mobile home, such as a carport, cabana, Florida room, and the like.
- (c) Advertising signs subject to all the following provisions:
 - 1) One identification type sign advertising the Manufactured/Mobile Home Park upon which it is located may be erected provided that no portion of the sign or its supports shall be within the required yard area. Such sign may be double faced and may be lighted if lighting is arranged in such manner that it will not distract or temporarily blind a motorist on the adjacent public street. The maximum area of the sign, including any border around it, shall be not more than one square foot for each lineal foot of frontage of the Manufactured/Mobile Home park or one hundred (100) square feet, whichever is least. The maximum height of the sign shall not exceed twenty-five (25) feet above the ground.

- 2) Directional signs as approved by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed two square feet.

Prohibited Uses:

Within a Manufactured/Mobile Home Park only the uses specifically listed as permitted uses shall be authorized, and all other uses, including but not necessarily limited to the following, shall be prohibited:

- (a) Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles;
- (b) Repair and/or sale of vehicles of any type, including mobile homes, except for the repair or sale of any individual vehicle by the owner or occupant thereof;
- (c) Buildings or permanent type structures for uses other than those listed as permitted uses;
- (d) Any advertising sign other than that listed as a permitted use.

Dimensional and Other Requirements: Dimensional and Other Requirements shall be as regulated in Article 14 of these regulations.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 910 Local Business District (LBD)

Permitted Uses, Dimensional Requirements, and other Regulations of the LB Local Business District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Churches
- (b) Public and private schools
- (c) Public parks and playgrounds
- (d) Governmental buildings
- (e) Cemeteries
- (f) Local retail business or service including grocery fruit and vegetable store, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station, laundromats, shoe store, mortician and the like supplying commodities or performing services primarily for the residents or a local community
- (g) Lodge and fraternal organizations
- (h) Nursery (plant materials), and/or greenhouse
- (i) Accessory uses and structures
- (j) Doctor's parks, offices, or clinics
- (k) Vision and hearing clinics

- (l) Dental offices and clinics
- (m) Law offices
- (n) Insurance and real estate offices
- (o) Day care clinics

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Hospital, nursery, nursing home
- (b) Public swimming pool

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of two hundred (200) feet and minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet.

Side Yard: There shall be a side yard of not less than forty (40) feet.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 911 Old Alexandria Business (OAB)

Permitted Uses, Dimensional Requirements, and other Regulations of the Old Alexandria Business (OAB) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Churches
- (b) Public and private schools
- (c) Public parks and playgrounds
- (d) Governmental building
- (e) Dwelling units or combination residential and business use, not to exceed three (3) dwelling units per lot
- (f) General auto repair (indoor only)
- (g) Auto service station
- (h) Taverns, restaurants, or restaurants providing entertainment
- (i) Hotels, motels
- (j) Trade or commercial schools

- (k) Wholesale business or warehousing, if conducted entirely in an enclosed building
- (l) Public garages
- (m) Building materials and sales, if conducted entirely in an enclosed building
- (n) Accessory buildings and uses
- (o) Offices, (including, but not limited to architect, engineer, insurance, real estate, banking, finance, consulting, doctors, and lawyers)
- (p) Medical clinics
- (q) Lodge and fraternal organizations
- (r) Nursery (plant materials), and/or greenhouse
- (s) Day care clinics
- (t) Retail business or service

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Hospital, nursery, nursing home
- (b) Watercraft and/or recreational vehicle storage.
- (c) Radio or television broadcasting station and towers (applies to commercial stations and equipment only)
- (d) Private recreation camps
- (e) Boarding houses
- (f) Adult entertainment, as regulated under Article 17

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Lot sizes are accepted as dictated from the current plat maps.

Front Yard: Front yards will conform to existing construction or match the construction of neighboring properties if the buildings are within ten (10) feet of the new structure. If not, a setback of eight (8) feet will be observed. Replacement construction may use the original location or footprint if the reconstruction is begun within one year of destruction. Setback may be increased if desired.

Side Yard: On new construction there shall be a side yard minimum of five (5) feet. Replacement construction may use the original location or footprint if the reconstruction is begun within one year of destruction.

Rear Yard: On new construction there shall be a rear yard minimum of five (5) feet. Replacement construction may use the original location or footprint if the reconstruction is begun within one year of destruction.

Corner Lot Requirements: Lots located at the intersection of roads within the Village (excluding alleys) shall maintain a yard of not less than ten (10) feet in depth abutting both neighboring roads.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations, except that no setback is required.

Reduction of Area Requirements: See Section 919

Section 912 General Business District (GB)

Permitted Uses, Dimensional Requirements, and other Regulations of the General Business (GB) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Churches
- (b) Public and private schools
- (c) Public parks and playgrounds
- (d) Governmental building
- (e) All permitted uses as specified in the local business district
- (f) General auto repair (indoor only)
- (g) Auto service station
- (h) Auto and/or farm implement sales
- (i) Taverns, restaurants, or restaurants providing entertainment
- (j) Hotels, motels
- (k) Commercial and public entertainment fields, amusements, or establishments similar but not restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys.
- (l) Trade or commercial schools
- (m) Wholesale business or warehousing when no processing, fabrication or assembly involved, if conducted entirely in an enclosed building
- (n) Public garages
- (o) Commissioning houses
- (p) Building materials and sales, if conducted entirely in an enclosed building
- (q) Accessory buildings and uses
- (r) Banks and finance establishments
- (s) Planning architect, or engineering offices
- (t) Veterinary clinics and offices

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Watercraft and/or recreational vehicle storage
- (b) Radio or television broadcasting station and towers (applies to commercial stations and equipment only)
- (c) Airport-heliports (private and governmental)
- (d) Private recreational camps

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of two hundred (200) feet and minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet.

Side Yard: There shall be side yards of not less than forty (40) feet.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 913 Accommodation Business District (AB)

Permitted Uses, Dimensional Requirements, and other Regulations of the Accommodation Business (AB) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Automobile service stations with or without the sale of petroleum products
- (b) General automobile repair (indoor only)
- (c) Truck stops with or without restaurant and truck services and/or repair
- (d) Hotels, motels
- (e) Restaurants, with or without entertainment
- (f) Gift shops
- (g) Self-operating automobile washes, commercial automobile washes and truck washes
- (h) Open fruit and vegetable markets
- (i) Drive in eating and drinking establishments

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Public garages
- (b) Recreational vehicle sales and/or service
- (c) Mobile home or recreational vehicle sales and/or service lots

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of two hundred (200) feet and minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record. If public water and sewer facilities are available for service to the use permitted or conditionally permitted under Section 916, the minimum lot size may be reduced to meet these requirements:

- (a) Minimum width of one hundred thirty (130) feet
- (b) Minimum lot area, not less than one-half acre (21,780 square feet)

Front Yard: There shall be a front yard of not less than fifty (50) feet.

Side Yard: There shall be side yards of not less than thirty (30) feet.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 914 Light Manufacturing District (M-1)

Permitted Uses, Dimensional Requirements, and other Regulations of the Light Manufacturing (M-1) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Agriculture
- (b) Public parks and playgrounds
- (c) Small item manufacturing
- (d) Paper, printing, and associated products
- (e) Cleaning, dyeing and similar services
- (f) Food products
- (g) Poultry, horticulture, and forestry facilities
- (h) Machinery, office equipment and furniture manufacturing
- (i) Fiber and clothing goods manufacturing
- (j) Utility facilities
- (k) Nonmetallic goods manufacturing
- (l) Household appliances and vehicle services, storage, and maintenance
- (m) General auto repair (indoor only)
- (n) Truck stops with or without restaurant and truck services and/or repair
- (o) Hotels, motels
- (p) Restaurants, with or without entertainment
- (q) Gift shops
- (r) Self-operating auto washes, commercial auto washes and truck washes
- (s) Open fruit and vegetable markets
- (t) Drive in eating and drinking establishments

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted

- (a) Metal cans and containers manufacturing
- (b) Lumber yards
- (c) Contract construction storage for machinery and materials
- (d) Building materials (general retail)

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of one hundred (100) feet and minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet.

Side Yard: There shall be side yards of not less than forty (40) feet.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 915 Heavy Manufacturing District (M-2)

Permitted Uses, Dimensional Requirements, and other Regulations of the Heavy Manufacturing (M-2) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Agriculture
- (b) Public parks and playgrounds
- (c) Chemical related manufacturing
- (d) Physically undesirable or odorous manufacturing processes
- (e) Open undesirable uses
- (f) Metal, ore, and coal mining
- (g) Petroleum and natural gas extraction, and refining
- (h) Mining services
- (i) Bulk storage

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Blasting

- (b) Legally dangerous chemical processing
- (c) Firearms and explosives manufacturing
- (d) Radioactive materials manufacturing, processing reprocessing, but not long-term storage

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or forty (40) feet.

Lot Area, Width and Depth: Every lot shall have a minimum width of two hundred (200) feet and minimum lot area not less than one acre (43,560 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet.

Side Yard: Heavy industrial districts shall employ proper screening methods when the district abuts any other non-industrial districts. Screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition. In lieu of such wall or fence screening may consist of a landscape berm not less than four (4) feet in height and twenty (20) feet in width, planted with evergreen trees or shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection. See Article 16.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 916 Agricultural District (AG)

Permitted Uses, Dimensional Requirements and other Regulations of the Agricultural (AG) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Agricultural
- (b) Single family dwellings
- (c) Public parks and playgrounds
- (d) Home occupations
- (e) Public and private schools
- (f) Churches
- (g) Commercial grain storage
- (h) Accessory uses and structures
- (i) Private swimming pools
- (j) Cemeteries
- (k) Nursery-plant materials and sales

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Quarrying
- (b) Clubs, golf courses

Height Limit: No building shall be erected or enlarged to exceed two and one-half stories or thirty-five (35) feet.

Lot Area and Depth: Every lot shall have a minimum width of two hundred fifty (250) feet and a minimum lot area of not less than five acres (217,800) square feet, exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than seventy-five (75) feet in depth for dwelling structures.

Side Yard: There shall be side yards of not less than thirty (30) feet (each side) for dwelling structures.

Rear Yard: There shall be a rear yard of not less than one hundred (100) feet for dwelling structures.

Dwelling Bulk: Dwellings or structures shall have a minimum area of 1,350 square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 11 of these regulations.

Signs: Signs shall be as regulated in Article 12 of these regulations.

Reduction of Area Requirements: See Section 919

Section 917 Flood Plain Overlay District (FPO)

Permitted Uses, Dimensional Requirements and other Regulations of the Flood Plain Overlay (FPO) District. Uses permitted in this area are generally associated with open space, recreational, and agricultural land uses and shall not hinder the movement of floodwaters. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Agricultural operations which do not require that structures be located in flood prone areas, including:
 - 1) Dairying
 - 2) Pasturage
 - 3) Horticulture or Floriculture
- (b) Public parks and playgrounds

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 6, and other provisions:

- (a) Uses which are consistent with the open nature of the FPO District.

Additional District Development Standards: In addition to the provisions above, the following standards shall be complied with:

- (a) Any natural vegetation shall be kept in a neat and orderly manner as determined by the Zoning Inspector. This shall include periodic mowing, removal of dead trees, etc.
- (b) There shall be no outside storage of vehicles for more than forty-eight (48) hours
- (c) There shall be no dumping of trash, refuse, or other similar materials

Section 918 Conservation District (C)

Permitted Uses, Dimensional Requirements, and other Regulations of the Conservation (C) District. The following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

- (a) Public or nonprofit private parks, nature preserves or sanctuaries intended for public use and enjoyment, including necessary accessory structures such as shelters, rest rooms and picnic areas.
- (b) Public or private athletic facilities, including clubhouse or locker facilities.

Conditional Uses: After obtaining a valid conditional use permit in accordance with Article 6, and the other provisions of these regulations, the following uses may be conditionally permitted:

- (a) Any commercial activity that is carried on directly in support of permitted uses of a Conservation District
- (b) Cemeteries

Height Limit: No building shall be erected or enlarged to exceed thirty (30) feet.

Lot Requirements: All structures shall be set back from all public rights-of-way and adjacent property lines a minimum of fifty (50) feet.

Section 919 Reduction in Area Requirements

No lot, yard, parking, or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this Ordinance unless approved as part of a PUD; and, if already less than the minimum required by this Ordinance, said area or dimensions shall not be further reduced.

ARTICLE 10 SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General

The purpose of Supplementary District regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

Section 1001 Conversion of Dwelling to More Units

A residence may not be converted to accommodate an increased number of dwelling units unless:

- (a) The yard dimensions continue to meet the yard dimensions required by zoning regulations for new structures in that district;
- (b) The lot area per family equals lot area requirements for new structures in that district;
- (c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (d) The conversion complies with all other relevant codes and ordinances.

Section 1002 Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall not be allowed in any commercial or residential district except as an accessory use and must comply with the following conditions and requirements:

- (a) The swimming pool is intended solely for the enjoyment of occupants of the principal use of the property on which it is located; and
- (b) The swimming pool may not be located closer than ten (10) feet to any property line.

The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall shall not be less than six (6) feet in height and must be maintained in good condition with a gate and lock.

Section 1003 Community or Club Swimming Pools

Community and club swimming pools, where permitted, shall comply with the following conditions and requirements:

- (a) The swimming pool is intended solely for the enjoyment of the members, families, and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- (b) The swimming pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line; and
- (c) The swimming pool and all of the areas used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six (6) feet in height and must be maintained in good condition with a gate and lock.

Section 1004 Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work may be permitted in any district only during the period of time the construction work is in progress, and such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Zoning Inspector

Section 1005 Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored in the rear yard if the vehicles have a current license.

Section 1006 Disabled Vehicles

The parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) weeks shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building.

Section 1007 Nuisance Control

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjacent property.

Section 1008 Required Trash Areas

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall enclose such areas on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

Section 1009 Manufactured Homes

When a manufactured home is placed on a lot it must meet all yard requirements. The manufactured home shall be placed on a lot according to Manufactured Home Industry Standards or on a permanent concrete and masonry foundation in the following manner: The manufactured home shall rest on footers, columns, and blocks in a custom suitable for the site and in accordance with the blocking instructions supplied by the manufactured home manufacturer. A space not exceeding a length of five (5) feet, may be left at the rear end or backside suitable for access under the unit. Such access area shall be closed when not in use with a suitable door. Standard skirting shall be applied. All manufactured homes shall be anchored with an approved anchoring device. No manufactured home shall be occupied until a Certificate of Occupancy has been issued by the Zoning Inspector.

Section 1010 Supplemental Yard and Height Regulations

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Ordinance, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

Section 1011 Setback Requirements for Corner Buildings

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located

Section 1012 Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impeded or restrict vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty feet from the point of intersection.

Section 1013 Fence and Wall Restrictions in Front Yards

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height or two and a half feet and ten (10) feet.

Section 1014 Yard Requirements for Multi-Family Dwellings

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwelling in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1015 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Non-residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line or a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirements if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising or other signs.

Landscaping provided in lieu of such a wall or fence shall consist of a landscape berm not less than four (4) feet in height and twenty (20) feet in width planted with an evergreen trees or shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall not obscure traffic visibility within fifty (50) feet of an interaction.

Section 1016 Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts for the building to which they are attached and shall not project into the required minimum front, side, or rear yard. This section will not apply to Old Alexandria Business zoned property, as long as the projection does not protrude onto residentially zoned property.

Section 1017 Exceptions to Height Regulations

Height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

Section 1018 Special Provisions for Commercial and Industrial Uses

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Section 1019-1028, inclusive.

Section 1019 Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1020 Radioactivity or Electrical Disturbance

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

Section 1021 Noise

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Fire, weather alert and air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 1022 Vibration

No vibration shall be permitted, which is discernible without instruments on any adjoining lot or property.

Section 1023 Air Pollution

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

Section 1024 Glare

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing or business district or from any street.

Section 1025 Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

Section 1026 Water Pollution

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

Section 1027 Enforcement Provisions

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

Section 1028 Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

Section 1029 Address Identification

All property addresses shall be represented by a number at least four (4) inches in height, to be permanently fixed on the building, house, place of business or residence, or at the curb, or on a sign; when painted upon the house or a plate, the numbers shall be "placed over or near the door or entrance or other prominent position, facing the street."

ARTICLE 11 OFF-STREET PARKING AND LOADING FACILITIES

Section 1100 General Requirements

No building or structures shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance. The provisions of this Article, except where there is a change of use, shall not apply to any building or structure existing at the time of the adoption of this Ordinance. Where a new use of an existing building involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Ordinance.

Whenever a building or structure constructed after the effective date of this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 1101 Parking Space Dimensions

Parking space dimensions shall be according to the following schedule:

| <u>Space</u> | <u>Style</u> | <u>Minimum Width</u> | <u>Minimum Length</u> | <u>Minimum Height Clearance</u> |
|---------------|---------------------------------|----------------------|-----------------------|---------------------------------|
| Parking space | Ninety-degree parking | 10 | 20 | |
| Parking space | Parallel parking | 10 | 23 | |
| Parking space | Sixty-degree angle parking | 10 | 20 | |
| Parking space | Forty-five-degree angle parking | 12 | 20 | |
| Loading space | | 12 | 50 | 15 |

All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1117 of this Ordinance.

| | | |
|----------------------------|---------------|----------------|
| (a) <u>Parking Spaces.</u> | Minimum Width | Minimum Length |
| 1) Ninety-degree parking | 10' | 20' |
| 2) Parallel parking | 10' | 23' |

| | | |
|--------------------------------------|-----|-----|
| 3) Sixty-degree angle parking | 10' | 20' |
| 4) Forty-five-degree angle parking | 13' | 20' |
| (b) <u>Access Drives.</u> | | |
| 1) Single-family driveways | 10' | ** |
| 2) Two-family combined driveways | 10' | ** |
| 3) All other uses | 20' | ** |
| (c) <u>Parking Aisles.</u> | | |
| 1) Ninety-degree parking | 22' | ** |
| 2) Angle parking | 18' | ** |
| 3) Parallel parking on one way drive | 14' | ** |

Section 1102 Loading Space Requirements and Dimensions

A loading space shall have minimum dimension of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet. One loading space shall be provided for each additional 10,000 square feet or fraction thereof.

Section 1103 Paving

The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust free surface.

Section 1104 Drainage

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

Section 1105 Maintenance

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

Section 1106 Lighting

Off-street parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that light sources are shielded from adjoining residential areas and streets, are not of excessive brightness and do not cause a glare hazardous to pedestrians or drivers.

Section 1107 Location of Parking Spaces

- The following regulations shall govern the location of off-street parking spaces and areas:
- (a) Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve and, where possible, shall be placed to the side or rear of residential structures.

(b) Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use.

Section 1108 Screening and/or Landscaping

Whenever a parking area is located in or adjacent to a residential district it shall be screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall not be less than four (4) feet and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition. In the event the terrain or other natural features are such that the erection of such fence wall, or planting screen will not serve the intended purpose, as determined by the Zoning Inspector, then no such fence, wall, or planting screen and landscaping shall be required.

Section 1109 [blank]

Section 1110 Minimum Distance and Setbacks

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institutions for human care located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way

Section 1111 Joint Use

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

Section 1112 Improvements

All parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway. Concrete, stone or asphalt curbs at least six (6) inches above the level of the surface of a parking lot/parking area, shall be provided to define the limits of the parking area, except at exits and entrances. Concrete wheel stops shall be installed three (3) feet in front of the curbing or at least three (3) feet of landscaping, built to curb height, shall be provided behind the asphalt curbing. Such curbs shall be at least six (6) inches thick. Curbs shall be arranged so that no portion of a parked vehicle projects into that portion of a required yard in which off-street parking is prohibited.

Section 1113 Width of Driveway Aisle

Driveways serving individual parking spaces shall be according to the following schedule:

| <u>Style</u> | <u>Minimum Driveway Aisle Width</u> |
|---------------------------------|-------------------------------------|
| Ninety-degree parking | 25 |
| Parallel parking | 12 |
| Sixty-degree angle parking | 17.5 |
| Forty-five-degree angle parking | 13 |

Section 1114 Access

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

Section 1115 Width of Access Driveway

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards:

| | <u>Style</u> | <u>Access road minimum width</u> |
|-----------------|---------------------------------|----------------------------------|
| One way traffic | Ninety-degree parking | 14 |
| | Parallel parking | 14 |
| | Sixty-degree angle parking | 14 |
| | Forty-five-degree angle parking | 17 |
| Two-way traffic | All styles | 24 |

Parking areas having more than one aisle or driveway shall have directional signs or makings in each aisle or driveway.

Section 1116 Striping

Parking spaces in all parking areas with a capacity of over ten (10) vehicles shall be striped between stalls, creating minimum ten (10) feet by twenty (20) feet parking stalls, exclusive of drives and turning spaces, to facilitate the movement into and out of the parking stalls.

Section 1117 Parking Space Requirements

Minimum parking space requirements shall conform to the requirements of Sections 1118-1123, inclusive.

Section 1118 Residential

| | |
|---|--|
| Single Family or Two-Family Dwelling | Two spaces for each unit |
| Apartments or Multi-Family Dwellings | Two spaces for each unit |
| Accessory Dwelling Units | One space for each unit |
| Boarding houses, Rooming Houses, Dormitories, and Fraternity Houses which have sleeping | Two spaces for each sleeping room or for each permanent occupant |
| Manufactured/Mobile Homes | Two spaces for each unit |

Section 1119 Commercial

| | |
|---|--|
| Automobile service garage which also provides repair | Two spaces for each gasoline pump and Four spaces for each service bay |
| Hotels, Motels | One space for each sleeping room plus One space for every Two employees |
| Funeral Parlors, Mortuaries, and similar type uses | One space for each 100 square feet of floor area in slumber rooms, parlors, or service rooms |
| Retail stores | One space for each 250 square feet of floor area |
| Banks, financial institutions, and similar uses | One space for each 200 square feet of floor area |
| Offices, public or professional administration, or service buildings | One space for each 400 square feet |
| All other types of business or commercial uses permitted in any business district | One space for each 300 square feet of floor area |

Section 1120 Recreational or Entertainment

| | |
|---|--|
| Dining rooms, restaurants, taverns, night clubs, etc. | One space for each 200 square feet of floor area |
| Bowling alleys | Four spaces for each alley or lane, plus One additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use |
| Dance floors, skating rinks | One space for each 100 square feet of floor area used for the activity |
| Outdoor swimming pools (public or community) or club | One space for each 5 persons capacity plus One space for each 4 seats or One space for each 30 square feet floor area used for seating purposes whichever is greater |
| Auditoriums, sport arenas, theater, and similar use | One space for each 4 seats |
| Retail stores | One space for each 250 square feet of floor area |
| Banks, financial institutions, and similar uses | One space for each 200 square feet of floor area |
| Offices, public or professional administration, or service buildings | One space for each 400 square feet |
| All other types of business or commercial uses permitted in any business district | One space for each 300 square feet of floor area |

Section 1121 Institutional

| | |
|--|---|
| Churches and other places of religious assembly | One space for each 5 seats |
| Hospitals | One space for each bed |
| Sanitariums, home for the aged, nursing homes, asylums, and similar uses | One space for every two beds |
| Medical and dental clinics | One space for every 200 square feet area of examination, treating room office, and waiting room |

Section 1122 Schools (Public, Parochial, or Private)

| | |
|---|---|
| Elementary and junior high schools | Two spaces for each classroom and One space for every eight seats in auditorium or assembly halls |
| High schools | One space for every ten students and One space for each teacher and employee |
| Business, technical and trade schools | One space for every two students |
| Colleges, universities | One space for every four students |
| Kindergartens, childcare centers, nursery schools, and similar uses | Two spaces for each classroom but less than Six spaces for the building |

Section 1123 Manufacturing

| | |
|---|--|
| All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district | One space for every two employees (on the largest shift for which the building is designed) plus One space for each motor vehicle used in the business |
| Cartage, express, parcel delivery, and freight terminals | One space for every two employees (on the largest shift for which the building is designed) and One space for each motor vehicle maintained on the premises. |

Section 1124 General Interpretation of Article 11

In the interpretation of Article 11, the following rules shall govern:

- (a) Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Planning and Zoning Commission upon an appeal from a decision of the Zoning Inspector.
- (b) Fractional numbers shall be increased to the next whole number.
- (c) Where there is an adequate public transit system or where for any other reason parking demand is unusually low, the parking space provisions cited above may be reduced proportionately by the Planning and Zoning Commission upon an appeal of a decision of the Zoning Inspector.

Section 1125 Restrictions on Parking Commercial Vehicles on Public and Private Property

- (a) No person shall park a truck tractor, trailer, tractor trailer rig, school bus, commercial tractor, truck of more than one ton capacity, bus trailer, semitrailer, or pole trailer, within a residential district of the Village, including a public street or highway, except to make deliveries or pick-ups, or for the loading or unloading of persons or goods, or while engaged in the normal course of business, unless such vehicle is parked or stored in a completely enclosed structure.
- (b) No person, shall park a truck tractor, trailer, tractor trailer rig, school bus, commercial tractor, truck of more than one ton capacity, semi-trailer, or pole trailer, on any parking lot, playground, athletic field, vacant lot, public or private school, or church premises, except to make deliveries or pick-ups, or for the loading or unloading of persons or goods, or while engaged in the normal course of business, or for a period of two hours or less while parked in the parking lot of a business that is open to the public for the purpose of patronizing said business.

Section 1126 Approval of Parking and Loading Plans Prior to Issuance of Building Permit or Certificate of Compliance

Prior to the issuance of a building permit or certificate of compliance, detailed drawings of off-street parking and loading areas, except for one and two-family dwellings, shall be submitted to the Zoning Inspector for approval in accordance with this chapter.

ARTICLE 12 SIGNS

Section 1200 Intent

The purpose of this article is to promote and protect public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance, and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

Section 1201 Governmental Signs Excluded

The word "sign" does not include signs erected and maintained pursuant to and discharge of any governmental function, or required by any law, Ordinance, or governmental regulations.

Section 1202 General Requirements for All Signs and Districts

The regulations contained in this section shall apply to all signs in all use districts.

- (a) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- (b) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Licking County Building Code and the National Electrical Code.
- (c) No projecting sign shall be erected or maintained from the front of face of a building a distance of more than four (4) feet.
- (d) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1204 herein
- (e) No sign or part thereof shall contain pennants, ribbons, streamers, spinners, or other similar moving devices, Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign
- (f) No sign of any classification shall be installed erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape
- (g) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
- (h) Property owners shall be responsible for the removal of signs and signage structures for any business which has ceased to operate for a period of one hundred eighty (180) days.
- (i) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property and bearing no advertising matter shall be permitted on any property.

- (j) All premises advertising devices erected or maintained pursuant to R.C. Chapter 5516.10 must also comply with sections 1202,1203,1205, and 1206 of this Ordinance.
- (k) The following are prohibited:
 - 1) Advertising devices erected or maintained on utility poles or other public structures, trees, or painted or drawn upon rocks or other natural features.
 - 2) Signs permanently attached to any fence.
 - 3) the use of building walls for display of advertising.
 - 4) Advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
 - 5) Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, or device.
 - 6) Advertising devices which attempt or appear to attempt to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.
 - 7) Vehicles, trailers, or equipment of any type parked on a business premises or a lot for the purpose of advertising a business, product, service, object, location, organization, or the like.
 - 8) Signs mounted upon the roof of any building or structure.

Section 1203 Measurement of Sign Area

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Section 1204 Signs Permitted in District - No Permit Required

- (a) Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet, and the maximum total height of the sign structure (including the sign) is six (6) feet. Off-premises signs indicating properties for sale, rent, or lease are not permitted anywhere within the Village.
- (b) Professional name plates or home occupation signs not exceeding four (4) square feet in area and not exceeding one sign per home or business
- (c) Non-farm signs denoting the name and address of the occupant of the premises, not exceeding four (4) square feet in area per side and the maximum total height of the sign structure, (including the sign) is six (6) feet and not exceeding one sign per home or business
- (d) Farm signs, denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership or organizations not to exceed twenty-five (25) square feet of sign face area per farm. The maximum total height of the sign structure (including the sign) is six (6) feet.
- (e) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies which signs or bulletin boards shall not exceed thirty (30) square feet in area, the maximum total height of the sign structure (including the sign) is six (6) feet. Signs or bulletin boards shall be located on the premises of such institutions and shall be set back from all street lot lines at least ten (10) feet.

- (f) Entrance and exit signs containing only directional information.
- (g) Temporary signs or banners announcing special public or instructional events, the erection of a building, or signs for similar uses, provided they are removed within two weeks of the completion of the event or project.
- (h) Temporary signs shall be permitted to the extent consistent with the following specific requirements:
 - 1) Such temporary signs shall have an area per side of no more than twelve (12) square feet
 - 2) Such temporary signs may be placed directly in front of a business or home site, including in the space between the curb and the sidewalk only to the extent that doing so does not interfere with visibility for traffic purposes.
 - 3) Such temporary signs must be removed when no longer applicable.
 - 4) Temporary signs (sandwich boards or others) are limited to one per business, may be restricted to the extent that they may affect the flow of pedestrian traffic, and are restricted to use during those hours during which a business is open.
 - 5) Temporary signs for other purposes must meet all other requirements imposed by Village regulations and/or be consistent with traffic and other safety considerations.

Section 1205 Signs Permitted in Districts - Permit Required

- (a) In a commercial or manufacturing district, each business shall be permitted one flat or wall sign “on premises”. Projection of wall signs shall not exceed two (2) feet, measured from the face of the main building. The area of all permanent “on premises” wall signs for any single business enterprise shall not exceed a maximum area of thirty-two (32) square feet.
- (b) In addition to the above, each business or industry shall be permitted one (1), or in the case of a business having frontage on two streets two (2), “on premises” ground signs, not exceeding ten (10) feet in height for the total structure (including the sign), set back ten (10) feet from the street or road right-of-way and no more than thirty-two (32) square feet on any face of the sign(s), provided all parts of the sign shall be set back ten feet (10) from the street right-of-way. The maximum area of such sign shall not exceed thirty-two (32) square feet on any face of the sign.
- (c) Secondary Wall Sign: One secondary wall sign shall be permitted for each separate entrance to the structure or frontage on a street or parking area except that there shall be no more than two (2) secondary signs for each structure. Secondary signs may not be erected on the same wall holding the principal sign. The area of all secondary wall signs shall be no greater than one-half (½) the permissible area of the primary wall sign.
- (d) In lieu of the ground signs permitted in item 2 above, groups of establishments of four (4) or more businesses shall be permitted a larger ground sign for all businesses. Such sign shall not exceed eighty (80) square feet on any face nor exceed thirty (30) feet in height and shall be set back at least twenty (20) feet from the street right-of-way.
- (e) Larger signs or advertising devices for business or industries adjacent to the interstate and primary highways as regulated by R.C.5516.07 shall be permitted in accordance with state laws. Such signs shall not be subject to the above regulations but shall require a permit from the Zoning Inspector; the owner or agent of such sign must show proof of having obtained the required State of Ohio approval.

Section 1206 Outdoor Advertising: Off Premise Displays and/or Billboards

Outdoor advertising shall be classified as a business use and be permitted in all commercial and industrial districts and/or lands used for agricultural purposes subject to following regulations:

- (a) Such signs or structures shall not be located within one hundred fifty feet (150) of any street or road right-of-way
- (b) Such signs or structures shall not be located within 2,500 feet of any other outdoor advertising display or billboard on the same side of the street, except in commercial and industrial districts such distance may be reduced to 1,000 feet.
- (c) Such signs or structures shall not be located on or within 1,000 feet of any building, except signs painted on barns.
- (d) Such signs or structures shall not be built with more than fifty (50) square feet on one face and one hundred (100) square feet for two or more faces and in no case shall more than fifty (50) square feet be displayed or visible from any road or street. Such signs shall not exceed ten (10) feet in height for the total structure (including the sign). These size limitations may be increased by 100% in commercial and industrial areas.
- (e) Advertising devices adjacent to the interstate and primary highways as regulated by the R.C. 5516.01 to 5516.13 and 5531.07 shall be permitted in accord with those State laws.

Section 1207 Setbacks for Public and Quasi-Public Signs

Signs and bulletin boards for a church, school or any other public, religious, or educational institutions shall be erected not less than ten (10) feet from the established right-of-way line of any state highway, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersection.

Section 1208 Special Yard Provision

“On premises” signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, “on premises” signs shall not be erected or placed within twenty (20) feet of a side or rear lot line.

Section 1209 General Permit Procedures

The following procedures shall govern the application for, and the issuance of, all sign permits under this Ordinance:

Applications: All applications for sign permits of any kind shall be submitted to the Zoning Inspector with the required information as indicated in this Ordinance.

Fees: Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by Village Council from time to time by ordinance.

Completeness: Within fourteen (14) days of receiving an application for a sign permit the Zoning Inspector shall review it for completeness. If the Zoning Inspector determines that the application incomplete, the Zoning Inspector shall, within such fourteen-day period, send the applicant a notice of the specific ways in which the application is deficient, with appropriate

reference to the applicable sections of this Ordinance. If the Zoning Inspector determines that the application is complete, the application shall be processed, and a determination issued within thirty (30) days.

Submission Requirements: The following information must be included with the completed application:

(a) Sign details

- 1) Size of the proposed sign, including dimensions and total area.
- 2) Color(s) and material(s) of the proposed sign.
- 3) Type of lighting proposed.
- 4) Height of the proposed sign from the average grade of ground at the proposed sign location.
- 5) Distance from the centerline of the street to the proposed sign location.
- 6) Distance from the right-of-way to the proposed sign location.
- 7) Total number of signs located on the building and/or lot.

(b) Site Plan

- 1) A site plan or sketch drawn to an appropriate scale showing the proposed location of the sign as well as all other significant site features such as rights-of-way, topography, existing vegetation, and adjacent buildings and properties which may be affected by the proposal.

(c) Elevation

- 1) An elevation or sketch of the proposed sign and its mounting system that includes an accurate rendering of the proposed graphic design, typography, color, and materials used for construction. For window, wall, or building signs, this drawing should include a complete elevation or sketch of the building face to which the sign will be attached.

Action: After determining that an application is complete, the Zoning Inspector shall review the application and issue a determination within (30) thirty days of receiving the application. If the proposed sign complies fully with the requirements of this Ordinance, the Zoning Inspector shall issue a Sign Permit. If the proposed sign does not comply with this Ordinance, the Zoning Inspector shall deny the application and inform the applicant that the application may be:

- (a) Modified and resubmitted within thirty (30) days without an additional fee;
- (b) Submitted for a variance; or
- (c) Appealed to the Planning and Zoning Commission

Appeal: Any party aggrieved or affected by a decision of the Zoning Inspector involving a sign application may appeal to the Planning and Zoning Commission. Such appeal shall be submitted to the Planning and Zoning Commission no later than ten (10) days after the decision of the Zoning Inspector is sent to the applicant by personal service or by deposit in the U.S. Mail.

Section 1210 Violations

Any sign installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance shall be deemed a violation punishable under Section 309 of this Ordinance and shall be subject to removal by the Zoning Inspector. The Zoning Inspector shall notify the sign owner

of such violation in writing and may allow a reasonable period of time for the sign owner to alter the sign so as to comply with this Ordinance.

Section 1211 Non-Conforming Signs or Billboards

Any sign or billboard in existence within the Village prior to the effective date of this Ordinance that does not conform with the provisions of this article is considered to be non-conforming.

- (a) Any non-conforming sign or billboard shall be permitted to continue in its non-conforming status, provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.
- (b) A non-conforming sign or billboard shall not be relocated, enlarged, redesigned, or altered unless it is first brought into compliance with the provisions of this Ordinance.
- (c) This exclusion does not apply to abandoned signs or any sign for a business which has ceased to operate for a period of one hundred eighty (180) days.

ARTICLE 13 PLANNED UNIT DEVELOPMENT

Section 1300 Objectives for Planned Unit Development

It shall be the policy of the Village of Alexandria to promote progressive development of land and construction thereon by encouraging planned unit development to achieve:

- (a) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements
- (b) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services
- (c) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevents the disruption of natural drainage patterns
- (d) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets
- (e) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The Village is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private entities and public benefits to be achieved by the plan of development.

Section 1301 Provisions Governing Planned Unit Development

Because of the special characteristic of planned unit developments, special provisions governing the development of land for these purposes are required. When there is a conflict or difference between the provisions of this article and other articles of this Ordinance, the provisions of this article shall be governed by the respective provisions found elsewhere in this Ordinance. It is not the intent of the planned unit development provisions to allow applicants to circumvent the intent of this Ordinance, or to allow development of land not consistent with the comprehensive plan of the Village.

Section 1302 Conflict and Interpretation

In accordance with Section 101 of this Ordinance, Article 13 is declared to be the minimum requirements applicable to Planned Unit Developments in any interpretation and promotion of the public health, safety, and general welfare of the community. Whenever the requirements of this Ordinance are at a variance with the requirements of any other lawfully adopted rules, regulation, ordinances, the most restrictive, or that imposing the higher standards shall govern.

Section 1303 Types of Planned Unit Development Districts

Types of planned unit development Districts include R-PUD (Residential Planned Unit Development), C-PUD (Commercial Planned Unit Development), I-PUD (Industrial Planned Unit Development) and MX-PUD (Mixed-Use Planned Unit Development). Each PUD District shall be governed by the requirements specified for the respective Districts and the general provisions governing planned unit developments.

Section 1304 Minimum Project Area

The gross area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

| <u>Type of PUD</u> | <u>Minimum Area in Acres</u> |
|-----------------------------------|------------------------------|
| Residential | 40 |
| Commercial | 10 |
| Industrial | 30 |
| Residential-Commercial | 40 |
| Commercial-Industrial | 40 |
| Residential-Commercial-Industrial | 40 |

Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in PU districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. In a mixed-use PUD no more than eight (8) percent of the tract may be devoted to commercial activities and no more than twelve (12) percent of tract to industrial activities.

Section 1305 Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

Section 1306 Common Open Space and Disposition Thereof

A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. For purposes of this chapter, "open space" is defined as any area or areas within a development not covered by structures, parking lots, asphalt and/or pavement.

The required amount of common open space land reserved under a planned unit development shall be held in corporate ownership by owners of the project area for the use of entities who buy property within the development or be dedicated to the Village and retained as common open space for parks, recreation, and related uses. All land dedicated to the Village must meet Planning and Zoning Commission requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedicated to the Village unless such land/or right-of-way is usable as a trail or other similar purpose and approved by the Planning

and Zoning Commission. Responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

Section 1307 PUD Obligations are Binding and Enforceable Conditions

If any portion of property included in a planned unit development is sold or leased, the PUD zoning classification and specific site plan obligations shall continue to be binding upon all subsequent owners or lessees, regardless of the acreage involved in the sale or lease. All terms and conditions of any planned unit development zoning classification and specific site plan approved by the Village in the past or may be approved in the future shall remain binding upon and enforceable against the subject tract of land, except to the extent modified in accordance with this Ordinance.

Section 1308 Utility Requirements

All initial and all future expanded utility systems within the limits of a planned unit development, including all communication and electrical systems, are required to be placed underground. Appurtenances to these systems which can be effectively screened may be excepted from these requirements if the Planning and Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development or any conditions, restrictions, or other requirements imposed upon the development.

Section 1309 Minimum Lot Sizes

- (a) Lot area per dwelling unit may be reduced by not more than forty (40) percent of the minimum lot area required in the Official Schedule of District Regulations.
- (b) Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

Section 1310 Lots to Abut Upon Common Open Space

Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) townhouse units in any contiguous group.

Section 1311 Height Requirements

For each foot of building height over the maximum height over the maximum height regulations specified in Article 9, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one (1) foot addition the other side and rear yard required in the districts.

Section 1312 Parking

Off-street parking, loading, and service areas shall be provided in accordance with Article 11 of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

Section 1313 Arrangement of Commercial Uses

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas as provided in Article 16 of this Ordinance.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities and may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and/orderly manner as specified by the Planning Commission.

Section 1314 Arrangement of Industrial Uses

Planned unit development districts may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Initial uses and parcels shall be developed in park like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, sand/or outdoor storage of raw materials or products. A planned industrial use shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as area required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce thorough traffic.

Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings as provided in Article 16 of this Ordinance and properly maintained at all times.

Section 1315 Procedure for Approval of PUD District

Planned Unit Development districts shall be approved in accordance with the procedures in Sections 1316-1329.

Section 1316 Pre-Application Meeting

The developer shall meet with the Zoning Inspector and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, the major thoroughfare plan, the parks and public open space plan, subdivision regulations, and the drainage, sewer, and water systems of the County, and the Village.

Section 1317 Contents of Application for Approval of Preliminary Development Plan

An application for preliminary planned unit development shall be filed with the Planning and Zoning Commission by at least one owner or lessee of property for which the planned unit development is proposed. The application shall contain the following information and be filed in triplicate:

- (a) Applicant's name, address, and phone number;
- (b) Owner's name, address, and phone number;
- (c) Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
- (d) Address and/or legal description of property;
- (e) Description of existing use;
- (f) Zoning district(s);
- (g) A vicinity map at a scale approved by the Planning and Zoning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning and Zoning Commission may require to show the relationship of the planned unit development to the comprehensive plan and to existing schools, churches, and other community facilities and services;
- (h) A preliminary development plan at a scale approved by the Planning and Zoning Commission showing topography at two (2) foot intervals, location and type of residential, commercial, and industrial land uses, layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces, layout and dimensions of lots and building setback lines, preliminary improvement drawings showing water, sewer, drainage, electricity, communication, and natural gas, and such other characteristics as the Planning and Zoning Commission deems necessary;
- (i) Proposed schedule for the development of the site;
- (j) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the statement of objective for planned unit developments in Section 1300 of this resolution.

Section 1318 Public Hearing by Planning and Zoning Commission

Within thirty (30) days after receipt of the preliminary development plan, the Planning and Zoning Commission shall hold a public hearing.

Section 1319 Notice of Public Hearing by Planning and Zoning Commission

Before holding the public hearing provided in Section 1318 notice of such hearing shall be given on the Village website/social media and posted at the Village Offices and/or other public sites as deemed appropriate at least twenty (20) days before the date of said hearing, The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

Section 1320 Notice to Property Owners by Planning and Zoning Commission

Before holding the public hearing required in Section 1318, written notice of such hearing shall be sent by the Chairman of the Planning and Zoning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development district. Failure to deliver the notice, as provided in this section, shall not invalidate any such approval. The notice shall contain the same information as required of notices specified in Section 1319.

Section 1321 Approval in Principle by Planning and Zoning Commission

Within thirty (30) days after the public hearing required by Section 1318, the Planning and Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Ordinance whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationships with the land uses in the surrounding area justify deviation from standard district regulations. The commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location uses, configuration of parcels, or engineering feasibility. The Planning and Zoning Commission may seek assistance in making its recommendation from the Licking County Regional Planning Commission or any other appropriate source.

Section 1322 Final Development Plan

Upon approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five copies of the final development plan shall be submitted and shall be endorsed by a qualified professional team which should include and urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

Section 1323 Contents of Application for Approval of Final Development Plan

An application for approval of the final development plan shall be filed with the Planning and Zoning Commission by at least one owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within five years from the date of issuance of the approval.

At a minimum, the application shall contain the following information:

- (a) A survey of the proposed development site, showing the dimensions and bearings or the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses;
- (b) All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties;

- (c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimate non-residential population; anticipate timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning district or other ordinances governing development;
- (d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, communication, and natural gas installations, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;
- (e) Site plan, showing buildings, various functional use areas, circulation, and their relationship;
- (f) Preliminaries building plans, including floor plans and exterior elevations;
- (g) Landscaping plans;
- (h) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 1324 Public Hearing by Planning and Zoning Commission

Within thirty (30) days after submission of the final development plan, the Planning and Zoning Commission may hold a public hearing. If a second public hearing is held, notice shall be given as specified in Section 1319 and 1320.

Section 1325 Recommendation by Planning and Zoning Commission

Within sixty (60) days after receipt of the final development plan, the Planning and Zoning Commission shall recommend to Village Council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved and shall transmit all papers constituting the record and the recommendations to Village Council.

Section 1326 Criteria for Recommendations by Planning and Zoning Commission

Before making its recommendation as required in Section 1325, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- a) The proposed development can be initiated within five (5) years of the date of approval;
- b) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such development will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development;
- d) Any proposed commercial development can be justified at the locations proposed;

- e) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning and Zoning Commission and Village Council;
- f) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- g) The planned unit development is in general conformance with the comprehensive plan of the Village;
- h) The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.

The Planning and Zoning Commission may seek assistance in making its recommendation from the Licking County Planning Commission or any other appropriate source.

Section 1327 Action by Village Council

Within sixty (60) days after receipt of the final recommendation of the Planning and Zoning Commission, the Village Council shall by ordinance either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, Village Council shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

Section 1328 Supplementary Conditions and Safeguards

In approving any Planned Unit Development district, Village Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Ordinance and punishable under Section 309 of this Ordinance.

Section 1329 Expiration and Extension of Approval Period

The approval of a final development plan for a Planned Unit Development district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. Extension of the time limit or modification of the approved final development plan may be approved if the Planning and Zoning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the period granted for the approved final development plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.

ARTICLE 14 MANUFACTURED/MOBILE HOME PARK DISTRICTS

Section 1400 Intent

It is the intent of this article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned manufactured/mobile home parks.

Section 1401 Procedures for Approval of Manufactured/Mobile Home Park

Manufactured/mobile home parks shall be located only in the Manufactured/Mobile Home Park (MHP) District and shall be developed according to the general standards and regulations stated and referenced in Article 14. The procedure for amendments specified in Article 6.

Section 1402 General Standards for Manufactured/Mobile Home Parks

The Planning and Zoning Commission shall review the particular facts and circumstances of each proposed manufactured/mobile home park in terms of the following standards and shall find adequate evidence showing that the manufactured/mobile home park development:

- (a) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- (b) Will not be hazardous or detrimental to existing or future neighboring uses;
- (c) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools, or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
- (d) Will be consistent with the intent and purpose of this Ordinance and the comprehensive plan;
- (e) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads; and
- (f) Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

Section 1403 Contents of Application for Development of Manufactured/Mobile Home Parks

A written application for the development of a manufactured/mobile home park shall be filed with the Planning and Zoning Commission. Each application shall be signed by the owner or applicant, attesting to the truth and exactness of all information supplied on the application for the final development plan. At a minimum, the application shall contain the following information:

- (a) Applicant's name, address, and phone number;
- (b) Owner's name, address, and phone number;
- (c) Address and/or legal description of property;
- (d) Present use;
- (e) Present zoning district;
- (f) Proposed zoning district;
- (g) A vicinity map at a scale approved by the Planning and Zoning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the

Planning and Zoning Commission may require to show the relationship of a development to the comprehensive plan;

- (h) A plan at a scale approved by the commission showing the location and dimensions of streets, and other roadways, lots, typical lot improvements, areas of recreation, storage, and off or on street parking, buffering, screening, or fencing, provisions for garbage and trash removal, location of utilities including street lighting, pedestrian walkways, and such other things the Commission deems necessary;
- (i) Written evidence from the Ohio Department of Health, Ohio Environmental Protection Agency, and the Licking County Commission of Health, testifying to the fact that a preliminary site evaluation relative to the proposed sewerage effluent discharge has been inspected in light of the proposed manufactured/mobile home park development and has been tentatively approved for sewerage effluent discharge;
- (j) Written evidence from the Ohio Department of Health, and the Licking County Board of Health testifying that the proposed source of water supply is tentatively approved;
- (k) The fee as established by the Village Council.

Section 1404 Manufactured/Mobile Home Park Requirements

A manufactured/mobile home park shall meet the requirements of Section 1405-1408 inclusive

Section 1405 Park Size

A manufactured/mobile home park shall contain a minimum of ten acres of land area.

Section 1406 Density, Width and Depth

The minimum density shall be as established by the State of Ohio Department of Health Regulations. The minimum width of the manufactured/mobile home development shall not be less than two hundred fifty (250) feet. The ratio of width to depth shall not exceed 1:5.

Section 1407 Access

All manufactured/mobile home parks should have access to adequate collector streets with a right-of-way not less than sixty feet in width. Marginal access roads may be required if deemed necessary for manufactured/mobile home parks that would have direct access onto an arterial street.

Section 1408 Buffering and Screening

The outer boundaries of a manufactured/mobile home park shall contain and include a buffer zone. The buffer zone shall be composed of a green strip, not less than twenty feet in width, located along all park boundaries. The Commission shall approve the type of planting. This green strip may be in a yard adjacent to a street or road, provided all other provisions of the Ordinance are met.

Section 1409 Skirting

Each manufactured/mobile home shall be skirted, entirely enclosing the bottom section, within ninety days after its placement in the park.

Section 1410 Floor Area

Each manufactured/mobile home placed within the manufactured/mobile home park shall have a minimum area of six hundred (600) square feet.

Section 1411 Height

The maximum height of manufactured/mobile homes and accessory buildings shall not exceed twenty (20) feet.

Section 1412 Manufactured Home Stand

Each manufactured/mobile home lot should be provided with a stable base, upon which to place the manufactured/mobile home. This base shall be approved by the Zoning Inspector and must be in conformance with state minimum requirements.

Section 1413 Patio

Each manufactured/mobile home lot should be provided with a paved portion area of at least one hundred (100) square feet in area. The patio should be located on the entrance side of the manufactured/mobile home.

Section 1414 Anchors

Each manufactured/mobile home lot should be provided with anchors and tie downs such as cast in place concrete "dead eye" eyelets imbedded in the concrete runaways, screw augers, arrowhead anchors, or other devices for securing the stability of the manufactured/mobile homes.

Section 1415 Landscaping

Each manufactured/mobile home lot should have at least one deciduous hardwood tree a minimum of one and one-half (1 ½) caliper should be planted in the front yard.

Section 1416 Water

Within each manufactured/mobile home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each manufactured/mobile home lot shall be properly connected to this system.

Section 1417 Sewage Disposal

Within each manufactured/mobile home park there shall be installed a sanitary wastewater collection system which shall be connected to the municipal sewer system where available. Where a municipal sewer is not available, a central wastewater treatment plant shall be located, constructed, and maintained in accordance with the regulations of the Ohio Department of Health. Each manufactured/mobile home lot shall be properly connected to this system.

Section 1418 Electrical System

Each manufactured/mobile home shall be provided with suitable electrical equipment in accordance with the Licking County Building Code.

Section 1419 Supplementary Conditions and Safeguards

In approving any manufactured/mobile home park, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards shall be deemed a violation of this Ordinance and punishable under Section 309 of this Ordinance.

Section 1420 Additional Considerations

In approving any preliminary or final plan for a manufactured/mobile home park, the Planning and Zoning Commission shall consider the following additional considerations and may require the petitioner of applicant to demonstrate a degree of planning adequacy, through the submission of statements, plans, or agreements that may be made part of the permit.

Section 1421 Storm Drainage

All areas of a manufactured/mobile home park should be graded in a manner so that there will be no poorly drained areas. Grading should not obstruct the natural drainage of surrounding properties or water courses. Runoff should not be permitted to flood or damage surrounding properties.

Section 1422 Recreation and Open Space

At least five (5) percent of the gross land area of the manufactured/mobile home park should be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this Ordinance. A clustering of units is encouraged.

Section 1423 Underground Utilities

Within each manufactured/mobile home park, all utility lines, including those for electricity and t should be located underground.

Section 1424 Garbage and Refuse Storage

The storage and collection of garbage and refuse within each manufactured/mobile home park should be conducted so as to create no health hazards, rodent harborage, insect breeding area, fire hazards, or air pollution. All garbage should be stored in fly tight, rodent proof containers. These containers should be located no more than one hundred fifty (150) feet from any lot and should be collected at least once each week.

Section 1425 Service Buildings

Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. No such building should be located closer than fifty (50) feet from any manufactured/mobile home.

Section 1426 Associated Commercial Development

Associated commercial development may be provided and may include laundry facilities, limited convenience retail business, however, no commercial sales, storage or repair of mobile homes, boats, autos, or recreational vehicles will be allowed on land zoned specifically for a manufactured/mobile home park.

ARTICLE 15 FENCES

Section 1500 Intent

It is the intent of this article to establish regulations controlling the use of fences, hedges, and walls whereby the lot owner in the Village of Alexandria may have the privilege of privacy and landscape design within his own lot with due consideration to the environment of his neighbor, the appearance of the community, and the safety of the public and the individual.

Section 1501 Scope

This article shall apply to all residential and business districts and all other locations , being used for residential purposes. The fence regulations herein shall not apply to any permanent fences erected with proper permit, prior to the effective date of this chapter.

Section 1502 Definitions

“Fence” means any structure composed of wood, iron, steel, plastics, shrubbery, hedges, or materials erected in such a manner and position as to enclose or partially enclose all or any part of the premises. Trellises or other structures supporting, or for the purpose of supporting, vines, flowers and other vegetation when erected in such position as to enclose all or any part of any premises shall be included within the definition of the word “fence.” Trellises shall not be used as fences without a permit.

- (a) “Barbed wire fence” means a fence made with metal wire having sharp points or barbs along its length.
- (b) “Chain link fence” means a fence usually made of metal, consisting of loops or wire interconnected in a series of joined links.
- (c) “Electrified fence” means a fence containing any electrical charge
- (d) “Open ornamental fence” means a fence usually made of wood or iron constructed for its beauty or decorative effect and when viewed at right angles, having not less than fifty (50) percent of the area of its vertical plane open to light and air. Permitted ornamental fences are:
 - 1) “Rail or split rail fence” means a fence constructed of narrow, whole, or split wooden timbers or simulated wood materials placed horizontally between upright supporting posts
 - 2) “Picket fences” means an open fence made of upright pales or slats.
- (e) “Ornamental fence” means an open fence made of upright metal spindles
- (f) “Privacy fence” means a fence made to inhibit public view and provide seclusion and when viewed at right angles, having more than fifty (50) percent of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence) closed to light or air. Permitted privacy fences are:
 - 1) “Basket weave or woven fence” means a fence made of interwoven strips or slats of flexible or semi flexible material in which the pattern has the appearance of a plaited basket.
 - 2) “Louver or ventilating fence” means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

- (g) "Stockade fence" means a fence constructed with a row of large, pointed stakes placed upright against each other having more than fifty (50) percent of the area of its vertical plane closed to light or air

Section 1503 Permitted Types

Fences shall be permitted in residential yards as follows, but in no case shall be constructed closer than five (5) feet from any residential or commercial structure on adjacently owned property, closer than two (2) feet from any other structure on adjacently owned property, unless agreed upon in writing by the owner of the adjacently owned property.

- (a) Open ornamental fences shall be permitted in public facilities and residential zoning districts. Open ornamental fences may be erected in front yards parallel to the building line to a height not exceeding three and one-half (3½) feet, provided however, that fences may be erected in front yards parallel to and on, or approximately on, the common property line but not nearer than a one-half (1/2) foot setback to the street right-of-way. Open ornamental fences may be erected on side and rear yards parallel to and on, or approximately on, the common property line to a height of not more than six and one-half (6½) feet.
- (b) Privacy fences shall be permitted in all zoning districts only in side and/or rear yards. Such fences shall comply with the yard requirements of permitted accessory buildings and shall not exceed six and one-half (6½) feet in height above the natural grade.
- (c) Shrubbery and hedges shall be permitted in public facilities and residential zoning districts provided they conform to the height and location requirements of this Article
- (d) Any fence within ten (10) feet in any direction from a point where any driveway, either on the fence's owner's lot or the adjoining lot, intersects with the sidewalk shall have a minimum of seventy-five (75) percent open area

The Planning and Zoning Commission may permit other fences which are similar in character and design to one or more of the fences permitted herein.

Section 1504 Restrictions

Barbed wire, stockade, and/or electrified fences are hereby prohibited.

Section 1505 Fence and Wall Restrictions in Front Yards

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2½) feet and ten (10) feet.

Section 1506 Corner or Through Lot

Where a rear or side yard abuts a street, no fence will be within twelve (12) inches of the property line or street or alley right-of-way. If the fence is of a sight-blocking nature (privacy fence), it will be no higher than three and one-half (3½) feet within twenty (20) feet of the corner of the lot.

Section 1507 Maintenance

Such permitted fences shall be maintained in good condition, be structurally sound and attractively finished. Any ground between such fences and property lines shall be well maintained. All fences shall be designed, constructed, and finished so that the supporting members thereof shall face the property of the owner of the fence. Fences required to be temporarily removed from public projects shall be moved at the owner's expense.

Section 1508 Permit

Any fence which may be permitted shall require the issuance of a permit prior to its erection, with said permit being issued by the Zoning Inspector after an application for same has been approved by him.

Section 1509 Inspection

It shall be the duty of the property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the Zoning Inspector issuing permits, and such fence does not encroach upon another lot or parcel of land. The Village shall furnish such inspection necessary to determine that such fence is constructed in accordance with plans submitted for permit provided however that the issuance of a permit by the Village shall not be construed to mean the Village has determined such fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.

Section 1510 Fee

Anyone desiring to build a fence within the Village shall pay such application fees as required by law.

Section 1511 Penalty

Whoever violates any provision of this article shall be guilty of a minor misdemeanor and shall be fined not more than one hundred (100) dollars. Each day that such violation continues shall constitute a separate offense.

ARTICLE 16 LANDSCAPING

Section 1601 Purpose

The purpose of these landscaping, open space and natural feature requirements is to promote and protect the public health, safety and welfare through the preservation of the environment by recognizing the vital importance of tree growth, green space and sensitive environmental features in the ecological system. It is further the purpose of this section to specifically encourage the preservation and replacement of major trees removed during land development, and to encourage the effective use of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

Section 1602 Definitions

As used in this section, the following words and phrases shall have the meaning ascribed herein:

- (a) "Landscaping" means the use of trees, shrubs, grass, ground covers and other plant materials.
- (b) "Major tree" means a living tree with a trunk diameter of not less than six (6) inches, measured twenty-four (24) inches above ground level.
- (c) "Opacity" means the state of being impervious to rays of light measured by observation of any two (2) square yard area lying between two (2) and ten (10) feet from the ground.

Section 1603 Preservation of Natural Features

- (a) Good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.
- (b) If an area is determined to be a wetland, it shall be preserved or mitigated in compliance with Federal regulations.
- (c) All streams with a drainage area greater than fifty (50) acres and their riparian corridors shall be preserved. The corridor width shall be a minimum of one hundred (100) feet, with at least twenty-five (25) feet on each side of the centerline of the stream.
- (d) Floodplain areas should be incorporated into the open spaces and are encouraged to be made publicly accessible.

Section 1604 Street Tree Requirements for New Development

The planting of trees along roadways for all new development shall be according to the following Street Tree Requirements:

- (a) Deciduous canopy trees ("street trees") shall be planted no less than twenty-four (24) feet and no more than thirty-six (36) feet on center unless otherwise approved by the Planning and Zoning Commission.
- (b) Street trees must be planted in the tree lawn, between the sidewalk or leisure trail and the road pavement. Tree lawns shall be a minimum width of six (6) feet.
- (c) Street trees shall be a minimum of three (3) inches caliper dbh (trunk diameter at four and one-half (4½) feet above the ground).

- (d) Any tree on the list of undesirable species in Section 1609 shall not be planted as street trees.
- (e) Street trees shall be located so that a twenty-five (25) foot sight triangle is maintained at street intersections.
- (f) Street trees shall be located not less than fifteen (15) feet from fire hydrants and/or utility poles.
- (g) The developer shall be required to maintain all street trees for a period of one (1) year after the tree is planted and to replace any tree which dies within such one (1) year period.
- (h) No person shall, as a normal practice, top any tree within the public right-of-way. "Topping" means the severe back of limbs within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree.
- (i) Street tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above the sidewalk. Tree limbs extending over streets shall be trimmed so that no portion of the same shall interfere with the normal flow of traffic.
- (j) The Village, or any licensed utility, shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the established right-of-way lines of all streets, highways, and alleys as may be necessary to ensure public safety, enhance the symmetry and beauty of such public grounds, or remove such trees as may be injurious to sewers, electric power lines, gas lines, water lines or other public improvements.
- (k) No person shall, by any type of construction, reduce the area of a tree lawn within the street right-of-way.
- (l) To avoid interference with pedestrian traffic, only approved street trees may be planted. Such trees shall conform to the size, spacing, and placement of similar trees already in place on adjacent and nearby properties. In addition to the approved street trees, tree wells may also contain flowers or other ground cover plantings.

Section 1605 Landscaping Screening

- (a) **Screening of Service Areas**: For commercial, industrial, office, institutional and multi-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where residences are a permitted use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. Natural vegetation screening shall have a minimum opaqueness of seventy-five (75) percent during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.
- (b) **Screening of Trash Receptacles**: For commercial, industrial, office, institutional, and multi-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. Natural vegetation shall have a maximum opaqueness of seventy-five (75) percent at full foliage. The use of year-round vegetation, such as pines and evergreens, is encouraged.

- (c) Buffering and Screening Requirements: For commercial, industrial, office and institutional uses which abut districts where residences are a permitted use, a buffer zone with a minimum width of twenty-five (25) feet should be created. Such screening within the buffer zone shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall have an opaqueness of seventy-five (75) percent during full foliage and shall be a variety which will attain ten (10) feet in height within five (5) years of planting.
- (d) Maintenance of Shrubbery and Hedges: No shrubbery or hedge shall be planted, in any district, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed to avoid creating traffic hazards.
- (e) Minimum Trees: The following minimums are required, based upon total ground coverage of structures and vehicular use areas:
 - 1) Up to twenty thousand (20,000) square feet: A minimum of one tree per five thousand (5,000) square feet of ground coverage and a total tree planting equal to one inch in tree trunk size for every two thousand (2,000) square feet of ground coverage.
 - 2) Between twenty thousand (20,000) and fifty thousand (50,000) square feet: A minimum of one tree for every five thousand (5,000) square feet of ground coverage and a total tree planting equal to ten (10) inches plus one-half inch in tree trunk size for every two thousand (2,000) square feet over twenty thousand (20,000) feet in ground coverage.
 - 3) Over fifty thousand (50,000) square feet: A minimum of one tree for every five thousand (5,000) square feet of ground coverage and a total tree planting equal to twenty-five (25) inches plus one-half inch in tree trunk size for every four thousand (4,000) square feet over fifty thousand (50,000) square feet in ground coverage.

Section 1606 Parking Lot Landscaping

- (a) Parking Lot Islands:
 - 1) Large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape area shall be smaller than three hundred fifty (350) square feet.
 - 2) For each one hundred (100) square feet, or fraction thereof, of parking area, a minimum total of five (5) square feet of landscaped area shall be provided.
 - 3) Parking areas should contain a minimum of one deciduous canopy tree for every ten (10) parking spaces.
 - 4) Trees used in parking lot islands shall have a clear trunk of at least five (5) feet above the ground, and the remaining areas shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.
- (b) Buffering: Parking lots shall be screened from primary streets, residential areas, and open space by a three and one-half (3½) foot minimum height evergreen hedge or masonry wall, or combination of wall and plantings.

Section 1607 Landscape Materials

Landscape materials utilized in meeting requirements of this section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements:

- (a) **Quality**: All plant material shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.
- (b) **Type**: Added landscape elements shall observe and respect the size, placement, character and type of such materials employed on adjacent or nearby properties.
- (c) **Deciduous Trees**: Trees which normally shed their leaves in the fall shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six (6) inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as listed in Section 1609 are prohibited.
- (d) **Evergreen Trees**: Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1½) inches immediately after planting.
- (e) **Shrubs and Hedges**: Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to opacity and other requirements within four (4) years after planting.
- (f) **Vines**: Vines shall be at least twelve (12) inches high at planting and generally used in conjunction with walls or fences.
- (g) **Grass or Ground Cover**: Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns and may be sodded or seeded. In swales or other areas, reducing net or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.
- (h) **Maintenance and Installation**: All landscaping materials shall be installed in a sound and competent manner, according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free of refuse and debris at all times. All unhealthy or dead plant material installed pursuant to this section shall be replaced within one year.

Section 1608 Wet and Dry Stormwater Basins

In addition to the requirements listed in Chapter 1181, the following regulations shall apply to the design of wet and dry stormwater basins:

- (a) Wet and dry stormwater basins shall be designed by a landscape architect in conjunction with a professional engineer to ensure that the basins have a natural shape and are graded and planted in an attractive manner.

- (b) Wet and dry stormwater basins shall be designed in compliance with the ODNR Rainwater and Land Development Manual, most recent edition, to meet water quality requirements.
- (c) For safety, maintenance, and aesthetic purposes, wet and dry stormwater basins shall have side slopes (above normal pool elevation) that are generally no steeper than 6:1 and no more gradual than 20:1 (horizontal:vertical).
- (d) The use of fountains and other plainly visible aeration devices shall be subject to the approval of the Zoning Inspector.
- (e) Landscape treatments at the perimeter of wet and dry stormwater basins shall be designed either with maintained turf to the pond's edge or a naturalized planting of native landscape material, subject to approval of the Zoning Inspector. Landscape plantings shall be in large masses and drifts, and shall not include decorative landscape boulders, large mulch beds, or specimen plantings. Under no circumstances shall the landscape design conflict with any of the safety, maintenance, or engineering requirements set forth in the codified ordinances or reference documents.
- (f) Temporary on-site wet or dry stormwater basins shall not be subject to the regulations in divisions (a), (b), (c) and (e) of this section. Temporary basins shall either be removed or replaced with a permanent basin prior to acceptance of infrastructure improvements when installed as part of new subdivisions or completion of the final engineering punch list in the case of single site developments. The time frame in which to install a permanent basin may be extended for good cause by the Zoning Inspector. In the case of a time extension, a performance bond must be provided to the Village in an amount to cover removal of the temporary basin and installation of the permanent basin. State and Federal safety and engineering regulations apply to all temporary ponds.

Section 1609 Undesirable Species

In meeting the planting and maintenance requirements of this Ordinance, the following species of trees shall be considered undesirable species and shall not be utilized.

- (a) Box-Elder (*Acer negundo*). (Breakage and insect pests)
- (b) Silver Maple (*Acer saccharinum*). (Breakage; surface roots)
- (c) Catalpa (*Catalpa speciosa*). (Messy flowers and seed pods; insect pests)
- (d) Mulberry (*Morus alba*). (Fruit objectionable on street)
- (e) Poplars (all kinds) (*Populus*). (Breakage; insect pests, disease-prone)
- (f) Willows (all kinds) (*Salix*). (Breakage; insect and disease-prone; surface roots)
- (g) Siberian Elm (*Ulmus pumila*). (Breakage)

ARTICLE 17 ADULT ENTERTAINMENT

Section 1700 Definitions

- (a) "Adult entertainment business" means one or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult personal service business, adult novelty business.
- (b) "Adult bookstore" means an establishment which derives twenty (20) percent or more of its gross income from the sale and rental of or utilizes twenty (20) percent or more of its retail periodicals, films, tapes and cassette tapes, video discs which materials have as their major or dominant theme matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.
- (c) "Adult motion picture theater" means an establishment which derives twenty (20) percent or more of its gross income from the showing or utilizes twenty (20) percent or more of its total viewing time per month for presentation of, or both, materials for observation by its patrons which have as their major or dominant theme matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein.
- (d) "Adult personal service business" means a business having as a principal activity one person, while nude or partially nude, providing personal services for hire for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Ohio.
- (e) "Adult novelty business" means a business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
- (f) "Partially nude" means having any or all the following body parts exposed: buttocks, genitals, pubic area, or female breasts.
- (g) "Principal activity" means a use accounting for twenty (20) percent or more of the business movie display time per month, stock in trade, gross income, display space, or floor space.
- (h) "Specified anatomical areas" are defined as less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately over the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (i) "Specified sexual activities" are defined as human genitals in a state of sexual stimulation or arousal, acts of real or simulated masturbation, sexual intercourse, or sodomy, and fondling or other erotic touching of human genitals, public region, buttocks, or female breasts, cunnilingus, fellatio, or sadomasochistic sexual abuse.
- (j) "Sadomasochistic sexual abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially nude, or the condition of being fettered, bound for sexual gratification or abuse, or represented in the context of a sexual relationship.

Section 1701 Prohibitions

- (a) No adult entertainment business shall be established within fifteen hundred (1,500) feet of any SER, R-1, R-2, R-3, R-4, R-8, MHP, LBD, OAB, GB, AB, AG, FPO, C, or PUD Zoned areas or parcels.
- (b) Adult entertainment businesses may be established in a M-1 or M-2 zoned area or parcel upon securing a conditional use permit from the Planning and Zoning Commission pursuant Sections 518 through 526, inclusive, of the Zoning Ordinance of the Village of Alexandria, Ohio, as thereafter and from time to time amended, which Commission shall grant the conditional use permit provided all other applicable provisions of the Zoning Ordinance are met. and subject to the following limitations:
- (c) No adult entertainment business shall be established within fifteen hundred (1,500) feet of another adult entertainment establishment, and school, library, or teaching facility which is attended by persons under 18 years of age.
- (d) No adult entertainment business shall be established within fifteen hundred (1,500) feet of any church, synagogue, or permanently established place of religious services attended by persons under the age of 18 years.

Section 1702 Penalties

Penalties will be as described in Section 309 of this Ordinance.

ARTICLE 18 DEMOLITION AND MOVING OF STRUCTURES

Section 1800 General

No person or entity shall move, remove, or demolish any building or structure over one hundred fifty (150) square feet in area without first obtaining a demolition permit issued by the Zoning Inspector

Section 1801 Permit Application

Demolition permits will clearly state that the permit will expire and may be revoked if the work does not begin within one (1) month and is substantially completed within three (3) months. The application must contain the following information.

- (a) Applicant's name, address, and phone number;
- (b) Owner's name, address, and phone number;
- (c) Address and/or legal description of property;
- (d) Existing uses and previous uses if potential hazards may exist;
- (e) Proposed use of property following demolition or moving;
- (f) Site plan with dimensions of structures to be moved, removed, or demolished;
- (g) Description of procedure of any moving, demolition, or removal of structure or hazardous materials, including routes and precautions to be taken, including but not limited to utility lines, traffic control, obstructions, time of day operation will take place;
- (h) Insurance company contact information and policy number of liability insurance coverage;
- (i) Any other information deemed necessary by Zoning Inspector;
- (j) Signature of applicant attesting to accuracy of information contained therein;

Within thirty (30) days of receipt of the application the Zoning Inspector will either approve or disapprove the application. On approval the Zoning Inspector will issue a placard indicating the existence of a Demolition Permit. It shall be placed in a conspicuous place at the job site.

Section 1802 Certain Buildings Prohibited from Moving

No building, structure, or equipment will be moved if its state of deterioration or damage makes it unsafe to move. The Zoning Inspector will make this determination, or order the determination made by a professional architect or engineer with costs to be borne by the applicant.

Section 1803 Related Costs

Any costs incurred by the move of any structure shall be paid by the applicant, including but not limited to Village employees directed by the Zoning Inspector to accompany the move or provide any sort of protection to the public or public property during the move. An amount sufficient to cover these costs will be deposited with the Village to cover these expenses or expected expenses into an escrow account.

Section 1804 Insurance Requirements

All persons and entities involved in the moving, removing, or demolition under the provisions of this Article shall be covered under Comprehensive General Liability and Motor Vehicle Liability

Insurance Policies in a sufficient amount to cover any possible damages incurred from the project undertaken. Proof of insurance will be provided with the application or before any work can be performed and this Insurance will be maintained in effect until the project is completed. Minimum coverage will be as follows:

| <u>Cost of Work</u> | <u>Each Person</u> | <u>Each Occurrence</u> | <u>Property Damage</u> |
|---------------------|--------------------|------------------------|---|
| \$0 to \$100,000 | \$250,000 | \$500,000 | \$100,000 |
| Over \$100,000 | \$250,000 | \$500,000 | plus umbrella coverage equal to cost of work. |

(a) Comprehensive General Liability Insurance shall include:

1. Manufacturers and Contractors, and/or Owners, Landlords and Tenants Classifications
2. Owners or Contractors Protective Classifications
3. Blanket Contractual Classification.
4. Completed Operations and/or Product Classifications

(b) Contractors engaged in work covered by insurance classifications such as blasting, collapse, or damage to underground installations, shall obtain and present evidence of such additional coverage as shall be determined by the Village Zoning Inspector.

Section 1805 Red Light Warnings at Night

Should demolition or moving cause an obstruction in traffic in the hours of dusk or darkness, red lights must be displayed on both ends of the obstruction during this time.

Section 1806 Liability for Damages

- (a) After permission is granted, any loss or damage to the structure by fire, windstorm, or other casualty and all liability for any damage that may occur to adjacent properties as a result of this removal operation shall be the responsibility and at the risk of the contractor or applicant
- (b) The contractor and surety shall hold harmless the Village of Alexandria and all its representatives from all suits, actions, or claims of any character brought on account of any injuries or damages sustained by any person or property in consequence of any neglect in safeguarding the area in which the contractor operates or on account of any act or omission by the contractor or his agent.

Section 1807 Permits and Regulations

The contractor or owner shall secure all necessary permits, licenses, easements and rights-of-way and comply with all federal, state, and local laws and regulations relating to the safe practices and procedures including equipment, apparel, and individual protective device regulations.

Section 1808 Demolition Requirements in Accordance with American National Standards Institute (ANSI) Safety and Health Requirements

- (a) The contractor or owner shall give early and adequate notice to the Village and utility companies for appropriate disconnections and safeguards thereof. They shall also give adequate notice to adjoining property owners.
- (b) The contractor will erect and maintain appropriate barricades, lights, signals, walkways in accordance with the safety codes, regulations and/or ordinances governing such activity adopted by the Village.
- (c) When necessary for the public protection, the contractor shall employ guards and/or watchmen.
- (d) All companies or authorities owning conduits, wires or pipes running over or under the property will be notified so that appropriate arrangements can be made for the removal of any utilities and the capping of any pipes that are to be abandoned. All removed public services must be checked to see that they have been effectually plugged up or cut off. Similarly, conduits, drain, pipes and wires that are to remain on the property or that will serve adjacent properties shall be carefully protected and/or rerouted.
- (e) The contractor shall, unless otherwise provided by contract or orders of the Village, totally remove all structures from the building and/or property lines. Material on the site that is designated to be removed will become the property of the contractor to sell or dispose of to his best advantage as specified in the ANSI Safety and Health Requirements for Demolition or as specified in his contract with the owner.
- (f) All perishable or organic material will be removed from the premises within a reasonable time, not to exceed thirty (30) days. The demolition rubble shall be placed in piles and/or stacks while awaiting disposal. Combustible materials or rubbish shall not be burned on the premises.
- (g) Provisions shall be made for proper drainage in subsoil conditions. Percolation shall be provided in basement slabs by breaking or by drilling holds through the slabs approximately six (6) feet on center in all directions and connecting drain tile into existing storm sewers when necessary for proper drainage. All floors and slabs under which a pit well, cistern, tank or void exists shall be broken and/or removed.
- (h) All cisterns, tanks, septic tanks or similar structure shall be pumped emptied, drained and filled in accordance with the provisions of the applicable code covering such a structure.
- (i) All drains not removed shall be sealed with masonry or with precast clay or concrete stoppers as applicable.
- (j) In any remaining walls (adjoining, party, or back-to-back) all openings, gaps, crevices, fissures, joist slots and the like, shall be plugged and carefully tamped or sealed with some suitable material resistant against the weather or elements, foul, rodents, or other wildlife as to render them reasonably free of health, safety and/or fire hazards.
- (k) Any adjoining, party, or back-to-back walls shall be protected, repaired, or demolished as specified below:
- (l) If one of two back to back or adjoining walls, each of which is built along a common property line of two different ownerships, is required by order to be demolished with the rest of the structure, the contractor shall be responsible for the adjacent or adjoining property wall repairs as occasioned by the contraction , to the extent that the same shall be repaired or reconditioned as needed with suitable construction materials and

procedures to insure that such remaining wall is as free from defects and safety, fire and health hazards as it would have been had the wall not been demolished.

- (m) Where the back-to-back or adjoining wall of the structure to be demolished is not required to be demolished, the contractor shall insure that such wall does not create or constitute a health, fire, or safety hazard. When such wall exposes a variety of materials such as brick, stone, block, or plaster, a cement or latex paint specifically prepared for masonry walls shall be applied to such exposed surfaces: provided that other means may be utilized when the Zoning Inspector have granted prior approval of the means.
- (n) The contractor shall insure that the party walls are structurally sound and do not create or constitute a health, fire, or safety hazard. When such party wall exposes a variety of materials such as brick, stone, plaster, or block, a cement or latex paint specifically prepared for masonry walls shall be applied to such exposed surfaces: provided that other means may be utilized when the Zoning Inspector have granted prior approval of the means.

Section 1809 Backfilling, Grading, and Restoration

- (a) After the demolition and removal of debris, the remaining void shall be backfilled with acceptable material approved by the Zoning Inspector including, but not limited to masonry, stone, concrete, bank run gravel, and/or earth. Fill shall be provided to retain the original grade and shall be sufficient to provide support for any remaining walls and/or structures. The premises shall be graded to prevent water from unnecessarily draining onto adjacent properties.
- (b) Any damaged or destroyed curbs, gutters and/or sidewalks shall be restored, repaired, and/or replaced in accordance with the specifications of the Village of Alexandria.
- (c) Continuity of service to adjacent properties by replacement or repair of overhangs, cornices, down spouts, etc. which overhang from adjacent property shall be the responsibility of the contractor if such device has been removed or damaged during the demolition.

Section 1810 Completion of Demolition

Demolition of any building or structure shall not be considered complete until:

- (a) The contractor shall have removed all lumber, rubble and other building or structural materials, debris, and demolition equipment from the graded premises, and in no case shall the site be left in such a manner as to constitute a public nuisance, hazard, or possible harborage for rodents or insects;
- (b) The contractor shall have broken and removed all foundations or slabs to not less than two feet below grade level and shall have filled all basements, trenches or other depressions with not less than two feet of compacted earth, or as otherwise wise provided herein, graded neatly to the existing established grade level, unless a building permit shall have been issued for a structure which will make use of the foundation or slab remaining after demolition; and
- (c) The Zoning Inspector shall have issued to the contractor a certificate of final inspection which certifies that the provisions of demolition have been satisfied according to the above-listed requirements.

Section 1811 American National Standards Institute (ANSI) Safety and Health Requirements for Demolition

The ANSI Safety and Health Requirements for Demolition, most recent version, are hereby adopted by the Village of Alexandria as a supplement to or part of the Alexandria Zoning Code and its requirements will be followed as such.

ARTICLE 19 ACCESSORY DWELLING UNITS

Section 1901 Accessory Dwelling Units

This section establishes regulations for accessory dwelling units. All accessory dwelling units must be located, developed, and operated in compliance with the following provisions:

Section 1902 General

Where permitted, an accessory dwelling unit may be established within the building envelope of a single-family dwelling, as an addition to a single-family dwelling, or as a detached structure on the same lot as a single-family dwelling, provided that no more than one accessory dwelling unit may be established on a single lot.

Section 1903 Entrance

Each accessory dwelling unit must provide a separate exterior entrance independent of the entrance to the single-family dwelling to which it is subordinate and incidental.

Section 1904 Lot Size

Any lot on which an accessory dwelling unit is established must meet the minimum lot size requirements for single-family dwellings prescribed by the applicable zoning district.

Section 1905 Lot Coverage

The footprint of a detached accessory dwelling unit located on a lot of 4,000 square feet or larger shall not occupy more than 15% of the total lot area or 800 square feet, whichever is greater. If a lot is less than 4,000 square feet, the combined footprint of the primary single-family dwelling and an accessory dwelling unit shall not exceed 60% of the total lot area or 800 square feet, whichever is greater. Exception: the alteration of a legally existing accessory structure (e.g., a garage) is permitted even though it may exceed the lot coverage restrictions above provided that the alteration of the structures does not expand its existing footprint.

Section 1906 Maximum Number of Accessory Buildings

No more than two accessory buildings of any type, inclusive of a detached accessory dwelling unit, are permitted on a single lot.

Section 1907 Setbacks

- (a) The establishment of an accessory dwelling unit within the building envelope of a legally existing single-family dwelling or through the alteration of a legally existing accessory structure is not subject to setback restrictions provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint.
- (b) Detached accessory dwelling units are subject to the side and rear-yard setback requirements for accessory residential structures in the applicable zoning district. Exception: The alteration of a legally existing accessory structure for the purpose of establishing an accessory dwelling unit is not subject to setback restrictions provided that the establishment of the accessory dwelling unit does not expand the existing structure's footprint.

- (c) An accessory dwelling unit established as an addition to a legally existing single-family dwelling must comply with all setback requirements for single-family dwellings in the applicable zoning district.
- (d) Detached accessory dwelling units are not permitted in front yards.

Section 1908 Maximum Size

The square footage of an accessory dwelling unit may not exceed the square footage (excluding unfinished spaces) of the principal single-family dwelling to which it is subordinate and incidental.

Section 1909 Maximum Height

- (a) Detached accessory dwelling units shall not exceed 25 feet in height. Exception: The alteration of a legally existing accessory structure for the purpose of establishing an accessory dwelling unit shall not exceed 25 feet in height or the existing height of the accessory structure, whichever is greater.
- (b) An addition to a principal single-family dwelling that will contain an accessory dwelling unit must comply with all height requirements for single-family dwellings in the applicable zoning district.

Section 1910 Detached Accessory Dwelling Units

Detached accessory dwelling units must be of permanent construction and must contain permanent utility hookups. Mobile tiny homes and recreational vehicles are not permitted as accessory dwelling units.

Section 1911 Parking

Accessory dwelling units shall comply with the off-street parking requirements set forth in Article 11.

Section 1912 Short-Term Rentals

An accessory dwelling unit may not be operated as a short-term rental.

Section 1913 Occupancy by Owner or a Responsible Person

- (a) The owner of each lot on which an accessory dwelling unit is established must maintain a residence in the principal single-family dwelling or the accessory dwelling unit on the lot for so long as the accessory dwelling unit exists; or designate a responsible person who maintains a resident in the principal single-family dwelling or the accessory dwelling on the lot for so long as the accessory dwelling unit exists.
- (b) To ensure ongoing compliance with this Section, the owner of each lot on which an accessory dwelling unit is established and maintained shall:
 - 1) Record a covenant, in a form acceptable to the Village Solicitor and irrevocable without the prior written consent of the Zoning Inspector, that provides the property owner or a responsible person shall maintain a resident on the property for so long as the accessory dwelling unit exists;
 - 2) Register the accessory dwelling unit with the Zoning Inspector and verify compliance with subsection (k) upon the establishment of the accessory dwelling unit;

- 3) Renew the registration and verification no later than December 31 of every year ending in an odd number following the initial year of registration; and
 - 4) Update each registration and verification upon a change in ownership of the property or the designated responsible person.
- (c) Any person who fails to maintain compliance with this Section shall be guilty of a minor misdemeanor and shall be fined not more than one hundred (100) dollars. Each day that such violation continues shall constitute a separate offense.
- (d) For the purpose of this Section, the following terms shall have the following meanings:
- 1) Residence means a dwelling unit that is the true, fixed, and permanent home where an individual intends to remain permanently and indefinitely; to which, whenever absent, the individual intends to return; and that only one of which may exist for one person within the village limits of the Village of Alexandria at any time.
 - 2) Responsible Person means a natural person designated by the owner of a lot on which an accessory dwelling unit is established as having the independent duty, responsibility (including financial responsibility), and authority to operate, maintain, and manage the lot and all the dwelling units thereon.

ARTICLE 20 FLOOD DAMAGE PREVENTION

Section 2001 Statutory Authorization

Article 18, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.

Section 2002 Findings of Fact

The Village of Alexandria has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, flood-proofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

Section 2003 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety, and general welfare, and to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, communication and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (h) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (i) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (j) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (k) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (l) Meet community participation requirements of the National Flood Insurance Program.

Section 2004 Methods of Reducing Flood Loss

To accomplish its purposes, these regulations include methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood water, or which may increase flood hazards in other areas.

Section 2005 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard currently within the jurisdiction of the Village of Alexandria, including any additional areas of special flood hazard annexed by the Village of Alexandria.

Section 2006 Administration

Administration of this Article, with exception to appeals and variances, shall be performed by the Licking County Planning Commission. The Village adopts by reference as though fully set forth herein the Licking County Flood Damage Prevention Regulations as currently existing or as hereafter amended. The Licking County Planning Commission's designee is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

Section 2007 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances and/or resolutions including subdivision regulations, zoning, or building codes. In the event of a conflict between these regulations and any other ordinance or resolution, the more restrictive shall be followed. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 2008 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted by the State of Ohio.

Where a provision of these regulations may conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

Section 2009 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Alexandria, any officer or employee thereof, the Licking County Planning Commission, or the Federal Emergency Management Agency

(FEMA), for any flood damage that results from reliance on these regulations, or any administrative decision lawfully made under them.

Section 2010 Appeals and Variances

Administration of appeals and variances under this Article shall be performed by the Planning and Zoning Commission and shall conform to the procedures and requirements of Sections 509-518, inclusive, of this Ordinance.

Section 2011 Additional Flood Zone Variance Considerations

The Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Article, as well as:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of services provided by the proposed facility to the community;
- (e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (f) The necessity to the facility of a waterfront location, where applicable;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, communication, and streets and bridges.

Section 2012 Conditions for Flood Zone Variances

- (a) Variances shall not be issued within any designated flood way if any increase in flood levels during the base flood discharge would result.
- (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- (c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 2011 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure
- (e) Variances shall only be issued upon:
 - 1) A showing of good and sufficient cause

- 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant and
 - 3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this article and additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 2022, or conflict with existing local laws or ordinances.
- (f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.