

RECORD OF ORDINANCE

Date Presented 11/22/2021

Sponsor Mayor Sandine Ordinance No. 01-22 Date Passed January 25, 2022

An Ordinance repealing ordinances 30-21 and adopting a new Zoning Code and Map for the Village of Lithopolis, attached and incorporated by reference, regulating and restricting the use of land and the use and locations of buildings and structures; regulating and restricting the density of dwelling units; providing for zoning districts and a zoning map, attached and incorporated by reference; providing for use districts, lot requirements, and other special regulations and definitions;

Whereas, the required public hearing on this matter has been held after thirty days' published notice, and

Whereas, during the last 30 days a copy of the text of the ordinance and the map referred to in it have been available for public inspection in the village office, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;

Section 1. The zoning code and map, attached, is hereby adopted, and approved.

Section 2. This Ordinance shall become effective at the earliest date provided by law.

Attest/Date: Jacinta Flowers
Clerk

Signed/Date: [Signature]
Mayor 1/25/22

Approved as to form: [Signature]
Jon M. Browning

First Reading 11-23/21 Second Reading 12-14/21

Revised Second Reading _____ Third Reading 1/25/22

VOTE FOR 6 AGAINST 0

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SECTION I

1.1 Title.

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Village of Lithopolis, Fairfield County, Ohio."

1.2 Interpretation and Conflict.

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. It is not intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this Ordinance. When two specific provisions of this Ordinance conflict, or a provision of this Ordinance conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall apply.

1.3 Separability Clause.

The validation of any clause, sentence, paragraph or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

1.4 Adoption.

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.

SECTION II ENFORCEMENT

2.1 Intent.

It shall be the duty of the Zoning Inspector to enforce this Ordinance in accordance with the provisions hereof. All officials and public employees of the Village of Lithopolis, shall conform to the provisions of this Ordinance and shall issue no permit or license for any Use, Building, or purpose in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance shall be null and void.

2.2 Zoning Permits Required.

No Building or other Structure shall be erected, demolished, moved, added to, structurally altered, nor shall any Building, Structure, or land be established or changed in Use without a permit issued 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 Board of Zoning Appeals deciding an Appeal or Variance as provided by this Ordinance. Furthermore, the Zoning Inspector shall not issue a Zoning Permit unless the applicant provides an Erosion and Sediment Control Plan showing that all Land Disturbing Activities associated with the work described in the Zoning Permit application will comply with the requirements of the Lithopolis Drainage, Erosion, and Sediment Control (DESC) Regulations.

2.3 Contents of Application for Zoning Permit.

Three copies of an Application for a Zoning Permit shall be signed by the Owner or 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 Commenced within one (1) year or Substantially Completed within two and one-half (2½) years. At a minimum, the application shall contain the following information.

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Existing Use.
- D. Proposed Use.
- E. Zoning District.
- F. Three sets of plans 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.
- G. Building Heights.
- H. Number of off-street parking or Loading Spaces.
- I. Number of Dwelling Units.

- J. Any other information that may be necessary to determine conformance with and provide for the enforcement of this Ordinance.
- K. Any Zoning Permit application that includes any Land Disturbing Activities, as defined in Section X, shall also submit application for and obtain a Site Development Permit that complies with the requirements of the Lithopolis DESC Regulations.

2.4 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 (1) year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. Two copies of plans, similarly marked, shall be retained by the Zoning Inspector. One copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Zoning Compliance along with one copy of the application. 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 this Ordinance. In every case where the Lot is not provided with central public water and/or sewer services, the application shall be accompanied by a Certificate of Approval from the Fairfield Department of Health the proposed method of water supply and/or disposal of sanitary wastes prior to approval by the Zoning Inspector.

2.5 Submission to the Director of the Department 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 the Department 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 or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a Zoning Permit for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department 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 the Department 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. (Reference ORC 5511.01).

2.6 Expiration of Zoning Permit.

A Zoning Permit shall expire, if the Work described in the permit has not Commenced within one (1) year or has not been Substantially Completed within two and one-half (2 ½) years of the approval date for said permit. The Zoning Inspector shall provide written notice to the affected Person that the Zoning Permit has been revoked and that no further work described in said permit shall proceed unless and until a new Zoning Permit has been obtained.

2.7 Certificate of Zoning Compliance.

A. It shall be unlawful to Use or occupy, or permit the Use or occupancy of any Building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its Use or Structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Inspector stating that the proposed Use of the Building or land conforms to the requirements of this Ordinance.

B. Certificates of Zoning Compliance shall be applied for coincident with the application of Zoning Permits, and shall be issued within ten (10) days after notice by the applicant that all Yard, Parking Area and other site improvements, as required by the approved Development Plans, have been installed and completed or such assurances are in place to complete all Setback, Parking Area and other site improvements.

C. Temporary Certificate of Zoning Compliance.

A Temporary Certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a Building pending its completion.

D. Record of Certificate of Zoning Compliance.

The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual Certificate shall be furnished upon request to any occupant or his legally authorized representative.

2.8 Violation.

A. Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance shall be a violation of this Ordinance and punishable under Section 2.08(D) of this Ordinance.

B. Construction and Use to be as provided in Applications, Plans, Permits, and Certificates. Zoning Permits or Certificates of Zoning Compliance 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, and no other Use, arrangement, or construction. Use, arrangement, or construction at Variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 2.8(D) of this Ordinance.

C. 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. He shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and as provided by this Ordinance.

D. Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any Person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$150.00 and in addition shall pay all costs and expenses involved in the case. Each day such violations continue, 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, assist 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 violations.

2.9 Schedule of Fees, Charges, and Expenses.

The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, Certificate of Zoning Compliance, Appeals, and other matters pertaining to this Ordinance. 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 all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or Appeal.

SECTION III NON-CONFORMING USES

3.1 Intent.

The purpose of this Article is to provide for the continuation of Uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Zoning Ordinance or amendments thereto.

3.2 Grace Period.

Any property purchased or acquired prior to the adoption of this Zoning Ordinance, (a) upon which existed a Nonconforming Use at the time the property was purchased or acquired and (b) upon which the work of the changing or remodeling or construction of such Nonconforming Use(s) has been legally commenced prior to the time of adoption of this Zoning Ordinance, may in accordance with the provisions of this Zoning Ordinance be used for the Nonconforming Use for which such changing, remodeling, or construction was undertaken provided that the work of changing, remodeling, or construction that was in process prior to or at the time of adoption of this Zoning Ordinance is completed within two (2) years of the date of adoption of this Zoning Ordinance or amendment thereto making said Use Nonconforming.

3.3 Legally Non – Conforming Uses of Land.

- A. Legally non–conforming Uses may be continued so long as they remain lawful, provided:
1. No such legally non–conforming Use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code.
 2. No such legally non–conforming Use 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 code.
 3. If any such legally non–conforming Uses of land are discontinued or abandoned for more than six (6) months, any subsequent Use of such land shall conform to the regulations specified by this code for the District in which such land is located.
 4. Additional Structures that do not conform to the requirements of this code shall not be constructed in connection with such non– conforming Use of land.

3.4 Legally Non – Conforming Structures.

- A. Legally non–conforming Structures may be continued so long as they remain otherwise lawful, subject to the following provisions:
1. No such legally non–conforming Structure may be enlarged or altered in a way that increases its non–conformity, but any Structure or portion thereof may be altered to decrease its non–conformity.
 2. If the legally non–conforming Structure or non–conforming portion of a Structure is destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this code.
 3. If a legally non–conforming Structure is moved for any distance for any reason, the non–conforming Structure shall conform to the regulations for the District in which it is located after it is moved.

3.5 Legally Non – Conforming Uses of Structures and Land in Combination.

- A. Legally non–conforming Uses of Structures and land in combination may be continued so long as they remain otherwise lawful, subject to the following provisions:
1. No legally non–conforming Structure shall 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.
 2. Any legally non–conforming Use may be extended throughout any parts of a Building which were arranged or designed for such Use at the time of adoption or amendment of this code, but no such Use shall be extended to occupy any land outside such Building.
 3. Any Structure, or Structure and land in combination, in or on which a legally 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.
 4. When a legally non–conforming Use of a Structure, or Structure and land in combination, is discontinued or abandoned for more than six (6) months, 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.
 5. Where legally 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.

3.6 Termination of Use by Damage or Destruction.

In the event that any legally non-conforming Building or Structure is destroyed by fire, explosion, flood, riot or act of God to the extent of more than fifty (50) percent of the fair market value of such Structure, it shall not be rebuilt, restored, or reoccupied for any Use unless it conforms to all regulations of this code. When such a legally non-conforming Structure is damaged or destroyed to the extent of fifty (50) percent or less of the fair market value of the Structure, reconstruction shall be permitted provided it commences within twelve (12) months of such destruction and continues in a reasonable manner until completed. Such restoration shall not cause a new non-conformity, nor shall it increase the degree of non-conformance or non-compliance existing prior to such damage or destruction.

3.7 Repairs and Maintenance.

For any legally non-conforming Structure or portion of a Structure containing a legally 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.

3.8 Legally Non – Conforming Lots of Record.

- A. In any District in which Single-Family Dwellings are permitted, one Single Family Dwelling may be erected on any Nonconforming Lot of Record. This provision shall apply even though such Lot may not comply with the minimum Lot Area, Lot Width, or Lot Frontage requirements that are generally applicable in the District. All other requirements, including Yard Setback requirements, of the applicable District shall apply. Variances from the required Yard Setback standards shall be obtained only through action of the Board of Zoning Appeals.
- B. Notwithstanding Section 3.8A, if there are two or more Lots with contiguous Frontage under the same ownership at the effective date of this Resolution or amendment thereto that either separately or together, do not comply with the applicable Lot Area, Lot Frontage or Lot Width requirements, then such Lots shall be considered one Nonconforming Lot of Record for purposes of this Zoning Resolution. Only one Single Family Dwelling will be permitted on said Lots. All other requirements, including Yard Setback requirements, of the applicable zoning District shall apply. Variances from the required Yard Setback standards shall be obtained only through action of the Board of Zoning Appeals. All such Lots shall be required to be replatted, resurveyed or

otherwise combined prior for a Zoning Permit for the intended Use being issued. No portion of said Lots shall be used or sold in a manner which diminishes compliance with the Lot Width, Frontage or Lot Area requirements established by this Zoning Resolution.

- C. No Non-conforming Lot of Record shall not be divided in a manner that would further reduce the Lot Frontage, Lot Width or Lot Area below the requirements stated in this Zoning Resolution.

SECTION IV ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

4.1 Zoning Inspector.

A Zoning Inspector appointed by the Mayor, and confirmed by council, shall administer and enforce this Ordinance. The Zoning Inspector may be provided with the assistance of such other Persons as the Mayor may direct. The duties of the Zoning Inspector shall be:

- A. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the Person responsible for such violation(s), ordering the action necessary to correct such violation(s).
- B. Order discontinuance of illegal zoning, Uses of land, Buildings, or Structures.
- C. Order removal of illegal Buildings or Structures of illegal additions or Structural Alterations.
- D. Order discontinuance of any illegal work being done. Take any other action authorized by this Ordinance to insure compliance with or to prevent violation(s) of this Ordinance. This includes the issuance of any permits and such similar administrative duties as are permissible under the law.
- E. Take other such action as directed by the Mayor or required by other ordinances of the Village.

4.2 Planning Commission.

- A. Per Ohio Revised Code (ORC) Section 713.01, the Village Planning and Zoning Commission shall consist of the Mayor, one member of the Village Council, and three citizens of the Village to be appointed by the Mayor. The Mayor and Village Council member shall serve for the remainder of their terms as such elected officials. The three citizens who are appointed to the Village Planning Commission by the Mayor shall serve a six year term each, except the term for one member of the first Commission shall be for four (4) years and one for two (2) years. All such members shall serve without compensation. The Planning and Zoning Commission shall also serve as the platting authority for the Village per Section in accordance with the Village of Lithopolis Subdivision Regulations.

When so organized by the Legislative Authority, pursuant to Ohio Revised Code Section 713.01, the Planning Commission shall have the duties and responsibilities outlined in this section. At all other times the Legislative Authority shall exercise this authority, including but not limited to planning, platting and subdivisions as outlined in this section.

B. Removal of Members.

Members of the Planning and Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Village Council, after a hearing has been held before Village Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

C. Quorum.

Three (3) members of the Planning and Zoning Commission shall constitute a quorum. Any action by the Commission must be by concurring vote of a majority of the total Commission membership.

D. Proceedings of the Planning and Zoning Commission. The Planning and zoning Commission shall:

1. Organize and adopt rules in accordance necessary for carrying out its duties as specified in this Ordinance, including the election of a chair person and a vice-chairperson.
2. Hold meetings of the Planning and Zoning Commission at the call of the chairperson, and at such other times the Commission determines.
3. Open all meeting of the Planning and Zoning Commission to the public.
4. Subpoena witnesses, administer oaths, and require the production of documents under such regulations as it may establish.
5. Keep minutes of the Planning and Zoning Commission proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Such minutes shall be public record.

E. Duties of the Planning and Zoning Commission. The Planning and Zoning Commission shall have the following duties:

1. Review all proposed amendments to this Ordinance in accordance with Section 5.1 and make recommendations to the Village Council.
2. Review all Planned Unit Developments and make recommendations to Village Council.
3. Review all preliminary and final plats as set forth in the Village of Lithopolis Subdivision Regulations.
4. Such other powers and duties as specified in this Zoning Ordinance or the Ordinance establishing the Subdivision Regulations for the Village of Lithopolis.

4.3 Board of Zoning Appeals.

- A. Per Ohio Revised Code Section 713.11, the Village Council may create an administrative board (herein referred to as the Board of Zoning Appeals) and delegate to such board, the power to hear and determine appeals in the districting regulations, to permit variances from the zoning regulations, and other similar duties. Such duties may be delegated by Village Council to the Planning Commission or Board of Zoning Appeals.

If the Village Council does not delegate such authority to the Planning Commission and in the absence of a properly constituted Board of Zoning Appeals, the Village Council shall serve as the Board of Zoning Appeals for the Village and in such capacity shall organize and adopt rules in accordance with this Zoning Ordinance. Meetings of the Village Council in its capacity as the Board of Zoning Appeals shall be held at the call of the President of Council. The President of Council, or in his absence, the President Pro-Tempore, shall administer oaths, and the Village Council may compel the attendance of witnesses. All meetings of the Village Council while servicing as a Board of Zoning Appeals shall be open to the public. The Clerk of the Village Council shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately preserved and maintained by the Clerk as public record

- B. Duties of the Board of Zoning Appeals.

In exercising its duties on hearing zoning Appeals, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination Appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the Appeal is taken. The concurring vote of a three-fourths (3/4) majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant of any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance. It should be noted that when the Village Council is ruling as the Board of Zoning Appeals it is acting in a solely administrative capacity.

For the purposes of this Ordinance the Board of Zoning Appeals has the following specific responsibilities:

1. To hear and decide Appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
2. To grant Conditional Use permits as specified elsewhere in this Ordinance and under the conditions specified and such additional safeguards as will uphold the intent of this Ordinance.

3. To grant Variance permits as specified elsewhere in this Ordinance and under the conditions specified and such additional safeguards as will uphold the intent of this Ordinance.

C. Duties of the Zoning Inspector, Board of Zoning Appeals 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 Board of Zoning Appeals only on Appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law.

SECTION V ADMINISTRATIVE PROCEDURES

5.1 Procedures for Amendment or District Changes.

This Ordinance may be amended by utilizing the procedure specified in Section 5.1 B – J inclusive, of this Ordinance.

A. Whenever the public necessity, general welfare, or good zoning practice require, the Village Council may by Ordinance, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classifications of property.

B. Initiation of Zoning Amendments.

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

1. By adoption of a resolution by the Village Council or motion by the Planning Commission.
2. By the filing of an application by at least one (1) Owner or lessee of property within the area proposed or affected by said amendment.

C. Contents of Application.

The application for amendment shall contain at a minimum the following information:

1. Name, address, and phone number of the applicant.
2. Proposed amendment to the text or legal description of the property affected.
3. Present Use and District.
4. Proposed Use and District.
5. A vicinity map at a scale approved by the Zoning Inspector showing property lines, Streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
6. A list of all property owners within, contiguous to, and directly across the Street from the parcel(s) proposed to be rezoned and their address as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
7. A statement on how the proposed amendment relates to the Village Comprehensive Plan, when and if adopted, and to the neighboring properties.
8. A fee as established by the Village Council.

D. Submission to the Director of the Department 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 the Department 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 Commission shall give notice, by registered mail or certified mail to the Director of the Department of Transportation. Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Village Council 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 the Department of transportation and the property owner, the Village Council shall proceed as required by law. Reference: (Ohio Revised Code 5511.01).

E. Review by Planning Commission.

Within sixty (60) days after the receipt of the proposed amendment, the Planning and Zoning Board, as established in Section 4.2 of this Ordinance, may recommend to the Village Council that the amendment be approved as requested, approved with modifications, or it may recommend that the amendment be denied.

F. Public Hearing by Village Council.

The Village Council shall schedule a public hearing. The date of said hearing shall be not more than forty (40) days from the receipt of the amendment.

G. Notice of Public Hearing.

Notice of the public hearing required in Section 5.1E shall be given by the Village Council by at least one (1) or more newspapers of general circulation in the Village affected. 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.

H. 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 The Village Council, by first class mail, at least twenty (20) days before the date of the public hearing to all Owners of property within, 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 and to such other list or lists that may be specified by

the Village Council. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.1G. The failure to deliver the notification noted above shall not invalidate any such amendment.

I. Action by Village Council.

Within thirty (30) days after the public hearing required in Section 5.1F, the Village Council shall either adopt or deny the changes. No such Ordinance shall be passed unless it has been fully and distinctly read on three 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.

J. Effective Date and Referendum.

Such amendment adopted by the 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 Council 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 for all candidates for Governor in such area at the last preceding general election to which a Governor was elected, requesting the Village Council to submit the amendment to the electors of the Village for approval or rejection, at the next primary or general election.

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

5.2 Procedures and Requirements for Appeals and Variances.

Appeals and Variances shall conform to the procedures and requirements of Sections 5.2 A - I inclusive.

- A. Appeals to the Board of Zoning Appeals 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 thirty (30) days after the decision by filing, with the Zoning Inspector and with the Clerk of the Village Council, a notice of Appeal specifying the grounds upon which the Appeal is being taken.
- B. An Appeal shall stay all proceedings in furtherance of the action Appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of Appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a

restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

C. The Board of Zoning Appeals shall have the power to authorize upon Appeal in specific cases, filed as hereinafter provided, such Variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest, but only in the case of exceptional conditions, involving irregular, narrow, shallow, or steep Lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary Hardship that would deprive the Owner of the reasonable Use of the land and Buildings involved, but in no other case. Provided, however, no Variances from the strict application of any provision of this Ordinance shall be granted by Board of Zoning Appeals unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:

1. That there are special circumstances or conditions, fully described in the Board of Zoning Appeals' decision, applying to the land or Building for which the Variance is sought, which circumstances or conditions are peculiar to such land or Buildings and do not apply generally to land or Buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this code would result in practical difficulty and unnecessary Hardship and deprive the applicant of the reasonable Use of the land and Building.
2. That the Variance is the minimum Variance that will accomplish the reasonable Use of the subject land or Building.
3. That the granting of the Variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and Use of adjoining Buildings and those in the vicinity, the Board of Zoning Appeals, in determining its findings, shall take into account the number of Persons residing or working in such Buildings or upon such land and traffic conditions in the vicinity.
4. That the condition or situation of the specific piece of property, or the intended Use of said property, for which Variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of this Ordinance of a general regulation for such condition or situation.

D. Application for Variance and Appeals.

Any Person owning or having an interest in property may file an application to obtain a Variance or Appeal a decision of the Zoning Inspector. An application for a Variance or an Appeal shall be filed in triplicate with the Zoning Inspector who shall, after ensuring its completeness and that it complies with the requirements of this ordinance, forward without delay a copy to the Board of Zoning Appeals.

E. Supplementary Conditions and Safeguards.

In granting any Appeal or Variance, the Board of Zoning Appeals 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 variation is granted, shall be deemed a violation of this Ordinance. Under no circumstances shall the Board of Zoning Appeals 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.

F. Public Hearing by the Board of Zoning Appeals.

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after receipt of an application for an Appeal or Variance from the Zoning Inspector or an applicant.

G. Notice of Parties of Interest.

Before holding the public hearing required in Section 5.2F, written notice of such hearing shall be mailed by the Clerk of the Village Council, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in 5.1G. Parties of interest shall include Owners of property contiguous to, and directly across the Street from the property being considered.

H. Adjournment of Hearings.

Upon the day for hearing any application or Appeal, the Board of Zoning Appeals may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or Appeal. In the case of an adjourned hearing, Persons previously notified and Persons already heard need not be notified at the time of resumption of said hearing unless the Board of Zoning Appeals so decides.

I. Decisions of the Board of Zoning Appeals.

The Board of Zoning Appeals shall decide all application and Appeals within thirty (30) days after completion of the hearings thereon, and such decision shall become effective upon certification of the Resolution of the Board of Zoning Appeals. A certified copy of the Board of Zoning Appeal's decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions or the same in the permit to the applicant or appellant whenever a permit is authorized by the Board of Zoning Appeals. After the Board of Zoning Appeals, by Resolution, certifies its approval on any application or Appeal, there shall be not further hearings upon such case.

However, when the Board of Zoning Appeals has denied an application or Appeal a new application or Appeal may be filed subject to the same procedure as an original application or Appeal. If a new application or Appeal is filed within one (1) year of the date of the Board of Zoning Appeal's decision, the Clerk shall not schedule any hearing until the Board of Zoning Appeals has received the application or Appeal and decided that there is a new matter, evidence, or facts to be heard by the Board of Zoning Appeals.

5.3 Procedures and Requirements for Approval of Conditional Uses.

A. Authorization

Specifically listed Conditional Uses are provided within the Zoning District regulations in recognition that such Uses, although often desirable, will more intensely effect the surrounding area in which they are located than the Principal Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

B. Application for Conditional Use.

Any Person owning or having an interest in property may file an application to Use such property for one or more of the Conditional Uses provided for by this Ordinance in the Zoning District in which the property is situated. An application for a Conditional Use Certificate shall be filed in triplicate with the Zoning Inspector who shall, after ensuring it is complete, forward without delay a copy to the Board of Zoning Appeals.

C. Contents of Application.

The application for a Conditional Use shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of property.
3. The proposed Use of the property.
4. A statement of the necessity or desirability of the proposed Use to the neighborhood or community.
5. A statement of the compatibility of the proposed Use to adjacent property and land Use.
6. The application shall be accompanied by three (3) copies of the Plat plan, drawn to an appropriate scale, clearly showing the following:
 - a. Boundaries and dimensions of the Lot.
 - b. The size and location of existing and proposed Structures.

- c. The proposed Use of all parts of the Lot and Structures, including access-ways, walks, off street parking, Loading Spaces, and Landscaping.
 - d. The Use of land and location of Structures on adjacent property.
 - e. Architectural rendering when requested by the Board of Zoning Appeals.
7. Such other information regarding the property, proposed Use, or surrounding area as may be pertinent to the Board of Zoning Appeals deliberations.

D. Standards for Conditional Use.

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

- 1. The proposed Conditional Use will comply with all applicable regulations of this Ordinance, including Lot size requirements, development standards, and Use limitations.
- 2. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- 3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public Streets and Alleys.
- 4. All necessary permits and licenses for the Use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
- 5. All exterior lights for artificial open-air illumination are so shaded as to avoid causing direct light upon any property located in any residential District.
- 6. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size with respect to Streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the District in which it is located.
- 7. The location, nature and Height of Buildings, Structures, wall, and Fences, on the site and the nature and extent of Landscaping and screening on the site shall be such that the Use will not unreasonably hinder or discourage the appropriate development, Use and enjoyment or adjacent land, Buildings, and Structures.
- 8. The Conditional Use desired will not adversely affect the public health, safety, and morals.

E. Supplementary Conditions and Safeguards.

In granting a Conditional Use, the Board of Zoning Appeals 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 2.8(D) of this Ordinance.

F. Public Hearing by the Board of Zoning Appeals.

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days from the receipt of the application specified in Section 5.3C.

G. Notice of Public Hearing in Newspaper.

Before holding the public hearing required in Section 5.3F, notice of such hearing shall be given in one (1) or more newspapers or general circulation of the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Conditional Use.

H. Notice to Parties in Interest.

Before holding the public hearing required in Section 5.3F, written notice of such hearing shall be mailed by the Clerk of Council, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.3G.

I. Action By the Board of Zoning Appeals.

Within thirty (30) days after the public hearing required in Section 5.3F, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 5.3E, or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional Zoning Permit listing the specific conditions specified by the Board of Zoning Appeals for approval. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas.

J. Expiration of Conditional Use Permit.

A Conditional Use permit shall be deemed to authorize only one particular Conditional Use and said permit shall automatically expire if, for any reason, the Conditional Use shall cease for more than six (6) months.

K. Repeal of Conditional Use Permit.

The Board of Zoning Appeals may repeal a Conditional Use Permit at any time when the applicant does not, or is not complying with conditions that were made a part of the original approval.

5.4 Procedure for Zoning Amendment to a Planned Unit Development District.

A. Procedure.

A Planned Unit Development (PUD) District may be approved as a District on the Zoning Map in accordance with the procedures set forth in this Section. The PUD standards in Section 7.12 shall also apply. It is the intent of this Section to incorporate the review and approval of a Zoning Plan with the zoning amendment process. Furthermore, a Development Plan shall be submitted and approved in accordance with the following procedures prior to the issuance of a Zoning Permit.

B. Sketch Plan Required.

Prior to submitting an application for amending to a Planned Unit Development (PUD) District, the applicant shall submit a sketch plan for an informal review by the Planning Commission. Eleven (11) copies of the said plan shall be submitted.

C. Sketch Plan Contents.

1. Boundaries of the area proposed to be zoned PUD, dimensions and total Acreage.
2. A topographic map at vertical intervals of not more than 2 feet.
3. Location of Wetlands (and potential Wetlands), the floodway boundary and floodway elevations as delineated by the Federal Emergency Management Agency, rivers, streams, and their related River or Stream Bank , ponds, and water courses.
4. All existing rights-of-way and easements.
5. Existing soil classifications.
6. Location of all wooded areas, tree lines, hedgerows and specimen trees.
7. Existing drainage patterns on the property, existing wells and well sites.
8. Existing vegetation and agricultural lands by type.
9. Existing Buildings, Structures, and other significant man-made features on the site and within 200 feet of the Project Boundary.
10. All Structures and areas of known historical significance.
11. Existing view sheds and identification of unique vistas.
12. A summary of the proposed development including the total Acreage, the general description of each proposed Use, and number and type(s) of residential Dwelling Units (if any).
13. A sketch layout of proposed Lots and Building Setback lines. If applicable, Dwelling Unit types and the total number of Dwelling Units.
14. General location, type, and size of non-residential Uses.
15. The general location of proposed Open Space, community spaces, and other similar areas.
16. General location of Public Street rights-of-way;

17. Natural Features to be conserved and Natural Features that have potential to be altered.

D. Review by the Planning Commission.

Within 30 days after the submittal of a sketch plan, the Planning Commission shall review the sketch plan during one of its regular meetings or a special meeting called for that purpose. The Planning Commission may provide informal feedback to the applicant during this meeting. No binding decisions or votes will be made during the sketch plan review.

E. Zoning Amendment Application.

The applicant, having determined to proceed, shall submit eight (8) copies of an application to amend a tract of land to the PUD designation which shall be filed with the Zoning Inspector. The application shall be signed by all Owners of parcels within the tract of land for which the PUD District is proposed. The application shall include the same information required in Section 5.1C for a zoning amendment application plus the following additional information:

1. A Zoning Plan that includes the following information:
 - a. All information listed in Section 5.4(C)(2)-(12); and
 - b. A site plan drawn at a scale not less than 1" = 100' indicating:
 - i. Boundaries of the area proposed for development, accurate dimensions and total Acreage.
 - ii. Layout of proposed Lots and Building Setback lines. If applicable, Dwelling Unit types and the total number of Dwelling Units shall be indicated on the proposed Zoning Plan.
 - iii. Layout, dimensions, and names of existing and proposed Streets and Rights-of-Way.
 - iv. The location, type, and size of non-residential Uses.
 - v. Proposed utility easements, drainage easements, or any other type of easement
 - vi. Proposed parks, community spaces, and Open Spaces and any proposed amenities included within these areas.
 - vii. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
 - viii. Any proposed Landscaping.
 - ix. Any proposed signage.
 - x. The proposed schedule of Site Development.
2. Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the Zoning Plan.
3. Verification by at least one Owner of the tract of land that all information in the application is true and correct to the best of the Owner's knowledge.

4. A written statement from the property Owner(s) setting forth the reasons why, in the applicant's opinion, the Planned Unit Development District would be in the public interest and would be consistent with the stated intent of the applicable requirements.
- F. The Zoning Amendment Application to a PUD shall follow the procedures in Section 5.1E – 5.1J.
- G. Council Finding Required.

Prior to taking action per Section 5.1I, the Council shall determine if the facts submitted with the Zoning Plan and presented at the public hearing establish that:

1. The site has been designed in the most efficient manner possible.
 2. The proposed roads will be able to carry the traffic generated by the development.
 3. The proposed development will not be detrimental to the existing road networks outside of the proposed District.
 4. The land has been designed in a manner that protects existing critical resources.
 5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.
 6. Adequate storm drainage improvements have been proposed.
- H. Development Plan Prior to Zoning Permit.

Prior to a Zoning Permit being issued by the Zoning Inspector, a Development Plan must be approved by the Planning Commission to ensure the proposed development conforms to the approved Zoning Plan. A Development Plan may be submitted for the entire tract within the Zoning Plan or for a section or phase of said tract. The Zoning Inspector shall not issue a Zoning Permit for any Structure in any portion of a PUD unless it conforms to the Development Plan approved by the Planning Commission.

- I. Modifications to Approved Development Plan.

The Planning Commission may approve minor modifications to an approved Development Plan without a public hearing. If major modifications are proposed, such as a substantial change in Use, Density, layout of roads, or access points, the modification shall be considered a modification to the Zoning Plan and must follow the public hearing process required in the original application for rezoning.

J. Expiration.

A Development Plan for the entire tract must be approved and construction must commence within one year of the effective date of the rezoning. If a Development Plan for the entire tract has not been approved and construction has not Commenced within one (1) year of the effective date of the rezoning, the Zoning Plan shall be void and a new Zoning Plan must be applied for and approved through the process followed in the original application for rezoning, unless an extension is granted by the Village Council.

5.5 Procedure for Zoning Amendment to a Special Use District.

A. Procedure

A Special Use District shall be approved as a District on the Zoning Map in accordance with the procedures set forth in this Section. The SU standards in Section 7.11, as applicable, shall also apply. It is the intent of this section to incorporate the review and approval of a Development Plan with the zoning amendment process.

B. Number and Content of Application.

Eight (8) copies of an application to amend a tract of land to the SU designation shall be filed with the Zoning Inspector. The application shall be signed by all Owners of parcels within the tract of land for which the SU District is proposed. The application shall include the same information required in Section 5.1C for a zoning amendment application and in addition the following information:

1. A Development Plan for the entire tract to be rezoned drawn to scale showing:
 - a. Boundaries of the area proposed to be zoned SU, dimensions and total Acreage.
 - b. Layout of proposed Lots and Building Setback lines, and if applicable, any existing Dwelling Units.
 - c. Layout, dimensions and names of existing and proposed Streets and Rights-of-Way.
 - d. Existing topography at two (2)-foot intervals.
 - e. Location, type, and size of non-residential Uses.
 - f. Utility easements, drainage easements or any other type of easement.
 - g. Any existing features on the tract of land to be rezoned, including, but not limited to, existing water bodies, Buildings, utilities, Rights-of-Way or Streets, Wetlands, parks, wooded areas, and other significant topographic or Natural Features.
 - h. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
 - i. Any proposed Landscaping.

- j. Any proposed signage.
 - k. The proposed schedule of Site Development.
 - 2. Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the Development Plan.
 - 3. Verification by at least one Owner of the tract of land that all information in the application is true and correct to the best of the Owner's knowledge.
 - 4. A written statement from the property Owner(s) setting forth the reasons why, in the applicant's opinion, the Special Use District would be in the public interest and would be consistent with the stated intent of the applicable requirements.
- C. The application for a zoning amendment to the SU District shall follow the procedures in Section 5.1(E) – 5.1J.
- D. Council Finding Required.

Prior to approving the proposed rezoning and associated Development Plan, the Village Council shall determine if the facts submitted with the application/Development Plan and presented at the public hearing establish that:

- 1. The site has been designed in the most efficient manner possible.
 - 2. The proposed roads will be able to carry the traffic generated by the development.
 - 3. The proposed development will not be detrimental to the existing road networks outside of the proposed District.
 - 4. The land has been designed in a manner that protects existing critical resources.
 - 5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.
 - 6. Adequate storm drainage improvements have been proposed.
- E. If the application for rezoning is granted, the area of land included in the application shall be designated as a Special Use, as applicable, on the Zoning Map upon the effective date of the rezoning. The ordinance passed by Council approving the rezoning application shall incorporate the Development Plan, including any conditions that may be imposed by the Council. Any violation of such conditions when made part of the terms under which the Development Plan is approved, shall be deemed a violation of this Zoning Ordinance and subject to the provisions of Section 2.8(D).
- F. Zoning Permit.

The Zoning Inspector shall not issue a Zoning Permit for any Structure in any portion of a SU unless it conforms to the Development Plan approved by Council.

G. Modifications to Approved Development Plan.

Any modification to an approved Development Plan must be approved by the Village Council in accordance with the procedures of Section 5.5.

H. Expiration.

If construction has not Commenced within one (1) year of the effective date of the rezoning, then the Development Plan approved with said rezoning shall be considered void and a new Development Plan must be applied for and approved through the process followed in the original application for rezoning, unless an extension is granted by the Village Council.

SECTION VI ZONING DISTRICTS AND ZONING MAPS

6.1 Districts.

For the purpose of this Ordinance, the Village of Lithopolis is hereby divided into the following Zoning Districts:

	<u>Section Number</u>
R-1 Rural Residential	7.1
R-1A Existing Rural Residential	7.2
R-2 Suburban Residential	7.3
R-2A Existing Suburban Residential	7.4
PSR Planned Suburban Residential	7.5
R-3 Urban Residential	7.6
R-3A Existing Urban Residential	7.7
MHP Manufactured Home Park	7.8
HB Historic Business District	7.9
GB General Business District	7.10
SU Special Use District	7.11
PUD Planned Unit Development District	7.12
LI Limited Industrial District	7.13

6.2 District Boundaries.

- A. Except where referenced and noted on the Zoning Maps by a designated line and/or dimensions, the District boundary lines are intended to follow property lines, Lot Lines, centerlines of Streets, Alleys, streams, or railroads as they existed at the time of the passage of this Ordinance, or the extension of such lines.
- B. District Boundary Interpretation.

The Zoning Inspector shall interpret the boundary lines which are on the Zoning Maps. When the Zoning Inspector's interpretation is disputed, the boundary lines shall be determined by the Board of Zoning Appeals.

6.3 Maps.

The boundaries of these Districts are hereby established as shown on the Zoning Maps of the Village of Lithopolis, Fairfield County, Ohio. Said Zoning Maps and all notations and references and other matters shown thereon, shall be and are hereby made a part of this Ordinance. Said Zoning Maps shall be and remain on file in the Zoning Inspector's Office.

- (1) Final authority. The zoning District map, as amended and adopted, shall be the final authority for the most current zoning District status of land under the jurisdiction of the zoning ordinance.
- (2) Land not otherwise designated. All land within the Village of Lithopolis municipal boundaries, under the zoning ordinance and not otherwise included within another zoning District on the Zoning Map shall be included in the R-1 District.

6.4 Identification of the Zoning District Map.

The zoning District map, with any amendments made thereon, shall be identified by the signatures of the Mayor and the under the following words:

Official Zoning District Map, The Village of Lithopolis, Ohio
Adopted by the Council, Lithopolis, Ohio

Date

Mayor

6.5 Similar Uses.

- A. Determination as to whether a Use is similar to Uses permitted by right shall be considered as an expansion of Use regulations of the District and not as a Variance applying to a particular situation. Any Use found similar shall thereafter be considered as a permitted Use in that District.
- B. Applications for Zoning Permits for Uses not specifically listed in the permitted Building or Use classifications of the Zoning District, which the applicant feels qualify as a similar Use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.
- C. Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested Use is similar to those Uses permitted in the specific District. In order to find that a Use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:
 - 1. Such Use is not listed as a permitted or Conditional Use in another Zoning District.
 - 2. Such Use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
 - 3. Such Use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from Uses listed in the classification to which it is added.

6.6 Development Standards.

Lot Area, Setback, Lot Coverage and height requirements for each District are listed in Article VII and are hereby established. The General Development Standards as listed in Section VIII are hereby established and shall apply to development within the Districts as specified in this Ordinance.

SECTION VII USE DISTRICTS

7.1 R-1 Rural Residential District

A. Intent.

It is the intent of the R-1 Rural Residential District to provide an area for large Lot, single family residential development that will help to protect and enhance the existing rural character of the Village. It is further the purpose of this District to serve as a transitional area between agricultural Uses and the more intensely developed residential neighborhoods. Development within the R-1, Rural Residential District, may or may not be served by central water and sewers.

This District may not be utilized to rezone a tract of land that is larger than five acres. Such properties will be limited to the Planned Suburban Residential District or Planned Unit Development District.

B. Principal Permitted Uses. A Building or lot in the R-1 District shall be used only for the following purposes:

1. Agricultural Uses (as defined in Article X), customary agricultural Buildings and Structures incidental to the carrying out of the principal agricultural activity.
2. One single – family detach Dwelling per Lot, including Permanently Sited Manufactured Homes.
3. Adult Family Homes.
4. Residential Facilities, Type A
5. Child Day Care Home, Type B

C. Conditional Uses. The following Uses may be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Article IX.

1. Family Day Care Home, Type A, subject to the standards in Section 9.2.
2. Mineral Extractions, subject to the standards in Section 9.4.
3. Free Standing Telecommunication Towers, subject to the standards in Section 9.3.
4. Farm Markets, subject to the standards in Section 9.11.
5. Neighborhood Residential Business Uses, subject to the standards in Section 9.14. Neighborhood Residential Businesses include, but are not limited to, small engine maintenance and repair shop; professional business and offices; Landscaping services; tradesmen occupations (i.e. welding shops, carpentry work, electrician and other similar occupations); personal service businesses and bed and breakfast facilities. Any neighborhood residential business that may be proposed, but not listed above, may be permitted as a Conditional Use provided it is determined to be a similar Use pursuant to the procedures of Section 6.5, a Conditional Use permit is issued in accordance with the

procedures in Section 5.3 and such Use complies with the conditions of Section 9.14.

D. Accessory Uses.

1. Accessory Structures, as defined in Section X and regulated in Section 8.2. A Zoning Permit must be obtained prior to the construction of an Accessory Structure.
2. Home Occupations, as defined in Section X and regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached Structure does not exceed twenty (20) feet above the point of the Structure to which it is attached and complies with all applicable Federal regulations. A Zoning Permit must be obtained prior to installing an Attached Telecommunication Tower.
4. Private Residential Swimming Pool to be used primarily for the enjoyment of the occupants of the principal Use of the property on which it is located and subject to the standards in Section 8.11. A Zoning Permit must be obtained prior to constructing a Private Residential Swimming Pool.
5. Recreational Vehicles, subject to the standards in Section 8.8.
6. Portable Home Storage Units, subject to the standards in Section 8.7. A Zoning Permit must be obtained prior to placing a Portable Home Storage Unit on a Lot.
7. Accessory Wind Energy Conversion Systems, subject to the standards in Section 8.13.

E. Off-Street Parking and Loading.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

F. Lot Area, Setback, and Height Requirements.

1. The minimum Lot Area required shall be one (1) acre or as required by the applicable Health Department if central water and/or sanitary sewer services are not provided.
2. The minimum Frontage required shall be 120 feet (measured at Right-of-Way line). A 60 feet frontage may be approved by the BZA as a conditional use if in harmony with surrounding properties.
3. The minimum Lot Width required at Building Line shall be 150 feet.
4. The minimum required Front Yard Setback shall be 50 feet.
5. The minimum required Rear Yard Setback shall be 50 feet.
6. The minimum required Side Yard Setback shall be 20 feet.
7. The maximum height shall be 35 feet.

7.2 Existing Rural Residential (R1-A).

A. Intent.

It is the intent of the R1-A, Existing Rural Residential District, to provide an area for tracts of land with agricultural activity with large tract developments intermingled. Development within the R1-A, Existing Rural Residential District, may or may not be served by central water and sanitary sewers. This District shall only be utilized for those properties zoned R1-A as of the effective date of this Ordinance. This District is not intended for the rezoning of property after said date.

B. Principal Permitted Uses. A Building or Lot in the R1-A District shall be used only for the following purposes.

1. Agricultural Uses, customary agricultural Buildings and Structures incidental to the carrying out of the principal Agricultural activity.
2. One single – family detached Dwelling per Lot, including Permanently Sited Manufactured Homes.
3. Adult Family Homes.
4. Residential Facilities, Type A
5. Child Day Care Home, Type B

C. Conditional Uses. The following Uses may be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Section IX.

1. Family Day Care Home, Type A, subject to the standards in Section 9.2.
2. Mineral Extraction, subject to the standards in Section 9.4.
3. Free Standing Telecommunication Towers, subject to the standards in Section 9.3.
4. Farm Markets, subject to the standards in Section 9.11.
5. Neighborhood Residential Business Uses, subject to the standards in Section 9.14. Neighborhoods Residential Businesses include, but are not limited to, small engine maintenance and repair shop; professional business and offices; Landscaping services; tradesmen occupations (i.e. welding shops, carpentry work, electrician and other similar occupations); personal service businesses and bed and breakfast facilities. Any neighborhood residential business that may be proposed, but not listed above, may be permitted as a Conditional Use provided it is determined to be a similar Use pursuant to the procedures of Section 6.5, a Conditional Use permit is issued in accordance with the procedures in Section 5.3 and such Use complies with the conditions of Section 9.14.

D. Accessory Uses.

1. Accessory Structures, as defined in Section X and as regulated in Section 8.2. A Zoning Permit must be obtained prior to the construction of an Accessory Structure.

2. Home Occupations, as defined in Section X and as regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached Structure does not exceed twenty (20) feet above the point of the Structure to which it is attached. A Zoning Permit must be obtained prior to installing an Attached Telecommunication Tower.
4. Private Residential Swimming Pool to be used primarily for the enjoyment of the occupants of the principal Use of the property on which it is located and subject to the standards in Section 8.11. A Zoning Permit must be obtained prior to constructing a Private Residential Swimming Pool.
5. Recreational Vehicles, subject to the standards in Section 8.8.
6. Portable Home Storage Units, subject to the standards in Section 8.7. A Zoning Permit must be obtained prior to placing a Portable Home Storage Unit on a Lot.
7. Accessory Wind Energy Conversion Systems, subject to the standards in Section 8.13.

E. Off-Street Parking and Loading

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

F. Lot Area, Setback, and Height Requirements.

1. The minimum Lot Area required shall be 24,000 square feet or as required by the applicable Health Department if central water and/or sanitary sewer services are not provided.
2. The minimum Frontage (measured at the Right-of-Way line) and the minimum Lot Width (measured at the Building Line) shall be 100 feet.
3. The minimum required Front Yard Setback shall be 50 feet.
4. The minimum required Rear Yard Setback shall be 50 feet.
5. The minimum Side Yard Setback shall be 20 feet.
6. The maximum height shall be 35 feet.

7.3 Suburban Residential (R-2).

A. Intent

The intent of the R-2, Suburban Residential District, is to accommodate Single Family Dwellings at medium densities. Such parcels shall be served by central water and sanitary sewer services.

This District may not be utilized to rezone tract(s) of land larger than five acres. Such properties will be limited to the Planned Suburban Residential District or Planned Unit Development District.

B. Permitted Uses. A Building or Lot in the R-2 District shall be used only for the following purposes.

1. One Single – Family detached Dwelling per Lot, including Permanently Sited Manufactured Homes.
2. Adult Family Homes.
3. Residential Facilities, Type A
4. Child Day Care Home, Type B

C. Conditional Uses. The following Uses may be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Section IX.

1. Family Day Care Home, Type A, subject to the standards in Section 9.2.
2. Free Standing Telecommunication Towers, subject to the standards in Section 9.3

D. Accessory Uses.

1. Accessory Structures, as defined in Section X and as regulated in Section 8.2. A Zoning Permit must be obtained prior to the construction of an Accessory Structure.
2. Home Occupations, as defined in Section X and as regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached Structure does not exceed twenty (20) feet above the point of the Structure to which it is attached. A Zoning Permit must be obtained prior to installing an Attached Telecommunication Tower.
4. Private Residential Swimming Pool to be used primarily for the enjoyment of the occupants of the principal Use of the property on which it is located and subject to the standards in Section 8.11. A Zoning Permit must be obtained prior to constructing a Private Residential Swimming Pool.
5. Recreational Vehicles, subject to the standards in Section 8.8
6. Portable Home Storage Units, subject to the standards in Section 8.7. A Zoning Permit must be obtained prior to placing a Portable Home Storage Unit on a Lot.

7. Accessory Wind Energy Conversion Systems, subject to the standards in Section 8.13.

E. Off-Street Parking and Loading.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

F. Lot Area, Setback, and Height Requirements.

1. The minimum Lot Area required shall be 12,000 square feet.
2. The minimum Frontage (measured at the Right-of-Way line) and the minimum Lot Width (measured at the Building Line) shall be 80 feet.
3. The minimum required Front Yard Setback shall be 30 feet.
4. The minimum required Rear Yard Setback shall be 30 feet.
5. The minimum Side Yard Setback shall be 10 feet.
6. The maximum height shall be 35 feet.

7.4 Existing Suburban Residential (R2-A).

A. Intent.

The intent of this District is to provide for the development of Single Family Dwellings on existing Lots at similar densities and Setbacks that currently exist at particular locations at the periphery of the Village.

This District shall only be utilized for those properties zoned R2-A as of the effective date of this Ordinance. This District is not intended for the rezoning of property after said date.

B. Permitted Uses. A Building or Lot in the R2-A District shall be used only for the following purposes.

1. One Single – Family detached Dwelling per Lot, including Permanently Sited Manufactured Homes.
2. Adult Family Homes.
3. Residential Facilities, Type A
4. Child Day Care Home, Type B

C. Conditional Uses. The following Uses may be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Section IX.

1. Family Day Care Home, Type A, subject to the standards in Section 9.2.
2. Free Standing Telecommunication Towers, subject to the standards in Section 9.3.

D. Accessory Uses.

1. Accessory Structures, as defined in Section X and as regulated in Section 8.2. A Zoning Permit must be obtained prior to the construction of an Accessory Structure.
2. Home Occupations, as defined in Section X and as regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached Structure does not exceed twenty (20) feet above the point of the Structure to which it is attached. A Zoning Permit must be obtained prior to installing an Attached Telecommunication Tower.
4. Private Residential Swimming Pool to be used primarily for the enjoyment of the occupants of the principal Use of the property on which it is located and subject to the standards in Section 8.11. A Zoning Permit must be obtained prior to constructing a Private Residential Swimming Pool.
5. Recreational Vehicles, subject to the standards in Section 8.8.
6. Portable Home Storage Units, subject to the standards in Section 8.7, a Zoning Permit must be obtained prior to placing a Portable Home Storage Unit on a Lot.

7. Accessory Wind Energy Conversion Systems, subject to the standards in Section 8.13.

E. Off-Street Parking and Loading.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

F. Lot Area, Setback, and Height Requirements.

1. The minimum Lot Area required shall be 10,000 square feet.
2. The minimum Frontage (measured at the Right-of-Way line) and the minimum Lot Width (measured at the Building Line) shall be 80 feet.
3. The minimum required Front Yard Setback shall be 20 feet.
4. The minimum required Rear Yard Setback shall be 30 feet.
5. The minimum Side Yard Setback shall be 10 feet.
6. The maximum height shall be 35 feet.

7.5 PSR Planned Suburban Residential.

A. Intent.

The Planned Suburban Residential (PSR) District is provided as an additional option to the requirements of the Rural Residential (R-1) District. It is intended to promote imaginative, well-designed developments that preserve Open Space, respect the physical qualities and limitations of the land, and provide improved living environments. The village encourages clustering of homes and interspersed Open Space in the PSR District. This District replaces the Planned Conservation Region (PCR) and shall be controlling over areas previously zoned PCR.

B. Benefits of the PSR District.

- To achieve these goals the PSR District provides the potential for public zoning approval of the following:
- Flexibility in required Yard areas immediately adjacent to Structures.
- Flexibility in minimum Lot Frontage requirements.
- Privately maintained Streets, Open Space and other amenities or improvements.
- Consideration of other unique design features.

C. Responsibility of Applicant.

In order to be eligible for consideration under the provision of the PSR District, the applicant is required to provide all information listed herein. If an applicant does not provide required information or meet standards established by this Resolution, it shall be interpreted as forfeiture of the applicant's option to consideration under the terms of the PSR District.

D. Principal Permitted Uses.

A Building or Lot in the PSR District shall be limited to one or more of the following Uses:

1. Detached Single-Family residences.
2. Multifamily housing not to exceed 4 Dwelling Units per Building.
3. Single occupation in association with a permitted Dwelling, and in accordance with the standards section.
4. Accessory Buildings and Uses associated with a permitted Dwelling, in accordance with the standards section.
5. Public or private schools offering general education courses and having no rooms used for housing or sleeping of students.
6. Parks, playgrounds and playfields open to the public without fee.
7. Public golf courses or other similar outdoor recreational facilities and normal accessory Buildings and Uses, provided all Uses and functions

characteristics are specifically included in the approved Development Plan.

8. Churches or other places of worship provided each occupies a Lot no less than five (5) acres and there is one (1) acre or more per hundred (100) seats in the main assembly area.
9. Day care or childcare facilities provided such facilities obtain all required licenses. Outside play areas shall be enclosed by fencing, which shall conform to the architectural requirements of the Development Plan.
10. Other residentially-oriented Uses which, in the opinion of the Village Council, meet the purpose and intent of the PSR District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

E. Accessory Uses.

1. Private Garage or Parking Space.
2. Living quarters of Persons employed on the premises and not otherwise used as a separate Building.
3. Private Swimming Pools, to be used primarily for the enjoyment of the occupants of the principle Use of the property on which it is located and subject to the provisions of Section 8.11.
4. Temporary Buildings for Uses incidental to construction work which Buildings shall be removed upon completion or abandonment of the construction work.

F. Tract Density and Open Space Criteria.

The Owner(s) of a tract of land five (5) or more acres in area may request that the zoning District map be amended to include such tract in the Planned Suburban Residential (PSR) District.

The density of the development within the PSR District shall start at no more than 2.2 (two point two) Dwelling Units per acre and with, discretionary density increases, shall not exceed a total of 3.8 (three point eight) Dwelling Units per gross acre.

Council may approve discretionary density increases using one or more of the conditions set forth below;

1. Open Space is set-aside in another area prior to development in both areas. For every five (5) acres set aside in another area the development area may increase density by .4 (point four) Dwelling Units per acres.

The set aside Open Space must meet all of the following conditions:

- a. The set aside Open Space land must be permanently restricted from future development through a conservation easement and the municipality is given the ability to enforce these restrictions.
- b. The set aside Open Space land shall be owned in a manner prescribed by this ordinance.

- c. The set aside Open Space may be counted as Open Space for only one development.
 - d. The set aside must be contiguous 5 acres sections, be within the Village limits or within the expansion area of the village as determined by Council and have access to a public roadway via a permanent easement.
2. An innovative or creative Development Plan that benefits or that meets a need of the village and is made at the request of the village. Density increase for this option shall not exceed 1.5 Dwelling Units per acre.
 3. The Developer may purchase density credits from the village under the following conditions;
 - a. The Developer may gain .4 Dwelling Units per acre for equivalent cost of 5 acres of Open Space.
 - b. Cost per acre shall be determined by appropriate appraisal, by the village, as to the average value of Open Space within Fairfield County at the time of the purchase of the density credits.
 - c. If unused, awarded density credits expire 5 years from the date of purchase.
 - d. Density credits are non-refundable.
 - e. Density increase for this option shall not exceed 1.6 Dwelling Units per acre.

G. Calculation of net Acreage.

Begin with the gross Acreage of the tract.
 Subtract existing utility easements.
 Subtract existing Right-of-Ways.
 Subtract the size of retention/detention ponds
 Subtract any resource protection areas.

Except that up to one third (33%) of any land within the tract devoted to public school sites or within the one hundred (100) year flood plain may be included in the Open Space calculation.
 Except that up to 80% of unique geological or natural features may be included in Open Space calculations.
 Except that up to 80% of unique historical features may be included in Open Space calculations.

Council shall have the discretion to adjust the net Acreage calculations when requested by the applicant and when it is shown that a portion of the tract exceeding twenty percent (20%) is encumbered by easements, Right-of-Ways or protected areas. All or a portion, as determined by Council, of the easements, Right-of-Ways and protected areas may be used to determine the net Acreage for the purpose of determining the minimum Open Space requirements, but can then be added back into the net Acreage calculation for the purpose of determining Dwelling Units per acre.

From the amount of Acreage remaining a minimum of 35% shall be set-aside as Open Space. The amount of Open Space may automatically be greater than 35% depending upon the resource protection areas within the tract.

H. Procedure.

1. Site Plan

- a. In exchange for flexibility, the Planned Suburban Residential (PSR) District requires that the applicant provide some details, which are traditionally found in the subdivision stages of development approval. It is therefore suggested that the applicant informally discuss the plans with the Mayor and Village Engineer prior to submitting a formal application. This site plan phase is mandatory if Private Streets are proposed.

2. Development Plan Submission

- a. Eight copies of a Development Plan, signed by a registered engineer or surveyor and architect or landscape architect, shall be submitted with the request to amend the Zoning District Map. Such Development Plan shall conform to the following:
 - 1) The preliminary plan requirements of the Village of Lithopolis Subdivision Regulations as amended and may be amended in the future.
 - 2) The proposed location and sizes of areas of residential Use, indicating Dwelling Unit densities, Dwelling Unit types, the total number of Dwelling Units for each density area, and the total number of Dwelling Units proposed in the Development Plan.
 - 3) The proposed size, location and Use of non-residential portion of the tract, including usable Open Space, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
 - 4) Architectural design concepts to be utilized, Landscaping plans, Street views of typical improvements, and other information relating to the architectural and landscape themes.
 - 5) The proposed traffic circulation patterns, including all dedicated public and Private Streets, Parking Areas, walks, and other access ways, indicating their relationship to topography, existing Streets, or showing other evidence or reasonableness.
 - 6) The proposed time schedule of Site Development, construction of Structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in Site Development, construction, Landscaping, and other

features such as topography, Structures, Streets and easements.

- 7) The relationship of the proposed development to existing and future land Use in the surrounding area, the Street system, community facilities, services and other Public Improvements.
- 8) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control included property rights, and engineering feasibility data that may be necessary.
- 9) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the Use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained
- 10) Other information, as may be required by Council in order to determine compliance with this Ordinance.
- 11) Evidence that sewer and water is available for the project.

3. Basis for Approval.

The basis for approving a Planned Suburban Residential (PSR) District application shall be, but not limited to, the following:

- a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Ordinance;
- b. That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- c. That the proposed development advances the general welfare of the Village and the immediate vicinity;
- d. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from the standard residential development requirements included in this Zoning Ordinance for the R-1 District.

4. Effect of Approval.

- a. The Development Plan as approved by the Village Council shall constitute an amendment to the Planned Suburban Residential (PSR) District Regulations as they apply to the land in the approved amendment.
- b. The approval shall be for a period of two (2) years for property which consists of five (5) to fifty (50) acres and five (5) years for property in excess of fifty (50) acres. Unless the required subdivision Plat is submitted and recorded within the two (2) year limit for property which consists of five (5) to fifty (50) acres and the five (5) year limit for property in excess of fifty

(50) acres, the approval shall be voided and the land revert to its base zoning.

- c. Once approval for the Planned Suburban Residential (PSR) District is given, minor modifications related to utilities and Public Improvements may be granted administratively by the Zoning Inspector. Any minor modification shall be accompanied by a detailed explanation of the modification and why it furthers the general health, safety and welfare of the public. All other modifications must be approved through the original approval process for the PSR District.

5. Development Standards.

The following standards for arrangement and development of land and Buildings apply to the PSR Overlay District. When not specifically supplanted by the following standards as approved in the Development Plan, the General Development Standards of the underlying residential District still apply.

- a. Open Space.
Resource protected areas are areas containing fragile natural features such as forests, floodplains, steep slopes, and Open Space that can be adversely impacted by development. In all Districts it is possible that areas must be set aside as Open Space for resource protection. At least thirty-five percent (35%) of the net tract area shall be either preserved in its natural state or developed for picnic areas, community gardens, trails, parkland and other similar low-impact passive recreational Uses by the municipality. The Open Space shall be of a size, shape, topography and location to be useable and accessible.
- b. Set backs and Lot and Yard Areas.
Homes constructed along existing main line roads shall be set back one hundred (100) feet from the proposed Right-of-Way for said road as defined on the adopted Lithopolis Thoroughfare Plan.
The minimum Lot Area shall be seven thousand (7,000) square feet, except that in cluster developments, the minimum Lot Area for each Dwelling Unit may be reduced to any size which is justified in an approved Development Plan, provided that the overall density of the tract covered by the Development Plan does not exceed the maximum as stated in Section 7.5F. Minimum Lot Width shall be sixty (60) feet; minimum Setback shall be twenty-five (25) feet from the Street Right-of-Way line; minimum Side Yard shall be five (5) feet; and a minimum Rear Yard shall be twenty percent (20%) of the Lot Depth. Yard minimum standards shall also be subject to adjustment, if justified, in an approved Development Plan.
- c. Private Roads.
Private roads as a common easement may be utilized, provided the following criteria are met;

Preliminary Street plans and typical sections are submitted and approved with the Development Plan.

The Village Administrator, Police Chief and the Township Fire Chief provide written statements indicating to Council that the private roads will provide suitable access for public safety and emergency vehicles.

Private maintenance responsibilities are clearly indicated in legal documents.

d. Streets.

House Lots shall be accessed from interior Streets rather than from existing main line roads.

e. Buffer Area.

Views of house Lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional Landscaping. Council shall have the discretion to require the Developer of the PSR District to plan and develop Buffer areas where the particular location causes the necessity of Buffering. Size, location, type and density of Buffering shall be defined by Council.

I. Natural Resource Protection.

Floodplains, steep slopes, mature and young forests, Wetlands, and drainage ways shall be protected as required in this section. The following are findings of fact:

1. Wetlands.

Determination

Wetland areas shall be determined by reference to the following sources in the order indicated below. If the first source is considered inaccurate or inappropriate, the succeeding techniques may be used:

- a. Wetland inventory maps prepared by Fairfield County.
- b. Field survey of plant material by a botanist.
- c. Soil borings provided by a registered soil engineer or soils scientist.

Protection Levels

One hundred percent (100%) of all Wetland areas shall be protected except as follows:

1. Where disturbance of filling is essential to provide access to the buildable portions of the property and no other alternative is feasible.
2. Where required to provide access to a water-related Use.
3. Where a crossing of the Wetland is essential to the establishment of a permitted Use provided that a Conditional Use Permit is obtained; and also provided that:
 4. The Street cannot, as a practical matter, be located outside a Wetland; and

5. The Street is designed and constructed to minimize the adverse impact upon the natural functions of the Wetland and meets the following standards:
6. The Street shall be designed and constructed for the minimum cross-section practical to serve the intended Use;
7. Street construction activities are to be carried out in the immediate area of the road bed only; and
8. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the Street.

Disruption and/or Modification

All development proposals which will disrupt any Wetlands shall, in addition to the provisions of this Ordinance, provide proof of approval by the U.S. Army Corp of Engineers.

2. Drainage ways

Determination

Drainage ways are determined as follows:

- a. The land, except where areas are designated as floodplain, on either side of and within seventy five (75) feet of the center line of any intermittent or Perennial Stream shown on the U.S. Geological Survey's 7 1/2 minute quadrangle sheets covering Fairfield County.
- b. The land, except where areas are designated as floodplain, on either side of and within twenty-five (25) feet of the centerline of any swale identified by topography and hydrologic analysis as serving as the principal storm water outfall rather than tributary for, at a minimum, the sub basin of a sub watershed area.
- c. The land included within the following soil classes as mapped in the soil maps provided by the U.S. Department of Agriculture determined to be flood plain soils.

Protection Levels

Drainage ways shall be provided with one hundred percent (100%) protection levels from all land uses. All such protected areas shall be permanent Open Spaces.

3. Floodplains.

Determination

The definition of floodplain as applied to this section coincides with the definition as used elsewhere in this Zoning Ordinance. The one hundred (100) year recurrence interval floodplain and floodways shall be determined by the National Flood Plain Insurance Rate Maps.

Protection Levels

For all developments, the level of protection provided flood lands shall distinguish between floodway and the one hundred (100) year recurrence interval floodplain boundary (as designated on the Flood Boundary and Floodway Maps or as determined by a required on-site survey). Floodways and one hundred (100) year recurrence interval floodplains shall be provided with one hundred percent (100%) protection.

All protected areas shall be retained in permanent Open Space. No uses or improvements, other than those permitted herein shall be permitted in any area consisting of floodway or on hundred (100) year recurrence interval floodplain.

All development shall have the approval of the National Flood Plain Insurance Program Coordinator.

4. Steep Slopes.

Determination

Steep slopes shall be determined through the use of a topographic survey prepared by and certified by a registered land surveyor at a contour interval of not less than two (2) feet.

Methodology

Steep slopes shall be measured and graphically indicated on a topographic drawing and submitted with the Development Plan. Such steep slope drawing shall graphically indicate those steep slope areas of the property pursuant to the "steep slope" definition hereinafter provided.

Definition

Any slope in and of the following categories shall be considered a steep slope: 8 to 16 percent, 17 to 25 percent, and greater than 25 percent. No land area shall be considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and a minimum area of five thousand (5,000) square feet. If other slope classes within such a defined area which are too small to qualify by themselves as a steep slope under the two hundred (200) foot provision, then these slope areas shall be combined with slope categories which are less than eight (8) percent.

Protection Levels

The standard to use determining the Open Space necessary for preserving steep slopes is an Open Space ratio of 0.50 for slopes ranging from 12-18 percent; 0.70 for slopes ranging from 18-25 percent; and 0.85 for slopes greater than 25 percent.

5. Woodlands.

Determination

The determination of woodland boundaries shall be based on a field tree survey compiled by a registered land surveyor, engineer, landscape architect, or forester.

Methodology

Woodland areas shall be measured and graphically indicated on either a topographic or property boundary survey and submitted with the Development Plan. Such woodland area drawing shall graphically indicate those forest areas of the property pursuant to the "Woodland" definition hereinafter provided.

Definition

Woodland, Mature: An area of mature deciduous trees covering one (1) acre or more and consisting of thirty percent (30%) or more largely deciduous canopy trees having a ten (10) inch or greater caliper or any grove of deciduous trees consisting of eight (8) or more trees having an eighteen (18) inch or greater caliper.

Woodland, Young: An area of deciduous trees covering one (1) acre or more and consisting of seventy (70%) or more canopy trees having a three (3) inch caliper or greater.

Protection Level

No less than fifty percent (50%) of the trees within the wooded area in mature woodlands shall be preserved. No less than thirty percent (30%) of the trees within the wooded area in young woodlands shall be preserved.

J. Open Space Ownership.

Ownership Options:

The following methods may be used, either individually or in combination, to own common facilities; however, Open Space land shall be initially offered for dedication to the municipality. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the Open Space ratio of the overall development. Ownership methods shall conform to the following:

Fee Simple Dedication to the Municipality: The Municipality may, but shall not be required to, accept any portion of the common facilities, provided that:

1. There is no cost of acquisition to the municipality; and,
2. The municipality agrees to and has access to maintain such facilities.

Condominium Association: Common Facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common elements."

Homeowner Association: Common facilities may be held in ownership by a homeowner Association, subject to all of the provisions for homeowner Associations set forth in state regulations and statutes. In addition, the following regulations shall be met:

1. The applicant shall provide the municipality a description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and Use restrictions for common facilities.
2. The maintenance may be paid for by the applicant or his assignee until such a time that the Association is established by the Owner before the sale of any Dwelling Units in the development.
3. Membership in the Association shall be automatic (mandatory) for all purchasers of Dwelling Units therein and their successors in title.
4. The Association shall be responsible for maintenance and insurance of common facilities.
5. The bylaws shall confer legal authority on the Association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
6. Written notice of any proposed transfer of common facilities by the Association or the assumption of maintenance for common facilities must be given to all members of the Association and to the municipality no less than thirty (30) days prior to such event.
7. The Association shall have adequate staff to administer, maintain, and operate such common facilities.

Easement Dedication to the Municipality: The municipality may, but shall not be required to, require easements for public use of any portion of the common land, elements or facilities. In addition, the following regulations shall apply:

1. There shall be no cost of acquisition to the municipality.
2. Any such easements for public Use shall be accessible to the residents of the municipality.
3. A satisfactory maintenance agreement shall be reached between the Owner and the municipality.

Unless otherwise agreed to by Council, the cost and responsibility of maintaining common facilities and Open Space land shall be borne by the property owner, condominium Association or homeowner Association. The applicant shall, at the time of final Plat submission, provide a Plan for Maintenance of Open Space Lands and Operation of Common Facilities in accordance with the following requirements.

1. The plan shall define ownership;
2. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space (i.e., lawns, playing fields, meadows, pastures, croplands, woodlands, etc.);
3. The plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the Open Space land and operation of any common facilities on an ongoing basis. Such finding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

At the municipality's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and any changes to the maintenance plan shall be approved by the Council. In the event that the organization established to maintain the Open Space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof to reasonable order and condition, the municipality may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

The municipality may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium Association, homeowner Association, conservation organization, or individual property owners who make up a condominium or homeowner Association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the municipality in the Auditor's Office of Fairfield County.

K. Prohibited Uses.

1. No Use not specifically authorized by the express terms of this chapter of this zoning Ordinance shall be permitted.
2. Outdoor storage of inoperable, unlicensed or unused motor vehicles. Said vehicles, if stored on the premises shall be enclosed within a Building so as not to be visible from any adjoining property or public road.
3. No motor home, Mobile Home or camper of any type may be occupied by a guest of the resident owner for more than seven (7) days.
4. No Mobile Home shall be placed or occupied in this District.

7.6 Urban Residential (R-3).

A. Intent.

The intent of this District is to provide for the development and redevelopment of Single Family Residential Dwellings within the Village. It is further the intent of this District to create development standards that mimic traditional Village development patterns so that the Village character may be maintained throughout these residential areas. These areas shall be served by Central water and sanitary Sewer Systems.

This District may not be utilized to rezone tract(s) of land larger than five acres. Such properties will be limited to the Planned Suburban Residential District or Planned Unit Development District.

B. Permitted Uses. A Building or Lot in the R2-A District shall be used only for the following purposes.

1. One Single – Family Detached Dwelling per Lot, including Permanently Sited Manufactured Homes.
2. Two-Family Dwellings.
3. Multi-Family Dwellings, not to exceed 8 Dwelling Units per acre.
4. Adult Family Homes.
5. Residential Facilities, Type A
6. Child Day Care Home, Type B

C. Conditional Uses. The following Uses may be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Article IX.

1. Adult Group Homes; Residential Facilities – Type B; and Residential Care Facilities – Types A and B, subject to the criteria in Section 9.1.
2. Family Day Care Home, Type A, subject to the standards in Section 9.2.
3. Free Standing Telecommunication Towers, subject to the standards in Section 9.3.

D. Accessory Uses.

1. Accessory Structures, as defined in Section X and as regulated in Section 8.2. A Zoning Permit must be obtained prior to the construction of an Accessory Structure.
2. Home Occupations, as defined in Section X and as regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached Structure does not exceed twenty (20) feet above the point of the Structure to which it is attached. A Zoning Permit must be obtained prior to installing an Attached Telecommunication Tower.
4. Private Residential Swimming Pool to be used primarily for the enjoyment of the occupants of the principal Use of the property on which

it is located and subject to the standards in Section 8.11. A Zoning Permit must be obtained prior to constructing a Private Residential Swimming Pool.

5. Recreational Vehicles, subject to the standards in Section 8.8.
6. Portable Home Storage Units, subject to the standards in Section 8.7. A Zoning Permit must be obtained prior to placing a Portable Home Storage Unit on a Lot.
7. Accessory Wind Energy Conversion Systems, subject to the standards in Section 8.13.

E. Off-Street Parking and Loading.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

F. Lot Area, Setback, and Height Requirements.

1. The minimum Lot Area required shall be as follows:
 - a. 7,000 square feet for Single-Family Dwellings
 - b. 5,000 square feet per Dwelling Unit for Two-Family Dwelling Units.
 - c. 4,500 square feet per Dwelling Unit for Multi-Family Dwelling Units.
2. The minimum Frontage (measured at the Right-of-Way line) and the minimum Lot Width (measured at the Building Line) shall be 50 feet for Single-Family Dwelling Units and 80 feet for any other permitted Use.
3. The minimum required Front Yard Setback shall be 20 feet.
4. The minimum required Rear Yard Setback shall be 20 feet.
5. The minimum Side Yard Setback shall be 5 feet for a Single Family Dwelling Unit and 10 feet for any other permitted Use.
6. The maximum height shall be 35 feet.
7. There shall be a minimum of 20 feet between Multi-Family Dwelling Units that are located on the same Lot.

7.7 Existing Urban Residential (R3-A).

A. Intent.

The intent of this District is to provide for the development of Single-, Two-, or Multi-Family Dwellings on existing Lots at similar densities and Setbacks that currently exist at particular locations at the edge of the Village.

This District shall only be utilized for those properties zoned R3-A as of the effective date of this Ordinance. This District is not intended for the rezoning of property after said date.

B. Permitted Uses. A Building or Lot in the R3-A District shall be used only for the following purposes.

1. One Single – Family Detached Dwelling per Lot, including Permanently Sited Manufactured Homes.
2. Two-Family Dwellings.
3. Multi-Family Dwellings, not to exceed 8 Dwelling Units per acre.
4. Adult Family Homes.
5. Residential Facilities, Type A
6. Child Day Care Home, Type B

C. Conditional Uses. The following Uses may be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Article IX.

1. Adult Group Homes; Residential Facilities – Type B; and Residential Care Facilities – Types A and B, subject to the criteria in Section 9.1.
2. Family Day Care Home, Type A, subject to the standards in Section 9.2.
3. Free Standing Telecommunication Towers, subject to the standards in Section 9.3.

D. Accessory Uses.

1. Accessory Structures, as defined in Section X and as regulated in Section 8.1. A Zoning Permit must be obtained prior to the construction of an Accessory Structure.
2. Home Occupations, as defined in Section X and as regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached Structure does not exceed twenty (20) feet above the point of the Structure to which it is attached. A Zoning Permit must be obtained prior to installing an Attached Telecommunication Tower.
4. Private Residential Swimming Pool to be used primarily for the enjoyment of the occupants of the principal Use of the property on which it is located and subject to the standards in Section 8.11. A Zoning Permit must be obtained prior to constructing a Private Residential Swimming Pool.
5. Recreational Vehicles, subject to the standards in Section 8.8.

6. Portable Home Storage Units, subject to the standards in Section 8.7. A Zoning Permit must be obtained prior to placing a Portable Home Storage Unit on a Lot.
7. Accessory Wind Energy Conversion Systems, subject to the standards in Section 8.13.

E. Off-Street Parking and Loading.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

F. Lot Area, Setback, and Height Requirements.

1. The minimum Lot Area required shall be as follows:
 - a. 5,000 square feet per Dwelling Unit for Single or Two Family Dwellings
 - b. 4,500 square feet per Dwelling Unit for Multi-Family Dwelling Units.
2. The minimum Frontage (measured at the Right-of-Way line) and the minimum Lot Width (measured at the Building Line) shall be 50 feet for Single and Two Family Dwelling Units and 80 feet for any other permitted Use.
3. The minimum required Front Yard Setback shall be 10 feet.
4. The minimum required Rear Yard Setback shall be 20 feet.
5. The minimum Side Yard Setback shall be 5 feet for Single Family Dwellings and 10 feet for all other permitted Uses.
6. The maximum height shall be 35 feet.
7. There shall be a minimum of 20 feet between Multi-Family Dwelling Units located on the same Lot.

7.8 Manufactured Home Park District.

A. Intent.

The intent of this District is to provide an area for planned Manufactured Home Parks in accordance with Ohio Administrative Code 3701 and the Ohio Revised Code Section 3733.

B. Principal Permitted Uses.

1. Manufactured Homes.
2. Type B – Family Day Care Home.

C. Accessory Uses.

1. Accessory Uses, Buildings, or other Structure customarily incidental to Manufactured homes, including Home Occupations as regulated by Section 8.4.

D. Approval Procedures.

Manufactured Home Parks shall be developed according to the standards and regulations stated and referenced in Section 7.8 E. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Section 5.1.

E. Development Standards.

The Village Council shall review the particular facts and circumstances of each proposed Manufactured Home Park District in terms of the following standards and shall find adequate evidence that such development meets the following standards:

1. The proposed Manufactured Home Park will be adequately served by essential public facilities and services such as highways, Streets, drainage, water, sewage disposal, refuse disposal, schools, police and fire protection, or that the Persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
2. The vehicular approaches to the proposed Manufactured Park will be so designed as not to create traffic interference or congestion on surrounding public Streets or roads.
3. The proposed Manufactured Home Park will not result in the damage, destruction, or loss of any natural, scenic or historic features of major importance.
4. The establishment of the proposed park shall not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhoods.

5. All Manufactured Home Parks shall have a twenty (20) foot landscape Buffer along all public rights – of – way and adjacent parcels and shall comply with all the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

7.9 Historic Business District (HB).

A. Intent.

The intent of the HBD, Historic Business District, is to provide for business opportunities within the Village center within a mixed use, walkable setting by focusing active uses on the ground floor and with residential uses appropriately integrated into the overall mix of uses. It is further the intent of this District to maintain the historic character that currently exists within the downtown area of the Village of Lithopolis by promoting the re-use of existing Buildings. The development standards for this District, however, have been designed to mimic traditional downtown land use patterns should new development be proposed.

B. Permitted Uses. A Building or Lot in the HBD District shall be used only for the following purposes.

1. Administrative, business and professional offices.
2. Medical and dental offices.
3. Banks or other financial institutions (without drive – through facilities).
4. Bars, micro-breweries and taverns.
5. Bed and Breakfast Facilities.
6. Restaurants (without drive – through facilities).
7. Neighborhood Businesses (without any outdoor service facilities or drive – through facilities) with a focus on active uses, such as ice cream and coffee shops, bakeries, and other similar uses, on the ground floor.
8. Personal Services Businesses (without drive – through facilities).
9. Veterinary and animal clinics, provided all business is conducted within a fully enclosed Building.

C. Conditional Uses. The following Uses may be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Article IX.

1. Residential Uses, subject to the conditions in Section 9.5.
2. Outdoor service facilities, subject to the conditions in Section 9.6.
3. Small box variety store, subject to the standards set in 9.15.

D. Accessory Uses.

1. Accessory Uses, Buildings, or other Structures customarily incidental to any permitted Use, subject to the standards in Section 8.2.
2. Attached Telecommunication Towers, provided the attached Structure does not extend more than twenty (20) feet above the highest point of the Structure to which it is attached and complies with all applicable federal regulations.
3. Outdoor Seasonal Businesses, subject to the restrictions in Section 8.5.

E. Off-Street Parking and Loading.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

- F. Lot Area, Setback, Lot Coverage, and Height Requirements.
1. The minimum Lot Width shall be 50 feet.
 2. There shall be no minimum Front Setback requirement. There shall be a maximum building setback of 10 feet. The maximum setback is to ensure that new construction fits within the existing character of the small downtown setting.
 3. There is no minimum Side or Rear Yard Setback requirements. However, any new Structure shall not straddle an existing Lot Line.
 4. The maximum Lot Coverage shall be 80 percent of the Lot Area.
 5. Individual Uses within the VB District shall have a Floor Area of 5,000 square feet or less.
 6. The maximum height of a Structure shall not exceed 45 feet.
 7. Off-Street parking shall be located behind a principal Structure and shall be prohibited from being located to the side or in front of a principal Structure. Except, however, for Corner Lots, off-Street parking may be located to the side of the Structure adjacent to the Street.

7.10 General Business District (GB).

A. Intent.

It is the intent of the GB, General Business District, to provide areas for limited business activities that are pleasant, safe, and convenient to the village's neighborhoods. It is furthermore the intent of this District to create an environment conducive to well-located and designed office Building sites to accommodate professional offices and nonprofit organizations. It is not the intent of this District to include shopping centers or multiple use commercial developments. Shopping centers and Multiple use commercial are a permitted use in the Planned Unit Development District.

B. Permitted Uses. A Building or Lot in the GB District shall be used for only one of the following purposes.

1. A Retail Business such as florist or gift shop, food sales, convenient store, drug store, hardware store, jewelry store, clothing store, sporting goods store, optical store, furniture and home furnishing or household goods store or other similar Neighborhood Retail Business.
2. A Personal Service Business such as barber, beauty shop, salon services, dry cleaning and laundry services, shoe repair services, garment repair/tailoring services or other similar Personal Service Businesses.
3. A Bank, savings and loan association, credit union, and other similar financial institution, without drive-through facilities.
4. Business, professional, medical, and dental offices Building.
5. Veterinary office provided all business is conducted entirely within an enclosed Building and no animals are kept overnight.
6. Funeral Home.
7. Restaurant, without drive-through facilities.
8. Child Day Care Center.

C. Conditional Uses.

The following Uses shall be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Article IX.

1. Telecommunication Towers, subject to the standards in Section 9.3.
2. Wind Energy Conversion Systems, subject to the standards in Section 9.10.
3. Automobile Oriented Businesses, subject to the standards in Section 9.12.
4. Outdoor Service Facilities, subject to the standards in Section 9.6.
5. Small box variety store, subject to the standards set in 9.15.
6. **Mini-warehouse and/or Storage Units subject to the standards in Section 9.16**
7. **Marijuana dispensaries, subject to the standards in Section 9.17**

D. Off-Street Parking and Loading Standards.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 8.6.

E. Development and Performance Standards.

The following standards shall apply to development in a GB District.

1. Lot Area Size.
The minimum Lot size shall be 12,000 square feet. There shall be no more than one Use per Lot within the GB District.
2. Front Yard Setback Requirements.
The Front Yard Setback shall be 50 feet.
3. Side Yard Setback Requirements.
The minimum Side Yard Setback shall be 25 feet.
4. Rear Yard Setback Requirements.
The minimum Rear Yard shall be 50 feet.
5. Points of Access and Parking Requirements.
Off-Street parking shall comply with the requirements of Section 8.6.
6. Sign Requirements
Signs shall comply with the requirements within the Consolidated Sign Ordinance for the Village of Lithopolis.
7. Buffer Requirements
A vegetated Land Use Buffer shall be required along any Lot Line adjacent to a Residential District. This Buffer shall be no less than 10 feet in width and shall be planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than two (2) feet in height at the time of planting.
8. Lighting Standards
All lighting shall comply with the Village of Lithopolis Lighting Ordinance.

7.11 Special Use District (SU).

A. Intent.

It is the intent of the SU, Special Use District, is to permit community service activities that could have significant and/or unique impacts on adjacent and nearby residential properties. It is the intent of this District to promote the compatibility of these Uses with the adjacent neighborhoods by requiring an approved Development Plan. The future enjoyment of nearby residential properties should be a primary consideration.

B. Permitted Uses. One or more of the following Uses are permitted within the SU District:

1. Community Buildings, churches, libraries, museums, fraternal organizations and other similar places for public assembly.
2. Fire stations, police stations, municipal Building and other similar government Uses.
3. Public or private schools and associated playgrounds, stadiums, and other similar Accessory Uses.
4. Cemeteries, including mausoleums.
5. Facilities for conducting sporting events, concerts, and other similar activities, including stadiums, arenas, amphitheaters, and other similar facilities.
6. Telecommunication Towers.

C. Accessory Uses.

1. Outdoor Seasonal Businesses. Any Outdoor Seasonal Business that is not a part of the approved Development Plan for the Special Use District must be approved per Section 5.5G. All Outdoor Seasonal Businesses in the SU District must comply with the standards in Section 8.5.

D. Procedures for Rezoning to the SU District

The procedures for rezoning a tract of land to a SU District are provided in Section 5.5. This process requires a Development Plan to be approved as part of the rezoning.

Any existing Use that will be zoned in the SU District upon the effective date of this Zoning Ordinance is not required to have an approved Development Plan. In such instances, prior to a Zoning Permit being issued for any change to these existing Uses, a Development Plan must be approved in accordance with the procedures in Section 5.5.

E. Development and Performance Standards

The following standards shall apply to development in a SU District.

1. **Lot Area Size.**
Lot size shall be adequate to provide the Setbacks required by the development standards in the SU District.
2. **Front Yard Setback Requirements.**
The Front Yard Setback shall be not less than the largest required Front Yard Setback for any adjacent Zoning District.
3. **Side Yard Setback Requirements.**
The minimum Side Yard Setback shall be 50 feet, unless such Use is located next to a non-residential Zoning District, in which case the Side Yard Setback shall not be less than said Setback for the adjacent District.
4. **Rear Yard Setback Requirements.**
The minimum Rear Yard Setback shall be 75 feet, unless such Use is located next to a non-residential Zoning District, in which case the Rear Yard Setback shall not be less than said Setback for the adjacent District.
5. **Points of Access and Parking Requirements.**
Off-Street parking shall comply with the requirements of Section 8.6.
6. **Sign Requirements**
Signs shall comply with the requirements within the Consolidated Sign Ordinance for the Village of Lithopolis.
7. **Buffer Requirements**
A vegetated Land Use Buffer shall be required along any Lot Line adjacent to a Residential District and shall comply with the requirements of Section 8.9(C)(1).
8. **Lighting Standards**
All lighting shall comply with the Village of Lithopolis Lighting Ordinance.
9. **Access**
The site shall have adequate ingress/egress for the proposed Use(s). Proper on-site circulation shall be provided within the development.

7.12 Planned Unit Development District (PUD).

A. Intent

The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that may not be included within traditional zoning Districts. It is the purpose of the PUD District to encourage a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable Open Space, preserving existing Natural Features and providing for a variety of Building styles, types, and Uses. It is further the intent of the PUD District to encourage mixed Use developments. This District is also intended for large scale developments.

B. Conflict

Whenever there is a conflict or difference between Section 7.12 and those of other sections of the Zoning Ordinance, the provisions of Section 7.12 shall prevail for the development of land within the PUD District. Subjects not addressed within Section 7.12 shall be governed by the respective provisions found elsewhere in this Zoning Ordinance.

C. Procedures for Rezoning to PUD

The procedures for rezoning a tract of land to a PUD District are provided in Section 5.4.

D. Permitted Uses

1. Single-Family and Multi-Family Residential Dwellings.
2. Commercial Uses including Retail Business Uses, offices, and Personal Services Businesses.
3. Public and semi-public Uses, Open Space, and recreational Uses.
4. Accessory Structures associated with a permitted Use.

E. Locations of Uses.

The proposed locations of commercial Uses shall not adversely impact adjacent property or the public health and safety. The general locations of Uses are limited to the specific locations approved by the Council on the approved Zoning Plan.

F. Minimum Project Area and Ownership.

No tract of land shall be rezoned to the PUD District unless it is a minimum of one (1) acre and is under joint or common Ownership or control of the applicant at the time the application is made for a PUD District. The Zoning and

Development Plans approved under the procedures of Section 5.4 shall be binding upon the applicant(s), successors, and assigns.

G. Development Standards.

The following standards shall apply to development within the PUD District in addition to any requirements included in an approved Zoning and/or Development Plan.

1. Arrangement of Areas
The location and arrangement of various densities within the PUD shall be distributed so that the more intense Uses are balanced with Open Space and less intense development. Less intense Uses and Open Spaces should be placed around critical resources areas, such as existing water bodies, drainage patterns, Wetlands, wooded areas, and other similar areas.
2. Open Space
A minimum of twenty (20) percent of the gross Acreage of the tract of land shall be set aside as common Open Space. Additional Open Space may be required to protect critical resources unique to the site. Required Yard Setback areas on individual Lots, Private Streets, Public Street Rights-of-Way, Parking Areas, access ways, driveways, utility corridors, private Yards, or other small fragmented or Isolated Land areas that have a dimension less than 50 feet in any direction shall not count towards the Open Space requirements. Open Space shall be placed within a reserve or protected by deed, easements or covenants. Open Space shall be maintained by an Association (as defined in Section X) for the development, unless other arrangements for ownership or maintenance are made with the Village Council during the rezoning process.
3. Lot Area
No minimum Lot Area shall be required for an individual unit. However, the Village Council shall consider the type of water and waste disposal systems proposed when determining if sufficient Lot Area has been provided for individual units.
4. Setbacks
Minimum Front, Side and Rear Yard Setbacks for individual Lots within the PUD shall be determined by the approved Zoning Plan.
5. Height
No Structure within a PUD shall exceed thirty-five (35) feet in height, except for those items listed in Section 8.1D.
6. Utilities
Potable water and adequate sewage facilities shall be provided to accommodate the development.

7. **Signs**
Only those Signs approved with the Development Plan shall be permitted within the PUD.
8. **Parking**
Parking, unless otherwise approved with a Development Plan, shall be provided in accordance with Section 8.6. Village Council may give special consideration to developments that integrate bicycle parking into its overall parking design.
9. **Landscaping**
The Village Council may require Landscaping for non Single-Family developments within the PUD. The required Landscaping shall be as approved by the Development Plan.

7.13 Limited Industrial District (LI).

A. Intent

It is the intent of the LI District to provide areas that can broaden the economic development opportunities for the village by creating development standards that will promote business, warehouse, and distribution centers. This district is also intended to promote advanced manufacturing, research and development opportunities and businesses that support the supply chains serving existing or evolving industry clusters within the Columbus Metropolitan region. It is further the intent of the LI District to prohibit Dwelling Uses.

B. Permitted Uses

The following Uses shall be permitted in the LI District provided they have no emissions of smoke, dust, or other particle matter, toxic or noxious materials, or odors:

1. Advanced manufacturing using innovative technology to improve a product or process.
2. Research and development centers for improving existing products or development new products.
3. Warehousing and distribution centers.
4. Assembling or packaging of goods, materials, or products.
5. Administrative, professional or business offices.
6. Any Retail Business Use.

C. Conditional Uses.

The following Uses shall be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 5.3 and Article IX.

1. Any Manufacturing, compounding, processing, cleaning, servicing, testing, or repairs of materials, goods or products, when such Uses will not be materially injurious to the occupants of adjacent premises or the community at large and where the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, Glare or heat, or electromagnetic disturbances will be minimized as much as possible, subject to the conditions in Section 9.7.
2. Printing, Publishing, or Allied Professions, subject to the conditions of Section 9.7.
3. Laboratories, subject to the conditions in Section 9.7.
4. Storage Yards for contractor's equipment, heavy machinery, repair equipment, motor vehicles, trucks, or other similar pieces of equipment or machinery, subject to the conditions in Section 9.8.
5. Junk Yards and Scrap Metal Processing Facilities, subject to the conditions in Section 9.9.
6. Mineral Extractions, subject to the conditions in Section 9.4.

7. Free – Standing Telecommunication Towers, subject to the conditions in Section 9.3.
8. Wind Energy Conversion Systems, subject to the conditions in Section 9.10.
9. Automobile and Trailer Sales Area, subject to the conditions in Section 9.13.

D. Accessory Uses.

Accessory Uses, Buildings, Structures, or other Structures customarily incidental to any aforesaid permitted Uses shall be allowed.

E. Signs.

Signs shall be permitted as regulated in the Lithopolis Consolidated Sign Ordinance.

F. Off-Street Parking and Loading.

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements for specific Uses as set forth in Section 8.6.

G. Lot Area, Yard Requirements, and Height Limits.

1. Minimum Lot Area required shall be 30,000 square feet.
2. Minimum Lot Frontage shall be one hundred (100) feet.
3. Minimum Front Yard Setback shall be fifty (50) feet.
4. Minimum Rear Yard Setback shall be fifty (50) feet.
5. Minimum Side Yard Setback shall be twenty – five (25) feet, unless located adjacent to a residential Use, than a fifty (50) foot Side Yard Setback shall be required.
6. Maximum height shall be fifty (50) feet.

H. Prohibited Uses.

No land, Building, area, or Structure in the LI District shall be used for any of the following prohibited Uses:

1. Dwellings, residences, living quarters, or other residential Uses, except for watchman quarters.
2. Motels or Hotels.
3. Schools and colleges.
4. Churches.
5. Hospitals, Clinics, and other institutions for human care, except where incidental to a permitted principal Use.

**SECTION VIII
GENERAL DEVELOPMENT STANDARDS**

8.1 Building Size, Lot Area, Yard Requirements, and Height Limits and Measurements.

A. Lot Area, Yard Setback Requirements, and Height Limits.

The minimum Lot Area, Yard Setback requirements and Height limits shall be as established and listed within the applicable District. A summary of lot area and setback requirements for the residential districts is below.

SUMMARY OF LOT AREA AND SETBACK REQUIREMENTS FOR RESIDENTIAL DISTRICTS

Zoning District	Number of Dwellings	Minimum Acreage (Sq. Ft.)	Minimum Frontage (Feet)	Minimum Lot Width (Feet)	Minimum Front Yard Setback (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Side Yard Setback (Feet)	Maximum Height (Feet)
R-1	1	1 Acre*	120/60***	150	50	50	20	35
R-1A	1	24,000*	100	100	50	50	20	35
R-2	1	12,000	80	80	30	30	10	35
R-2A	1	10,000	80	80	20	30	10	35
R-3	1	7,000	50	50	20	20	5	35
	2	5,000 per dwelling unit	80	80	20	20	10	35
R-3A	Multi-Family	4,500 per dwelling unit	80	80	20	20	10**	35
	1	5,000	50	50	10	20	5	35
	2	5,000	50	50	10	20	10	35
	Multi-Family	4,500	80	80	10	20	10**	35

*If Central Water and/or Sanitary Sewer Services are not provided the minimum lot size shall be as required by the applicable Health District.

**There shall be a minimum of 20 feet between Multi-Family Dwelling Units that are located on the same lot.

*** When in harmony with surrounding properties.

B. Measurements.

1. Front Yard Setback.

The Front Yard Setback shall be measured from the Right-of-Way line of the existing dedicated Street Right-of-Way on which the Lot fronts. If a Lot fronts on a Street within a Right-of-Way easement (rather than dedicated Right-of-Way), then the Front Yard Setback shall be measured from the Right-of-Way easement line, provided there is a minimum Right-of-Way of sixty (60) feet. In the case where the Right-of-Way easement is less than sixty (60) feet, the Front Yard Setback shall be measured from a point thirty (30) feet from the centerline of the Street.

2. Side Yard Setback.

The Side Yard Setback shall be measured from the nearest Side Lot Line. For Corner Lots, there shall be two Front Yard Setbacks (one along each Right-of-Way, measured in accordance with Section 8.1(B)(1) and one Side Yard Setback measured in accordance with this Section).

3. Rear Yard Setback.

The Rear Yard Setback shall be measured from the rear property line.

C. Exceptions to Yard Setback Requirements.

1. A wall or Fence not over six (6) feet high may be erected in any required Setback, except a Front Yard Setback in which case the height of the wall or Fence shall not be over four (4) feet. If the wall is a retaining wall the height shall be measured on the highest (Fill) side. No wall, Fence, tree, or foliage shall be maintained on a Lot that will materially obstruct the view of a driver of a vehicle.

2. Eaves, cornices, window sills, bay windows, chimneys and other similar architectural features may project into any required Setback for a distance not to exceed three feet except however that such features in their aggregate do not occupy more than one-third (1/3) of the length of the Building wall on which they are located.

3. Steps, open and uncovered porches, or other similar features not over three and one-half (3 ½) feet in height above the average Finished Grade may project into a Setback for a distance not to exceed five (5) feet.

4. Driveways shall be permitted in a required Setback, but shall be three feet or more from any property line, except where such driveways are developed jointly as a Common Drive to adjoining Lots.

D. Height Limits Exceptions.

1. Church spires, belfries, cupolas, and domes, monuments, fire and hose towers, observation towers, chimneys, smokestacks, flag poles may exceed the height limitations.

2. The height limitations for the District in which bulkheads, water tanks, monitors, monuments, fire towers, hose towers, cooling towers, grain elevators, and gas holders are located shall not apply to such Uses.

8.2 Accessory Structures.

A. Applicability.

These standards shall apply to all Accessory Structures, except Private Swimming Pools, which are regulated by Section 8.11.

B. Location.

1. All Accessory Structures shall be located to the side or rear of the principal Structure. In no case, shall an Accessory Structure be located nearer to the Front Lot Line than the Principal Building.
2. Accessory Structures may encroach a required Side or Rear Yard Setback, but in no case, shall an Accessory Structure be located closer than 5 feet from a Lot Line.
3. An Accessory Structure shall not be located closer than 5 feet from the Principal Building or any other Accessory Structure.

C. Height.

Accessory Structures shall not exceed 25 feet in Height.

D. Size.

1. The cumulative area of Accessory Structures shall not exceed 5,000 sq feet or 10% of lot area, whichever is smaller.
2. If 10 percent of the Lot size is less than 580 square feet, a Lot shall be permitted to have one Accessory Structure up to 580 square feet in area.

8.3 Fence Requirements.

A. Applicability.

No Fence shall be erected within the Village of Lithopolis, unless such Fence complies with the following regulations. A Zoning Permit must be obtained prior to constructing a Fence.

B. Fences Regulations.

1. Any Fence located to the side or rear of a Principal Building shall not exceed six (6) feet in height. Any Fence that extends in front of a Principal Building shall not exceed four (4) feet in height. Such Fences may be used to enclose the entire perimeter of a Lot.

2. These height requirements shall not apply to Fences around Private Swimming Pools. In such cases, Section 8.11(B)(4) shall apply.
3. All Fences must be located a minimum of five feet from the Right-of-Way line. No Fence shall be located so as to adversely affect the vision of drivers on the Public Streets or from driveways intersecting Public Streets.
4. Fences and walls shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, and safety of the public.
5. If such Fence will be located within a platted or otherwise dedicated easement, the applicant shall sign an affidavit indicating he/she understands that the proposed Fence will be within an easement and said Fence may be removed by the easement holder. Furthermore, the easement holder is not responsible for replacing said Fence. Said affidavit shall be kept on file in the Village offices.

8.4 Home Occupation Standards.

A. Applicability.

If a home occupation complies with the following criteria, it shall be permitted as an Accessory Use in residential Districts.

B. Location.

A home occupation shall be conducted entirely within a Dwelling Unit and shall be clearly subordinate to the Use of the Dwelling Unit. Home occupations shall not be conducted within Accessory Structures, such as Garages or sheds, on the Lot.

C. Standards.

All home occupations shall comply with the additional standards below:

1. The appearance of the Dwelling Unit in which a home occupation is conducted shall not be altered or the occupation within the Dwelling shall be not be conducted in a manner which would cause the premises to differ from its residential character either by colors, materials, construction, lighting, or Signs.
2. The home occupation shall not generate traffic greater in volume than normal for a residential neighborhood.
3. The home occupation shall not include wholesale or retail sales, other than Home Based Retail Businesses.
4. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the Lot. No equipment or processes shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.

5. The home occupation shall not occupy more than 20 percent of the Livable Floor Area of the Dwelling Unit.
6. The home occupation shall be operated by a Person who is a resident of the Dwelling Unit in which the home occupation is conducted. There shall be no more than one employee of the home occupation who does not reside within the Dwelling Unit in which the home occupation is conducted.
7. No more than three vehicles, used by customers of the home occupation, may be parked at the location of the home occupation at one time.
8. There shall be no outside storage of any kind related to a home occupation, including the storage of vehicles used for the home occupation. Accessory Structures shall not be used for storage of materials related to the home occupation.

8.5 Outdoor Seasonal Businesses.

A. Applicability.

If an Outdoor Seasonal Business complies with the following standards, then it shall be permitted an Accessory Use in the HB and SU Districts.

B. Standards.

1. There shall be no pedestrian obstruction caused by the outdoor seasonal sale, if located on a sidewalk.
2. There shall be no vehicular obstruction, if located within a parking lot.
3. The hours of operation shall be from no earlier than 7:30 a.m. and no later than 10 p.m.
4. There may be no more than one Outdoor Seasonal Business on the same premises at any one time.
5. An Outdoor Seasonal Business shall not exceed 60 total days per calendar year.
6. There shall be no more than three Outdoor Seasonal Businesses permitted on the same premises in any calendar year. In addition, there must be a minimum of 15 calendar days between any two Outdoor Seasonal Businesses conducted on the same premises.

8.6 Parking and Loading Standards.

A. General Requirements.

Unless otherwise noted, the following requirements apply to all off-Street Parking Spaces and areas, regardless of the District in which they are located.

1. No Structure or land shall be utilized and no Structure or part thereof shall be erected, constructed, or enlarged unless permanently maintained off-Street parking is provided as required by this section.
2. All off-Street Parking Areas including Parking Spaces, driveways, Maneuvering Aisles and circulation drives shall be graded and maintained with proper drainage so that water does not unreasonably accumulate on such areas or drain onto adjacent public or private property.
3. All off-Street Parking Areas shall be constructed with a hard, durable, and dust-free surface.
4. All off-Street Parking Areas shall have access to a publicly dedicated Street. If an off-Street Parking Area will require a shared driveway with an adjacent Lot, in order to provide access to a publicly dedicated road, then evidence of a shared driveway easement and maintenance agreement shall be provided.
5. All off-Street Parking Spaces, except those required for Single-Family Dwelling Units, shall have access to a public Street in such a manner that any vehicle leaving or entering the Parking Area from or into a public Street shall be traveling in a forward motion.
6. Off-Street Parking Areas may encroach a required Side or Rear Yard Setbacks. Except for open and uncovered Off-Street Parking Spaces for Single and Two Family Dwellings, Off-Street Parking Areas shall not encroach a required Front Setback.
7. In all Districts, except the HB District, the required Off-Street Parking Spaces shall be provided on the same Lot as the Use for which the spaces serve. The location of Off-Street Parking Spaces within the HB District shall be as regulated by Section 8.6D.

B. Dimensional Requirements.

All Off-Street Parking Spaces shall be a minimum of 9 feet in width and 18 feet in length. Maneuvering Aisles shall be a minimum of 24 feet in width.

C. Parking Lot Lighting.

1. Any lighting used to illuminate any off-Street Parking Area shall be so arranged as to reflect light away from any adjoining premises in any zoning District where residences are a permitted Use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining Street or to be confused with any traffic control lighting.

2. Any lighting provided in off-Street Parking Areas, except for Single or Two Family Dwellings, shall comply with the Village of Lithopolis Lighting Ordinance.

D. Parking in the HB District.

Due to the size of the Lots within the Village's downtown area and in order to protect the character of this Village center, Uses within the HB District may establish off-site Parking Areas for 50 percent or less of their required spaces, if such spaces are located within 300 feet of the Use for which the spaces serve.

E. Required Number of Off-Street Parking Spaces.

1. The required number of Off-Street Parking Spaces shall be determined by the following table.
2. In the case of mixed Uses, the total requirements for Off-Street Parking facilities shall be the sum of the requirements for the various Uses, computed separately. Off-Street Parking facilities for one Use shall not be considered as providing required parking facilities for any other Use.

REQUIRED OFF-STREET PARKING SPACES

Use	Number of Off-Street Parking Spaces	Use	Number of Off-Street Parking Spaces
Automobile or machine sale or repair	1 space per 800 sq. ft. of gross Floor Area, plus 1 space per employee on the largest shift	Dwellings	2 spaces per Dwelling Unit
Banks, business, and professional offices (except medical and dental)	1 space per 400 sq. ft. of Floor Area	Fitness Center/Health Spa	1 space per 300 square feet
Bowling alley	5 spaces, plus the required spaces for any affiliated Uses such as bars, Restaurants, etc.	Funeral Home	4 spaces per parlor or 1 space per 50 sq. ft. of Floor Area, whichever is greater
Churches, auditoriums, or other places of assembly with fixed seats	1 space for every 5 seats in the main auditorium	Golf driving range, batting cage, or similar facility	1 space per tee or cage, plus 1 space per employee on the largest shift
Dance halls, assembly halls, exhibition halls, etc. without fixed seats	1 space per 100 sq. ft. of Floor Area used for assembly or dancing	Golf Course, including miniature	6 spaces per hole, plus 1 space per employee on the largest shift
Daycare	1 space for every 15 students at proposed capacity, plus one space per teacher/employee on largest shift	Hospitals, Nursing Homes, Homes for the Aging, Adult Care, Residential and Residential Care Facilities, and other similar Uses	1 space for every 2 beds, plus 1 space per employee on the largest shift

Use	Number of Off-Street Parking Spaces	Use	Number of Off-Street Parking Spaces
Hotels, Motels, and Bed and Breakfast Facilities	1 space for each rental unit, plus 1 space per employee on the largest shift	Schools (High)	1 space for every 5 students permitted by capacity or 1 space for every 5 seats in an auditorium or spectator gymnasium, whichever is greater
Libraries, museums and galleries	1 space per 600 sq. ft. of Floor Area, plus 1 space for each employee on the largest shift	Self Storage Facility	1 space per 5,000 sq. ft.
Manufacturing plants, laboratories, assembly plants	1 space for each employee on the largest shift	Sports or Recreational Fields or Facilities	20 spaces per field
Medical and dental offices	1 space per 200 sq. ft. of Floor Area	Commercial Swimming Pool or Skating Rink	1 space per 100 sq. ft. of pool/rink area, plus 1 space for each employee on the largest shift, plus required spaces for affiliated Uses such as bars, Restaurants, etc.
Restaurants, bars and night clubs	1 space per 100 sq. ft. or Floor Area	Warehousing	1 space per business vehicle stored on site, plus 1 space per employee on the largest shift.
Retail Uses	1 space per 200 sq. ft. of Floor Area		
Schools (Elementary & Middle)	2 spaces for each classroom		

8.7 PORTABLE HOME STORAGE UNITS.

A. Applicability.

Portable Home Storage Units shall be permitted as Accessory Uses within any residential District, provided the following regulations are met. A Zoning Permit shall be obtained for any Portable Home Storage Unit.

1. Portable Home Storage Units shall be prohibited from being located within any Right-of-Way.
2. Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the Street.
3. Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
4. Portable Home Storage Units shall be permitted for 30 90 calendar days within any 365 calendar day period.
5. Portable Home Storage Units shall not be utilized for living purposes.

8.8 Recreational Vehicles.

A. Applicability.

Recreational vehicles shall be permitted as Accessory Uses within the residential Districts provided the following standards are met:

1. Recreational Vehicles are permitted provided they are located to the side or rear of the primary Building and shall be covered or otherwise screened from the view of the public Right-of-Way.
2. Recreational Vehicles may be permitted forward of a primary Structure not to exceed sixty (60) cumulative days within any calendar year.

8.9 Screening and Buffering Requirements.

- A. The intent of this section is to improve the appearance of parking lots and property abutting public rights-of-way; to require Buffering between different land Uses, to preserve and promote the appeal, character, and value of the surrounding neighborhoods, and to promote public health and safety through by minimizing noise, air and/or visual pollution and artificial Glare.
- B. The standards in this Section shall apply to all development within the HB, GB, SU, and LI Districts. Furthermore, the trash receptacle standards also apply to the R-3 and R3-A Districts. Screening and Buffering requirements for development within the PUD District shall be determined by the approved Development Plan.
- C. Development Standards.
 1. Buffer Between Uses.
 - a. Whenever a proposed Use within HB, GB, SU, and LI District abuts a residential District, a Buffer shall be provided along the

Lot Line abutting the residential District. The Buffer shall consist of walls, landscaped earthen mounds, solid Fences, natural vegetation or an acceptable combination of these elements, provided that the screening must be at least six (6) feet in height. The use of year-round vegetation, such as pines or evergreens, is required.

- b. Landscaping materials used to meet the 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 material.

2. **Parking Lot Screening.**

A three and half (3.5) foot average height continuous Hedge Row shall be established along the perimeter of parking lots located adjacent to public rights-of-way. Landscaping shall be placed and maintained in a manner that does not conflict with safe sight distance at corners and intersections.

3. **Trash Receptacle Screening.**

All Business, Industrial, and Multi-Family Residential Uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or Fence of at least four feet (4) feet in height.

D. **Buffering and Screening Materials and Maintenance Requirements.** All material utilized to comply with the Buffer and screening requirements in Section 8.9(C) shall comply with the following requirements:

- 1. No Landscaping materials shall be planted in such a manner that any portion of growth extends beyond the property line. All Landscaping materials used to comply with the Buffer or screening requirements shall be installed in accordance with accepted, good construction and planting procedures. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these Buffer and/or screening requirements.
- 2. Landscaping materials used to meet the requirements of Section 8.9(C)(1) and (2) shall be living plants. Artificial plants are prohibited. All landscape materials shall meet the following requirements:
 - a. **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 feet of clear wood in areas which have visibility requirements. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six (6) inches above the ground) of at least two (2) inches immediately after planting shall be required. The following species of trees (whose roots are known to have undesirable effects to public roadways or other public

infrastructure) shall not be planted closer than 15 feet to the easement for such infrastructure.

- i. Box-Elder (*Acer negundo*)
 - ii. Silver Maple (*Acer saccharinum*)
 - iii. Catalpa (*Catalpa speciosa*)
 - iv. Tulip Tree (*Liriodendrum tulipifera*)
 - v. Mulberry (*Morus alba*)
 - vi. Poplars (all kinds) (*Populus*)
 - vii. Willows (all kinds) (*Salix*)
 - viii. Siberian Elm (*Ulmus pumila*)
- b. Evergreen Trees – Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
- c. Hedges – Hedges shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.

8.10 Stream Setback Requirements.

- A. The intent of this Section is to establish regulations that govern all land Uses and related development activities adjacent to streams within the Village of Lithopolis in order to:
1. Protect, restore, and maintain the chemical, physical and biological integrity of streams and their water resources;
 2. Remove pollutants delivered in urban storm water;
 3. Maintain base flows of streams;
 4. Minimize Erosion and Control Sedimentation;
 5. Provide infiltration for storm water runoff;
 6. Minimize Impervious Surfaces close to streams; and
 7. Provide riparian wildlife habitats and promote desirable aquatic habitat.
- B. The standards in this Section shall apply to all development within any zoning District. Compliance with the regulations set forth in this zoning ordinance does not release the applicant from obtaining any other state or federal permits required by law for such activities.
- C. Development Standards:
1. All U.S.G.S. SOLID Blueline Streams within the Village of Lithopolis shall require a Stream Setback Buffer measured from the centerline of the stream. The Stream Setback Buffer shall be the greater of the following:
 - a. 50 feet in width measured from the centerline of the stream; or
 - b. the floodway as defined on the FEMA Flood Insurance Rate Maps, if applicable.
 2. No new Structures, improvements, or Impervious Surfaces shall be constructed nor shall any other Land Disturbing Activities take place

within the required Stream Setback Buffer after the effective date of this Ordinance.

- D. Exemptions: The following activities may be exempt from the requirements of this Section:
1. A perpendicular stream crossing by a driveway, transportation route, or utility line(s);
 2. Unpaved foot trails and paths;
 3. Paved foot trails and paths for public Use no greater than 10 feet wide;
 4. Public water supply intake and public wastewater outfall Structures;
 5. Public utility lines running parallel to the stream including such impervious cover as necessary for the operation and maintenance of the utility, including but not limited to manholes, vents, and valve Structures.
 6. Land development activities within a dedicated transportation Right-of-Way existing as of the effective date of this Ordinance.
 7. Minor land disturbing activities for the intent of emergency Erosion control and bank stabilization activities (i.e. for the purposes of corrective maintenance; measures for health, safety and welfare, post storm or other disaster relief) provided the Village of Lithopolis is notified in writing about the activity within 24 hours of its occurrence.

8.11 Swimming Pool Requirements.

A. Permit Required.

A Zoning Permit shall be required for the construction or installation of any Private Swimming Pool. The Owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

B. Requirements.

No Private Swimming Pool, exclusive of portable Swimming Pools with an area of less than 100 square feet, shall be allowed in any residential District unless such pool complies with the following conditions and requirements. The Owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

1. The pool is intended to be used solely for the occupants of the principal Use of the property on which it is located.
2. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any Front Yard, nor closer than fifteen (15) feet to any property line or Structure.
3. The area of the Swimming Pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the Lot or parcel.

4. Any private Swimming Pool, or the property on which the pool is located, shall be enclosed by a wall or Fence constructed so as to prevent uncontrolled access. Such wall or Fence shall not be less than four (4) feet in height, maintained in good condition, and affixed with an operable gate and lock.
5. All lights used for the illumination of the Swimming Pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the Lot or parcel on which the pool is located.

8.12 Visibility at Intersections.

A. Established.

At every intersection of Street Rights-of-Way as prescribed in the Thoroughfare Plan a sight triangle shall be established as described by the Right-of-Way lines of the intersecting Streets and the third side being a line passing through a point on each Right-of-Way line that is a distance from their point of intersection equal to the sum of the width of both rights-of-way divided by four.

B. Visibility Maintained.

Within the sight triangle there shall be maintained a clear visibility between the heights of two and one-half feet and ten feet above the average center line Grade of the intersecting Streets within the sight triangle, except trunks of existing trees. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided, nor any access drive be allowed within the sight triangle.

8.13 (Accessory) Wind Energy Conversion System Regulations.

The Village of Lithopolis recognizes the importance of clean, sustainable and renewable energy sources. To that end, Accessory Wind Energy Conversion Systems (WECS), as defined in Article X of this Resolution, may be permitted in any District where a residential Use is permitted, provided all of the following requirements are met.

1. The maximum height of the Accessory WECS tower shall be 120 feet. Notwithstanding the above, the height of the system shall not exceed the height recommended by the manufacturer or installer of the system.
2. In no such case, shall an Accessory WECS be located closer than 1.25 times the WECS tower height plus the length of a rotor blade at maximum vertical rotation to any inhabited Structure, public road/Right-of-Way, third party transmission lines, or adjacent property lines. New residential Structures shall not be permitted within this Setback area.

3. An Accessory WECS shall have a maximum decibel level of 70. The decibel level shall be based upon the maximum decibel level provided by the manufacturer of the system.
4. The Accessory WECS shall be painted white or shall have a galvanized steel finish.
5. The Accessory WECS shall include a grounding device/lightening protection device compatible with the type of system being proposed.
6. All wires and electrical apparatuses associated with the operation of an Accessory WECS shall be located underground and shall conform to applicable local, state and national codes, and relevant national and international standards (ANSI).
7. No signage shall be permitted on an Accessory WECS, unless otherwise permitted by the Village of Lithopolis Consolidated Sign Ordinance.
8. The Accessory WECS must comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations. No lighting shall be permitted on an Accessory WECS, unless otherwise required by the FAA.
9. An Accessory WECS shall be reviewed and approved by the Fairfield Department of Health to determine that the proposed WECS will not disturb the areas reserved for existing or future on-site sewage treatment systems.
10. An Accessory WECS must be maintained in good working order. The Owner of the Accessory WECS shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the Accessory WECS is no longer being operated or utilized, the Accessory WECS shall be removed within 180-days after the use has been discontinued, including the removal of all above ground apparatuses, supports, foundation, and/or other hardware associated with the Accessory WECS. In addition to removing the Accessory WECS, the owner/operator shall restore the site to its original condition prior to the location of the Accessory WECS on said property.
11. A Zoning Permit shall be required for the construction and installation of an Accessory WECS. An application for a Zoning Permit shall include all applicable information required in Section 2.3 in addition to the following information:
 - a. The height of the WECS tower.
 - b. The total size and depth of the foundation for the WECS tower, as well as soil data.
 - c. A list or depiction of all safety measures that will be on the unit including grounding devices and lightening protection.
 - d. Data from the manufacturer specifying the generating capacity (kilowatts) of the Accessory WECS.
 - e. The maximum decibel level of the Accessory WECS. This information must be obtained from the manufacturer of the system.
 - f. A site drawing showing the location of the WECS tower to property lines, existing Structures on the property, roads, and

other public rights-of-way, neighboring properties, and the location of all public and private airports in relation to the location of the WECS.

- g. It shall be the responsibility of the Person in charge of any WECS project to comply with all rules, laws and regulations of the United States Federal Aviation Administration (FAA), including all necessary approvals for installations in close proximity to airports. Evidence of compliance or non-applicability shall be submitted with the zoning certificate application.
- h. A maintenance schedule as well as a dismantling plan that outlines how the Accessory WECS will be dismantled if and when its operation is terminated.
- i. A certification from a registered Professional Engineer (PE) or a copy of the PE-certified engineering analysis from the manufacturer of said system indicating that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

8.14 Other Ordinances

There are other ordinances such as the Comprehensive Sign Ordinance and the Lithopolis Drainage, Erosion, and Sediment Control Ordinance that may also be applicable when applying for a zoning permit. If applicable, the zoning permit application shall include all information required by these other ordinances in addition to this Zoning Ordinance.

Section IX

Conditional Use Standards

9.1 Adult Group Homes, Residential Facilities – Type B, Nursing Homes, Residential Care Facilities – Types A and B, and Homes for the Aging.

- A. **Intent.** The intent of this section is to create standards for Adult Group Homes, residential facilities – type B, Nursing Homes, residential care facilities – types A and B, and Homes for the Aging when such Uses are proposed in a District where listed as Conditional Uses. Given the size and intensity of these Uses, it is important to provide development standards for these Uses when located in certain areas of the Village to ensure that these Uses are designed in a manner that integrates them into the overall character of their surrounding area.
- B. **Applicability.** These standards shall apply when such Uses are proposed in a District where they are listed as Conditional Uses. These standards shall not apply in Districts where such Uses are listed as permitted.
- C. **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use permit for an Adult Group Home, Residential Facility – type B, Nursing Home, Residential Care Facility – Type A and B, or a home for the aging, if the proposed Use complies with all of the conditions listed below in addition to the general standards listed in Section 5.3D:
1. The proposed Use must be located on a minimum of one acre and comply with all other Lot Frontage, width, set back, height, and Lot Coverage requirements for the applicable Zoning District.
 2. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the District in which the Use is proposed.
 3. The proposed architecture is compatible with the surrounding neighborhood.
 4. The proposed signage complies with the Sign regulations for the applicable District.
 5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway and shall otherwise comply with the Village of Lithopolis Lighting Ordinance.
 6. Sufficient evidence has been provided indicating that all required licenses and certificates from the State of Ohio have been obtained.
 7. In the case of proposed residential facilities – type B, there is no other type B Residential Facility within 1,000 feet of the proposed facility.
 8. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such Uses to the surrounding neighborhood.

9.2 Type A – Family Day Care Home and Child Day Care Centers.

- A. Intent. It is the intent of this section to create standards for Type A Family Day Care Homes and Child Day Care Centers to ensure the Uses are compatible to the surrounding neighborhood in which the Use is located.
- B. Applicability. These standards shall apply when a Type A Family Day Care Home or a Child Day Care Center is proposed within a District where considered to be a Conditional Use.
- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for a Type A Family Day Care Home or a Child Day Care Center, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 5.3D.
 - 1. Parking and circulation shall be designed to reduce congestion, promote safety, and reduce the impact on the residential character of the area. The site layout shall provide for the separation of ingress and egress vehicles during high volume periods and shall provide safe drop off point(s) for children that will not impede other traffic.
 - 2. All outdoor play areas shall be fully enclosed by a minimum four (4) foot tall Fence, shall be located to the rear of the principal Structure, shall be screened from adjacent parcels by the use of hardy evergreen shrubs, and shall be located 50 feet from a residential District boundary.
 - 3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway and shall otherwise comply with the Village of Lithopolis Lighting Ordinance.
 - 4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.

9.3 Free-Standing Telecommunication Towers.

- A. Intent. The intent of this section is to regulate the placement and construction of Telecommunication Towers in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage Co-Location of antennas on existing towers in order to minimize tower locations and to protect the surrounding areas through the use of height, Setback, and Lot Area requirements.
- B. Applicability. The following regulations shall apply, through the Conditional Use process, to free-standing Telecommunication Towers located within Districts where free-standing Telecommunication Towers are listed as Conditional Uses.

- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit when a free-standing Telecommunication Tower is proposed within a District where listed as a Conditional Use and complies with all of the conditions listed below. When measuring Setbacks and Lot Area, the dimension of the entire Lot shall control, even though the tower may be located on a leased area within such Lot.
1. The minimum Lot Area shall comply with the minimum Lot Area for the applicable Zoning District.
 2. The minimum Setback shall be 100 feet. No new Structures shall be permitted within this Setback area.
 3. The maximum height of the Telecommunication Tower shall be 200 feet from the existing Grade to the highest point of the tower.
 4. All towers shall be of a non-corrosive Monopole design, as opposed to a lattice design, and shall be non-contrasting gray or similar color. A galvanized steel finish will also be permitted. Alternative tower designs that camouflage the tower and/or antenna, such as man made trees, may also be permitted as approved by the Board of Zoning Appeals.
 5. A 6 - foot Fence shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider.
 6. A landscaped Buffer of not less than 15 feet in depth shall be placed between the Fence surrounding the tower and any adjacent public Right-of-Way and any adjacent properties. The 15-foot Buffer shall consist of hardy evergreen shrubbery, not less than 6 feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional Landscaping upon review of an individual application. All required Landscaping shall be continuously maintained and promptly restored, if necessary.
 7. No signage shall be permitted anywhere on the Telecommunication Tower, antenna, Fence, etc., except for a Sign, not to exceed 6 square feet, containing emergency contact information and no trespassing language shall be attached to the gate of the required Fence. Any other signage required by Federal Regulations shall be permitted.
 8. No lighting shall be permitted, except as required by federal regulations.
 9. One point of access from a public road to the free standing telecommunications tower shall be provided. The Board of Zoning Appeals may require review by the fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
 10. The maximum cumulative total size of all equipment shelters accessory to a Telecommunication Tower on a Lot shall be 1,000 square feet and their maximum height shall not exceed 25 feet above the approved Grade at the site. Only one equipment shelter, or the configuration of more than one equipments shelter constructed to appear that there is only one equipment shelter shall be permitted on a Lot. The roof and façade of the equipment shelter shall be compatible as to architectural design and materials with the Principal Building on

- the Lot, if any. Where it is technically feasible and reasonable practical, an existing Building or Structure on a Lot shall be used to shelter the equipment associated with the Telecommunication Tower.
11. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the applicable Building codes.
 12. The applicant shall demonstrate that Co-Location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing Telecommunication Towers in the Village of Lithopolis. If the applicant cannot demonstrate that Co-Location is not feasible, the Board of Zoning Appeals may deny the Conditional Use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if Co-Location is not feasible:
 - a. Written documentation from the Owner of the existing tower(s) refusing to allow Co-Location;
 - b. The proposed antenna would exceed the structural capacity of the existing tower, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer.
 - c. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer.
 - d. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably as documented by a qualified R. F. engineer.
 - e. Co-Location would violate federal, state, county or Village regulations.
 13. The tower shall be removed within 180-days after the use of the tower is discontinued.
 14. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential Co-Location of other antenna to the extent possible.
 15. Any other conditions as warranted by the Board of Zoning Appeals.

9.4 Mineral Extractions.

A. Intent.

The intent of this section is to create standards for Mineral Extractions when such Uses are listed as Conditional Uses. The Board of Zoning Appeals may permit a Mineral Extraction in any District where it is listed as a Conditional Use, upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties provided

the following conditions and the general conditions of Section 5.3D are guaranteed by the applicant.

B. Submission of Additional Information.

Two (2) copies of the following information shall be submitted with the application required in Section 5.3C.

1. Name of the Owner or Owners of the land from which removal is to be made.
2. Name of the applicant making request for such permit.
3. Name of the Person or corporation to be conducting the actual operations.
4. Location, description, and size of area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the processor or any other firm, Person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, in so far as reasonably possible.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. General description of the equipment to be used.
9. Method of rehabilitation and reclamation of the area to be excavated, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with the contour lines at intervals of five (5) feet or less.
10. The identification of specific roads to be used as the primary means of ingress to and egress from the proposed activity.

C. Development Standards.

1. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practicable noise, vibration, or dust, which would injure or annoy Persons living in the vicinity. Noise shall comply with the requirements of the Board of Zoning Appeals. Access ways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be specified by the Board of Zoning Appeals.
2. No Mineral Extraction shall be carried on, nor any stock pile or equipment shall be placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Zoning Appeals, where such is deemed necessary for the protection of adjacent property, especially when such use is located adjacent to a

residential District. However, the above specified 50-foot Setback may be reduced by the written consent of the Owner or Owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.

3. In the event that the site of the Mineral Extraction is adjacent to the Right-of-Way of any Public Street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such Right-of-Way, except as may otherwise be provided for by the Ohio Revised Code.
4. Any excavated area adjacent to a Right-of-Way of any Public Street or road shall be back filled for a distance of one hundred fifty (150) feet from the Right-of-Way.
5. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board of Zoning Appeals.
6. Mineral Extractions shall not be carried out closer than fifty (50) feet to any adjoining property line unless the written consent of such adjoining property(s) has first been obtained.

D. Rehabilitation Requirements.

All depleted areas shall, within a reasonable length of time as determined by the Board of Zoning Appeals, be reclaimed and rehabilitated. A rehabilitation plan, that complies with the requirements of the following subsections, shall be submitted:

1. All Mineral Extractions shall be made either to a water producing depth plus five (5) feet below the water mark, or shall be graded and back-filled with non-toxic, non-combustible, and non-flammable solids to assure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
 - b. That the graded or back-filled surface will create a gently rolling topography to minimize Erosion by wind and rain and substantially conform with the contours of the surrounding area.
2. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line on the pit bottom, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in subsection (D)(3) below.
3. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
4. Proper drainage shall be provided for the excavated area.
5. All equipment and Structures shall be removed from the depleted area within six (6) months of the completion of operations therefrom.

6. The Board of Zoning Appeals may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public.
7. Due to the inherent difficulties in reclaiming and rehabilitation areas where stone has been quarried, the Board of Zoning Appeals is hereby empowered, in the issuance of a Conditional Use Permit for the quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest without restricting the operations of the Owner.

9.5 Residential Uses within the Historic Business District.

- A. Intent. The intent of this section is to allow Residential Uses within the Historic Business (HB) District while ensuring they are subordinate to the overall commercial character of the area.
- B. Applicability. The following regulations shall apply, through the Conditional Use process, to Residential Uses within the HB District.
- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for a Residential Use within the HB District when the Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
 1. The intent of the HB District is to create a mixed-use, walkable district. For this reason, residential uses cannot be the sole use of a property within the HB district and must only be approved when appropriately incorporated into the overall mix of uses in a manner that achieves the intent of this district, as determined by the Board of Zoning Appeals during the conditional use permit review process.
 2. A Site Development Plan shall be submitted showing all existing and proposed Structures, parking and access, Landscaping, and elevations of the Structures to be utilized for residential purposes. The Site Development Plan must also show how the proposed residential uses are integrated into an overall mixed-use setting. The Board of Zoning Appeals shall utilize this site plan to ensure the intent of this section is met.

9.6 Outdoor Service Facilities.

- A. Intent. It is the intent of this District to create standards for Outdoor Service Facilities that will minimize the noise and visual impacts such Uses could have on their surrounding areas.
- B. Applicability. These standards shall apply when an Outdoor Service Facility is proposed within a District where it is considered to be a Conditional Use.

- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for an Outdoor Service Facility, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
1. All outdoor service facilities shall be located a minimum of 50 feet from any Residential District boundary.
 2. The screening and Buffering requirements in Section 8.9 shall be met. The Board of Zoning Appeals may require additional Landscaping/ Buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels.
 3. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the intent of this section is met.

9.7 Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Materials, Goods or Products; Laboratories; Printing, Publishing and Allied Professions.

- A. Intent. It is the intent of this section to create standards for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Material, Goods or Products; Laboratories; Printing, Publishing, and Allied Professions to ensure such Uses to not negatively impact the surrounding areas.
- B. Applicability. These standards shall apply to the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; Laboratories; Printing, Publishing and Allied Professions when such Uses are proposed within a District where they are listed as Conditional Uses.
- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; Laboratories; Printing, Publishing, or Allied Professions, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
1. Such Uses shall be conducted a minimum of 100 feet from any residential District boundary and said operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical or other types of interference, materials, odors, fire, or explosive hazards, or glare or heat.
 2. The screening and Buffering requirements in Section 8.9 shall be met. The Board of Zoning Appeals may require additional Landscaping/ Buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The Landscaping shall

include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels.

3. The proposed site shall have adequate ingress/egress for the type of vehicles utilized for transporting such materials, goods, or products, and proper on-site circulation shall be provided within the development, including appropriate loading/unloading areas.

9.8 Storage Yards.

- A. **Intent.** It is the intent of this section to create standards for storage Yards to ensure they are properly screened from adjacent rights-of-way and adequately set back from residential Districts.
- B. **Applicability.** These standards shall apply to storage Yards when proposed within a District where storage Yards are listed as a Conditional Use.
- C. **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use permit for a storage Yard, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
 1. Such Uses shall be located no closer than 100 feet from a residential District boundary.
 2. The screening and Buffering requirements in Section 8.9 shall be met. The Board of Zoning Appeals may require additional Landscaping/ Buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels.
 3. Any other conditions as warranted by the Board of Zoning Appeals.

9.9 Junk Yard and Scrap Metal Processing Facilities.

- A. **Intent.** It is the intent of this section to create standards for Junk Yard and Scrap Metal Processing Facilities to ensure they do not negatively impact the surrounding areas.
- B. **Applicability.** These standards shall apply to Junk Yard and Scrap Metal Processing Facilities when proposed within a District where they are listed as Conditional Uses.
- C. **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use permit for a Junk Yard and Scrap Metal Processing Facilities if the proposed Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
 1. Such Uses shall be located on a minimum of 20 acres and shall be Setback a minimum of 200 feet from the boundary of a residential District.

2. In addition to the screening and Buffering requirements in Section 8.9, the area of Use shall be completely enclosed by a six foot Fence. Sufficient Landscaping shall be provided between the Fence and the property line. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels.
3. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public Streets and prevent hazards and damage to other properties in the community.
4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.
5. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
6. The Owner or operator shall employ every reasonable means of reducing the Encroachment of dust upon surrounding properties.
7. There shall be no burning of refuse, garbage, or other waste material.

9.10 Wind Energy Conversion Systems.

A. Intent.

The intent of this section is to regulate the placement and construction of Wind Energy Conversion Systems (WECS) in order to protect public health and safety of village residents without interfering with the expansion of clean, sustainable, and renewable energy sources.

B. Applicability

The following regulations shall apply, through the Conditional Use process, to WECS when proposed to be located within a District where such Use is listed as a Conditional Use, unless otherwise exempted by state or federal law.

C. Conditions

The Board of Zoning Appeals shall issue a Conditional Use permit when a proposed WECS complies with all of the conditions listed below.

1. The maximum height of the WECS tower shall be 300 feet. Notwithstanding the above, the height of the system shall not exceed the height recommended by the manufacturer or installer of the system.
2. In no such case, shall a WECS be located closer than 1.25 times the WECS tower height plus the length of a rotor blade at maximum vertical rotation to any inhabited Structure, public road/Right-of-Way, third party transmission lines, or adjacent property lines. New residential Structures shall not be permitted within this Setback area.

3. The WECS shall be painted white or shall have a galvanized steel finish.
4. The WECS shall include a grounding device/lightening protection device compatible with the type of system being proposed.
5. All wires and electrical apparatuses associated with the operation of a WECS shall be located underground and shall conform to applicable local, state and national codes, and relevant national and international standards (ANSI).
6. No signage shall be permitted on a WECS, except for a Sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language.
7. The WECS must comply with applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations. No lighting shall be permitted on a WECS, unless otherwise required by the FAA.
8. One point of access from a public road to the WECS shall be provided. The Board of Zoning Appeals may require the review by the fire department to ensure the proposed drive is suitable for emergency access.
9. A WECS must be maintained in good working order. The Owner of the WECS shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the WECS is no longer being operated or utilized, the WECS shall be removed within 180-days after the use has been discontinued, including the removal of all above ground apparatuses, supports, foundation, and/or other hardware associated with the WECS. In addition to removing the WECS, the owner/operator shall restore the site to its original condition prior to the location of the WECS on said property.
10. A registered professional engineer shall certify, as part of the Zoning Permit application, that the foundation and tower design of the WECS, including substation, transformer, underground cabling or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.

9.11 Farm Markets.

- A. Intent. It is the intent of this District to create standards for Farm Markets to ensure that they blend with the surrounding rural residential area.
- B. Applicability. These standards shall apply when a Farm Market is proposed within a District where it is considered to be a Conditional Use.
- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for a Farm Market, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
 - 1. The Farm Market shall be limited to 190 days in any year.
 - 2. The Farm Market shall not exceed 500 square feet in area.
 - 3. Adequate ingress/egress shall be provided.
 - 4. A minimum of five Off-Street Parking Spaces shall be provided.

9.12 Automobile Oriented Uses.

- A. Intent. It is the intent of this section to create standards for Auto Oriented Businesses to ensure proper controls are in place to protect the surrounding area from any potential impacts on access, and circulation generally associated with such Uses. It is further the intent of this section to ensure that adequate Buffers are provided around these auto oriented Uses.
- B. Applicability. These standards shall apply when an Auto Oriented Business is proposed within a District where it is considered to be a Conditional Use.
- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for an Auto Oriented Business, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
 - 1. The proposed Use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed Use. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed Use.
 - 2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of Use proposed and shall be located in accordance with appropriate access management principles.
 - 3. The proposed Use shall include proper on-site circulation within the site, including appropriate stacking areas.
 - 4. Stacking spaces for gas pumps, service bays, and drive-through facilities shall be provided to prevent Encroachment of vehicles into Parking Areas and/or adjacent road networks. There shall be at least one (1) stacking space for each gas pump or service bay. Each drive-through facility shall have a minimum of three (3) stacking spaces between any ordering area and pick-up window(s), in addition to at

least three (3) stacking spaces behind the ordering area. Each stacking space shall be nine (9) feet wide and twenty-two (22) feet deep. The Board of Zoning Appeals may require additional stacking areas when needed to ensure proper on-site circulation.

5. Sufficient Landscaping around the entire perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with Automobile-Oriented Uses. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels. At a minimum, the Buffer shall comply with the requirements of Section 8.9C1a.
6. Lighting shall comply with the Lithopolis Lighting Ordinance.
7. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, access points and Buffering from adjacent Uses.

9.13 Automobile or Trailer Sales Area.

- A. Intent. It is the intent of this section to create standards for Automobile or Trailer Sales Areas to ensure proper controls are in place to protect the surrounding area from any potential impacts on adjacent areas. It is further the intent of this section to ensure that adequate Buffers are provided around these Uses.
- B. Applicability. These standards shall apply when an Automobile or Trailer Sales Area is proposed within a District where it is considered to be a Conditional Use.
- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for an Automobile or Trailer Sales Area, if the proposed Use complies with the following conditions in addition to the general standards listed in Section 5.3D.
 1. The proposed Use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed Use. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the car delivery vehicles and shall be located in accordance with appropriate access management principles.
 2. Sufficient Landscaping around the entire perimeter of the site shall be provided to reduce the visual impacts typically associated with these Uses. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels. At a minimum, the Buffer shall comply with the requirements of Section 8.9C1a.

9.14 Neighborhood Residential Business.

- A. **Intent.** The intent of this section is to provide for limited business activity in conjunction with a permitted Use within the R-1 and R-1A Districts. Such activities are typically commercial in nature and are more intense than those Uses permitted as Home Occupations. Such Uses are listed in Section 7.1C5 and 7.2C5 and are hereby referred to as Neighborhood Residential Business(es). The intent of the Conditional Use process is to ensure this limited business activity will be compatible with the surrounding residential area and to ensure the future enjoyment of nearby residential properties is considered during the development of a Neighborhood Residential Business.
- B. **Applicability.** These standards shall apply when a Neighborhood Residential Business (as listed in Section 7.1C5 and 7.2C5 and do not meet the definition and standards for a Home Occupation) is proposed within the R-1 and R-1A Districts.
- C. **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use permit for a proposed Neighborhood Residential Business, if such Use is listed as a Neighborhood Residential Business in Section 7.1C5 and 7.2C5 and complies with all of the conditions listed below in addition to the general conditions listed in Section 5.3D.
1. The proposed Neighborhood Residential Business Use shall be operated by a resident of the property and such Use shall be clearly subordinate and incidental to the Use of the premise for residential purposes.
 2. The proposed Neighborhood Residential Business is conducted in conjunction with and to the rear or side of the principally permitted Use.
 3. There shall be no more than three (3) non-resident employees.
 4. The proposed Neighborhood Residential Business may be conducted within an Accessory Structure on the same Lot as the principally permitted Use.
 5. Any outdoor activities shall be located a minimum of 200 feet from a property line.
 6. No proposed Neighborhood Residential Business shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious, OR otherwise objectionable impact on any adjacent land. Such impacts shall include those related to noise, vibration, odor, dust, heat, exterior light and glare, or storm water runoff.
 7. Outdoor storage and display of material and equipment incidental to the Neighborhood Residential Business shall be permitted provided effective screening from all adjoining properties within a residential District. A wall or Fence that is a minimum of six (6) feet in height or a 10-foot wide strip of land planted and maintained with an evergreen hedge or dense plantings of hardy evergreen shrubs not less than four (4) feet in height at the time of planting may be utilized for screening purposes.

8. Signs shall comply with the Lithopolis Consolidated Sign Ordinance.
9. Evidence shall be provided to the Board of Zoning Appeals that any traffic generated from the proposed Neighborhood Residential Business will not be greater in volume than normal for a residential neighborhood.
10. The Board of Zoning Appeals may place limits on the hours of operation to ensure the residential character of the neighborhood is not impaired by the proposed Neighborhood Residential Business.

9.15 Small box variety store.

- A. **Intent.** A significant number of small box variety stores are already in operation within 10 miles of Lithopolis; and many of the small box variety stores are currently in close proximity to one another. While it is recognized that small box variety stores may be the only convenient source of some food items for people in areas underserved by traditional grocery stores, it is also recognized that small box variety stores offer limited healthy fresh food options, especially when it comes to fresh fruits and vegetables and fresh or frozen meats. In addition, many small box variety stores do not include WIC essential items and therefore are not certified to accept WIC coupons. While it is necessary to continue to allow the presence of small box variety stores, it is also necessary to regulate them and to encourage stores to offer more healthy fresh food options. Such regulations will promote the efficient use of land and resources in Lithopolis and are necessary to protect the health, safety, and welfare of the citizens of Lithopolis.
- B. **Applicability.** These standards shall apply when a Small box variety store is proposed within the Historical or General Business districts.
- C. **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use permit for a proposed small box variety store if such Use complies with all of the conditions listed below in addition to the general conditions listed in Section 5.3D.
1. A small box variety store means a store of 15,000 square feet or less which sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. Small box variety stores do not include retail stores that:
 - (A) dedicate at least 15% of shelf space to fresh or fresh frozen food;
 - (B) dedicate less than 2% of shelf space to food of any kind;
 - (C) contain a prescription pharmacy, or
 - (D) offer for sale gasoline or diesel fuel.
 2. There shall be no outside display or storage of items, either for sale or salvage. To include sidewalk sales, pallets, boxes skids or storage units.
 3. No small box variety store shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious, OR otherwise objectionable impact on any adjacent land. Such impacts shall include those related to noise, vibration, odor, dust, heat, exterior light and glare, or storm water runoff.
 4. Signs shall comply with the Lithopolis Consolidated Sign Ordinance.

9.16 Mini-warehouse and storage units.

- A. **Intent.** It is the intent of this section to create standards for mini-warehouses and storage units and to ensure proper controls are in place to protect the surrounding area from any potential impacts on adjacent areas. It is further the intent of this section to ensure that adequate Buffers are provided around these Uses.
- B. **Applicability.** These standards shall apply when a mini-warehouse and/or storage units are proposed in the General Business districts.
- C. **Conditions.** The Board of Zoning Appeals shall issue a Conditional Use permit for a proposed small box variety store if such Use complies with all of the conditions listed below in addition to the general conditions listed in Section 5.3D.
 - 1. The proposed Use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed Use. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed Use.
 - 2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of Use proposed and shall be located in accordance with appropriate access management principles.
 - 3. The proposed Use shall include proper on-site circulation within the site, including appropriate stacking areas.
 - 4. Sufficient Landscaping, Screening and Buffering around the entire perimeter of the site shall be provided to reduce the visual impacts typically associated with these Uses. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels. At a minimum, the Buffer shall comply with the requirements of Section 8.9C1a.
 - 5. All storage shall be within buildings and there shall be no outside storage of vehicles, trailers, boat, RVs, temporary storage units or other items.
 - 6. The Board of Zoning Appeals may place limits on the hours of operation to ensure the residential character of the neighborhood is not impaired by the proposed Neighborhood Residential Business.
 - 7. Any other conditions as warranted by the Board of Zoning Appeals.

9.17 Marijuana dispensary.

- A. Intent. As the State begins to distribute more marijuana dispensary licenses it has become necessary for the village to regulate the placement of such business within the General Business District.
- B. Applicability. These standards shall apply when a marijuana dispensary is proposed within the General Business district.
- C. Conditions. The Board of Zoning Appeals shall issue a Conditional Use permit for a marijuana dispensary if such Use complies with all of the conditions listed below in addition to the general conditions listed in Section 5.3D.
 - 1. No marijuana dispensaries may be established or operated within 1,000 feet of a school, church, public library, public playground, public park, recreation facility, daycare, or other licensed childcare facility.
 - 2. No marijuana dispensary may be established, operated, or enlarged within 1,000 feet of another medical marijuana dispensary.
 - 3. Not more than one marijuana dispensary shall be established or operated in the same building, structure, or portion thereof.
 - 4. All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.
 - 5. Any marijuana dispensary adjacent to a residential district and/or use shall contain a minimum six-foot-high solid fence along such abutting property lines and be approved by the Board of Zoning Appeals.
 - 6. Any marijuana dispensary adjacent to a residential district and/or use shall contain a minimum six-foot-high solid fence along such abutting property lines and be approved by the Board of Zoning Appeals.
 - 7. No merchandise or pictures of the products on the premises of a marijuana dispensary shall be displayed on signs, in window areas or any area where they can be viewed from the sidewalk or street in front of the building. No sign shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.
 - 8. Notwithstanding anything in this chapter or section to the contrary, any conditional use permit application for a marijuana dispensary shall be heard by the Board of Zoning Appeals and, if approved, shall expire at the expiration of the marijuana

dispensary license. Subsequent renewal of the conditional use permit may be made administratively by the Mayor if no significant modifications to the conditions of the permit have been proposed and no violations have been determined. Violations may include, for example, legitimate loitering complaints, excessive police calls to the immediate vicinity, noise complaints, non-compliance with the terms of the conditional use permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.

SECTION X DEFINITIONS

For the purpose of this Ordinance, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory; the word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted" or "intended to be used," and a "Person" shall mean, in addition to any individual, a firm, corporation, association, or any legal entity which may own and/or use land or Buildings.

ACREAGE - Any tract or parcel of land which has not been sub-divided and/or Platted.

ACCESSORY STRUCTURE – A Structure detached from the Principal Building and subordinate to the principal Use of a Building on the Lot or tract and serving a purpose customarily incidental to the Use of the Principal Building. Accessory Structures are located on the same Lot as the Principal Building and are not designed for human occupancy as a Dwelling. Examples of Accessory Structures are detached Private Garages, sheds, pool houses, storage Buildings, and other similar type Buildings.

ACCESSORY USE – A subordinate Use which is incidental to and customary in connection with the primary Building and which is located on the same Lot with such primary Building or Use. An example of an Accessory Use would be an attached Garage within a residential Dwelling Unit.

ADULT FAMILY HOME – A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults.

ADULT GROUP HOME – A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

AGRICULTURE – The Use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary Accessory Uses, including Structures necessary for carrying out farming operations and the residence of the Person who owns or operates the farm and family thereof, provided such agricultural Use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponic farms.
- B. Wholesale or retail sales as an Accessory Use.
- C. Feeding garbage to animals, raising poultry or fur-bearing animals as a principal Use, or operation or maintenance of a commercial stockyard or feed Yard.
- D. Feeding, grazing or sheltering of animals or poultry in pens or confined areas.

ALLEY - A public Right-of-Way less than thirty (30) feet in width, but not less than twelve (12) feet, which affords only secondary means of access to abutting property.

APPEAL – A request by an aggrieved party for a review of any adverse decision by a village official, council or commission.

ASSOCIATION – A legal entity operating under recorded land agreements or contracts through which each unit Owner within a Planned District is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common Open Space and other Common Areas and providing services needed for the development. An Association can take the form of a homeowners' Association, community Association, property owners' association, condominium Association or other similar entity.

AUTOMOBILE OR TRAILER SALES AREA - An open area, other than a Street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair or oil change work is done.

AUTOMOBILE ORIENTED BUSINESS – See Business, Automobile Oriented.

AWNING – A hood or cover that projects from the wall of a Building and which can be retracted, folded or collapsed against the face of the supporting Building.

BANK, STREAM OR RIVER – The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring or stain lines.

BANNER – A non-rigid cloth, plastic, paper, or canvas Sign typically related to a special event or promotion.

BASEMENT - That portion of a Building, the floor of which is not less than two (2) feet below and the ceiling of which is not less than four (4) feet and six (6) inches above the average grade. A Basement, when used as a Dwelling, shall be considered as a Story for purposes of height measurement, and as a Half-Story for purposes of Side Yard determination.

BED AND BREAKFAST FACILITY – Any place of lodging that provides four (4) or fewer rooms for rent on a temporary basis, is the Owner's personal residence, is occupied by the Owner at the time of rental, and where meals may be served to guests.

BUFFER – A designated area between Uses or adjacent to the perimeter of Natural Features designed and intended to provide protection and which shall be permanently maintained.

BUFFER, LAND USE – Land area Used to separate or visibly shield and/or screen one Use from another.

BUFFER, STREAM SETBACK – A naturally vegetated strip of land where no improvements shall take place or have been made and which lies adjacent to a stream and provides such functions as protecting water quality, providing wildlife habitat, and storing flood waters.

BUILDABLE AREA (OF A LOT) – The space within a Lot that is remaining after the minimum Yard Setback requirements have been complied with.

BUILDING – Any Structure having a roof supported by columns or walls, designed, built, or occupied for the shelter, support, or enclosure of Persons, property or animals and Used for residential, commercial, industrial, institutional, assembly, educational, recreational purposes or other similar Uses.

BUILDING LINE – A line parallel to the Right-of-Way line and at a distance there from equal to the required depth of the Front Setback (as determined by the applicable zoning District), and extending across the full width of the Lot.

BUILDING, HEIGHT OF - The vertical distance from the average contact ground level at the front wall of the Building to the highest point of the copying of a flat room or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

BUSINESS, AUTOMOBILE ORIENTED - A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle that includes services rendered directly on, to, or for vehicles. Automobile Oriented Business facilities include, but are not limited to, drive-through Restaurants, drive-in Restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations, facilities specializing in oil changes, car repair, establishments installing car accessories, other similar automobile service facilities and stand alone parking lots. The sale of new or used vehicles is not included within this definition.

BUSINESS, RETAIL – A Use primarily engaged in the selling of merchandise and the rendering of services that is incidental to the sale of the goods.

BUSINESS, HOME BASED RETAIL - A Retail Business where goods are sold in the home of the retail operator either using the Internet, a magazine, catalog or other similar mechanism, and in which the consumer is typically not required to visit the operator's home to choose, order, purchase or pick up the goods. Such Uses do not involve delivery trucks other than normal parcel delivery services.

BUSINESS, NEIGHBORHOOD RETAIL – A Retail or Wholesale Business that is less than ten thousand (10,000) square feet in area and typically services nearby neighborhoods.

BUSINESS, SERVICES PERSONAL – Uses that primarily provide services to a Person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops,

tailoring services, or garment repair services. This does not include laundry or dry cleaning services.

BUSINESS, WHOLE SALE – A Use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers or other wholesale establishments.

CELLAR - Cellar means that portion of a Building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above ground.

CEMETERY – Land Used for or intended to be Used for the burial of the human or animal dead and dedicated for Cemetery purposes, including crematories, mausoleums, and mortuaries, operated in connection with and within the boundaries of the Cemetery.

CENTRAL SEWER SYSTEM – A system where individual Lots are connected to a common sewerage system whether publicly or privately owned and operated.

CERTIFICATE OF ZONING COMPLIANCE - A document issued by the Zoning Inspector confirming that the requirements of this Ordinance have been met and the Building can be occupied or the property can be utilized for the purpose stated in the Zoning Permit.

CHILD DAY-CARE CENTER – Any place in which child care or publicly funded child care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Any facility listed in ORC Section 5104.01(L)(1)-(3) shall not be considered a Child Day-Care Center (ORC Section 5104.01(L)).

CLINIC – Any Building or other Structure devoted to the medical diagnosis, treatment, and care of outpatients.

CO – LOCATION – The use of a Telecommunication Tower by more than one (1) telecommunications provider.

COMMENCE (WORK) – The time at which physical improvements begin to be made to a Building or Structure so that it may be utilized for its intended purpose stated in the Zoning Permit.

COMMENCE (CONSTRUCTION) – The time at which physical improvements begin to be made to a property (excluding the clearing of the land) to comply with the requirements of an approved Development Plan within a Planned District,

COMMERCIAL ENTERTAINMENT FACILITY – Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals,

nightclubs, cocktail lounges, dance halls, pools halls, bowling alleys, skating rinks, and similar entertainment activities.

COMMON AREA – Any land area and associated facilities, within a Planned Unit Development that is held in common ownership by the residents or Lot Owners of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.

COMMON DRIVE – A private way which provides vehicular access to at least two, but not more than three, Dwelling Units.

CONDITIONAL USE – A desirable Use within a zoning District that may more intensely affect the surrounding area than would a permitted Use in said District. Such Uses may require supplementary conditions and safeguards to ensure the Use of the land blends with the surrounding area.

COURT - An open, unoccupied space, other than a Yard, on the same Lot with a Building or group of Buildings.

DAY-CARE HOME, FAMILY (TYPE A) - A permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. "Type A Family Day-Care Home" and "Type A home" do not include any child day camp (ORC Section 5104.01(RR)).

DAY-CARE HOME, FAMILY (TYPE B) - A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. "Type B Family Day-Care Home" and "Type B home" do not include any child day camp (ORC Section 5104.01(SS)).

DEVELOPER – an individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity developing land.

DEVELOPMENT PLAN – A proposal including drawing(s) and map(s) for a Planned Unit Development, Planned Suburban Residential District, or Planned Neighborhood Business District, prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development.

DISTRICT – A section or sections of the village governing the development and Use of Buildings and Use of premises or the height and area of Buildings.

DWELLING – A Building or portion thereof, conforming to all requirements applicable to the District in which it is located and that it is Used exclusively for residential occupancy, including Single-Family Dwelling Units, Single Family Attached Dwellings, Two-Family Dwelling Units, and Multi-Family Dwelling Units, but excluding Hotels, and Motels.

DWELLING – ATTACHED SINGLE FAMILY – Dwelling Units that are structurally attached to one another, side by side, and erected as a single Building, each Dwelling Unit being separated from the adjoining unit or units by a party wall without openings extending from the Basement floor to the roof with each unit including separate ground floor entrances, services, and attached Garages.

DWELLING – ATTACHED SINGLE FAMILY – Dwelling Units that are structurally attached to one another, side by side, and erected as a single Building, each Dwelling Unit being separated from the adjoining unit or units by a party wall without openings extending from the Basement floor to the roof with each unit including separate ground floor entrances, services, and attached Garages.

DWELLING—DETACHED SINGLE FAMILY – A Building designed for or Used exclusively for residence purposes by one Family situated on a parcel having a Front, Side and Rear Yard.

DWELLING, MULTI-FAMILY – A Building designed or used as a residence for three or more families living independently and doing their own cooking therein.

DWELLING—TWO FAMILY – A separate Building occupied or designed to be occupied exclusively as a residence by two families or housekeeping units.

DWELLING, UNIT – One or more rooms providing complete living facilities for one Family including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.

EROSION – The wearing away of land surface caused by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Detachment and movement of soil and rock fragments by wind, water, ice or gravity.

EROSION AND SEDIMENT CONTROL PLAN – A set of plans indicating the specific measures and sequencing to be used in controlling Sediment and Erosion on a development site both during and after construction.

FAMILY - A Person living alone, or two (2) or more Persons living together as a single housekeeping unit, in a Dwelling Unit.

FARM MARKET – A temporary vehicle, temporary stand, or combination of temporary stands without foundation used for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farm(s) owned or operated by the market operator in a normal crop year.

FENCE – Any Structure composed of wood, metal, stone, plastic or other natural or permanent material erected in such a manner and positioned as to enclose or partially enclose any portion of a Lot.

FIXTURE, CUT – OFF – A lighting fixture, which provides a shielding of the emitted light.

FLASHING - A Sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

FLOOR AREA – The sum of the gross horizontal areas of the one or several floors of a Building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two Buildings.

FLOOR AREA, LIVABLE – The portion of Floor Area of a Dwelling Unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished Garages, Basements, attic space or rooms used exclusively for utilities or storage shall not be considered as Livable Floor Area. Breezeways, open porches and uncovered steps shall also not be considered as Livable Floor Area. In no case shall an area less than 6 feet in height be considered Livable Floor Area.

FRONTAGE – The portion of a Lot that directly abuts a public Street or Street Right – of – Way and provides primary access to the property. If a Lot has two (2) or more segments that abut a public Street or Street Right – of – Way that are not continuous or abuts two (2) or more separate and distinct rights – of – way, the segments shall not be totaled together when calculating Lot Frontage. Rather the Lot Frontage will be measured from only the segment that directly abuts the public Street or Street Right – of – Way and provides access to the Lot. Property lines that abut limited access roads shall not be construed to be included within any calculation of Lot Frontage.

GARAGE, PRIVATE – An Accessory Structure (detached from the Principal Building) or an accessory portion of the Principal Building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same Lot as the Dwelling for which it is accessory.

GARAGE, PUBLIC – A Structure or portion of a Structure in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

GRADE – The ground elevation established for the purpose of regulating the number of stories and the Height of Buildings or Structures (including towers). The Building Grade shall be the level of the ground adjacent to the walls of the Building if the Final Grade is level. If the Final Grade is not entirely level, the Building Grade shall be determined by averaging the elevation of the ground for each face of the Building or Structure.

GRADE, FINAL – The vertical location of the ground or pavement surface after the grading work is completed and in accordance with any applicable Master Grading Plan (if applicable).

HARDSHIP – An existing condition on a parcel that limits the Owner to develop the land under the respective zoning classification at the time that application for development is submitted. These conditions include but are not limited to the shape of the parcel or the existing topography. In no circumstance shall a Hardship be considered on the basis of financial limitation to the Developer (i.e. reduction in the number of Lots).

HAZARDOUS WASTE – Any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director of environmental protection (see ORC 3134.01(B)), because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

Hazardous Waste includes any substance identified by regulation as Hazardous Waste under the “Resource Conservation and Recovery Act of 1976,” 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the “Atomic Energy Act of 1954,” 68 Stat. 919, 42 U.S.C.A. 2011, as amended. (ORC 3134.01(J)).

HEDGE ROW – A row of bushes planted close together to form a screen or boundary.

HOMES FOR THE AGING – A home that provides services as a Residential Care Facility and a Nursing Home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment (ORC Section 3721.01(A)(8)).

HOME OCCUPATION – An Accessory Use which is an activity, profession, occupation, service, craft or revenue enhancing hobby conducted by a Person on the same premises as the principal place of residence which is clearly subordinate and incidental to the Use of the premises for residential purposes. Home Occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music or dance lessons, or tutoring, or other similar Uses that do not change the character of the residential neighborhood. Family Day-Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and Conditional Uses as listed in the applicable Zoning District.

HOSPITAL - An institution providing health and services primarily for in-patient medical and surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term Hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or Nursing Homes.

HOTEL – A Building in which temporary lodging for boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a Person in charge. Compensation is usually assessed on a day-to-day basis.

IMPERVIOUS SURFACE – Any material that prevents absorption of storm water into the ground, such as concrete or asphalt. This does not include gravel.

INDUSTRIALIZED UNIT - A building unit or assembly of closed construction fabrication in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater Structure, and that requires transportation to the site of intended Use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include a Permanently Sited Manufactured Home or Mobile Home as defined in Article III of the Lithopolis Zoning Ordinance.

INFECTIOUS WASTE – Any of the substances or categories of substances listed in ORC 3734.01(R)(1) – (8).

ISOLATED LAND – Any portion of parcel that is separated from the remainder of the parcel by an excessively steep slope, water body, or other feature that would not support a road under normal building standards, rendering the portion unbuildable.

JUNK YARD - A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, dis-assemble, or handled, including auto wrecking Yards, house wrecking Yards, used lumber Yards and places or Yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such Uses are conducted entirely within a completely enclosed Building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars, inoperable condition, or salvaged materials incidental to manufacturing operations.

KENNEL – Any facility where a fee is charged for keeping and caring for dogs or other small animals on an overnight basis.

LAND-DISTURBING ACTIVITY – Any land change which may result in soil Erosion from water or wind and the movement of soil into water or onto lands, or increased runoff of waters including, but not limited to, clearing, grading, excavating, transporting, and Filling of land, but not including the following:

1. Normal lawn and Landscaping maintenance.
2. Any Agricultural operation.
3. Grading of land in a uniform manner, provided the elevation of land is not altered by more than three (3) inches, the normal flow of surface

water at the property lines is not altered, and upon completion of the grading, the exposed surfaces are permanently stabilized with vegetation.

4. Alteration of the exterior of a Building.
5. Installation, renovation, or replacement of a septic system to service an existing Dwelling or Structure.
6. Any emergency activity that is immediately necessary to the protection of life, property, or natural resources.
7. Installation of public utilities.
8. Installation of water and sewer service lines.

LANDSCAPING – The improvements of a Lot with grass, shrubs, trees, and other vegetation.

LOADING SPACE – An off-Street space on the same Lot with a Building or contiguous group of Buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts a Street, Alley, or other appropriate means of access.

LOT – A division of land for purposes of sale, lease, or separate Use, shown on a recorded subdivision Plat or by metes and bound description.

LOT AREA - The computed area contained within the Lot Lines. Where the Lot has been conveyed to the center of the Street, the area of the Lot lying within the established Right-of-Way shall be included as part of the Lot Area for the purpose of these regulations.

LOT, CORNER - A Lot abutting upon two (2) or more Streets at their intersection or upon two (2) parts of the same Street, forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the Street lines is the corner.

LOT COVERAGE – The cumulative area of a Lot occupied by the primary Building, any Accessory Structures and any additional Impervious Surfaces divided by the total Lot Area.

LOT, DEPTH - The mean horizontal distance between the Front and the Rear Lot Lines

LOT, FLAG – A Lot that is only accessible by a long narrow strip of land not less than 60 feet in width leading from the Public Street. Such Lots sometimes resemble the shape of a flag or the letter T.

LOT INTERIOR – A Lot that abuts no more than one (1) Street and that fronts a Street on no more than one side.

LOT LINES - A line bounding or demarcating a parcel of land or ground.

LOT LINE, FRONT –

1. For an Interior or Through Lot: the line marking the boundary between the Lot and the single abutting Street.
2. For a Corner Lot: the line marking the boundary between the Lot and each of the abutting Streets.
3. For a Flag Lot: the line that is closest to the Street Right-of-Way and that is:
 - (a) most parallel to the Street Right-of-Way and
 - (b) excludes the Lot Frontage. In such cases, this line typically marks the boundary between the Flag Lot and an adjacent Lot.

LOT LINE, REAR - The Lot Line opposite the most distant from the Front Lot Line.

LOT LINE, SIDE - Any Lot Line other than a Front or Rear Lot Line.

LOT OF RECORD - A Lot which is part of a subdivision, or a Lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Registrar of Deeds of Fairfield County.

LOT, THROUGH - An Interior Lot having Frontage on two (2) Streets.

LOT WIDTH - The mean width of the Lot measured at right angles to its depth.

MANEUVERING AISLE – A paved area in an off-Street parking lot or loading area which provides access to parking, stacking, or Loading Spaces, exclusive of driveways and is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such Parking Space. This area is not used as space for the parking or storage of motor vehicles or for loading or unloading.

MANUFACTURE – The process of making something from raw or semi-finished materials whether by hand or by mechanized process. Making in these regulations also includes producing, assembling, fabricating, alloying, metal and chrome plating.

MANUFACTURED HOME – A Building unit or assembly of closed construction fabricated in an off-site facility, and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards (ORC Section 3781.06(C)(4)).

MANUFACTURED HOME PARK – Per ORC Section 3733.01(A), any tract of land upon which three (3) or more Manufactured or Mobile Homes Used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, Building, Structure, vehicle, or enclosure used or intended for Use as a part of the facilities of such park. Per Section ORC Section 3733.01(A), Manufactured Home Park does not include any of the following:

1. A tract of land Used solely for the storage or display for sale of Manufactured or Mobile Homes or solely as a temporary park-camp as defined in section 3729.01 of the Ohio Revised Code;
2. A tract of land that is subdivided and the individual Lots are for sale or sold for the purpose of installation of Manufactured or Mobile Homes Used for habitation and the roadways are dedicated to the local government authority;
3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual Lots are for sale or sold for the purpose of installation of Manufactured or Mobile Homes for habitation.

MANUFACTURED HOME, PERMANENTLY SITED – Per ORC Section 3781.06(C)(6), a Manufactured Home, as defined herein, that meets all of the following criteria:

1. The Structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.
2. The Structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
3. The Structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The Structure was manufactured after January 1, 1995.
5. The Structure is not located within a Manufactured Home Park as defined in ORC Section 3733.01(A).

MASTER GRADING PLAN – A grading plan that reflects changes in before and after contours that has been approved for a subdivision by the Village Council. Elevations shall be based on the mean sea level datum (United States Geological Service).

MINERAL EXTRACTION – Any operation involving mining, quarrying, or the removal of top soil, and the storage, separation, cleaning and/or processing of top soil, clay, gravel, limestone, shale or other mineral resource, including accessory Buildings, roads or Structures Used for such an operation. Such an operation shall include all land or property that is used or owned in reserve by the Person, firm, or corporation involved in such operation. This does not involve the removal of top soil when done in the conjunction with a permitted constructed project provided the soil is not processed on the construction site (including screening or mixing of soil).

MINI-WAREHOUSE UNITS or STORAGE FACILITY – A Building or group of Buildings in a controlled access and/or Fenced compound containing individual storage compartments, stalls, or lockers for the storage of customers' goods or wares.

MOBILE HOME – A Building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected

on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a Permanently Sited Manufactured Home or Industrialized Unit as defined by Article III of the Lithopolis Zoning Ordinance (ORC Section 4501.01(O)).

MONOPOLE – A support Structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOTEL – An establishment consisting of a group of attached or detached living or sleeping units with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers. A Motel furnishes customary services such as maid service and laundering of linens, telephone, secretarial or desk service and the use of furniture.

NON-CONFORMING USE – Any Use legally existing prior to the effective date of this Ordinance or any amendment thereto, which does not conform with the Regulations of the District in which located.

NONCONFORMING STRUCTURE – Any Structure legally existing prior the effective date of this Ordinance or any amendment thereto, which does not conform to the Regulations of the District in which it is situated.

NONCONFORMING LOT OF RECORD – Any Lot that has been legally existed prior to the effective date of this Ordinance or amendment thereto, which does not conform to the Regulations of the District in which it is situated.

NURSING HOME – A home Used for the reception and care of individuals who by reason of illness or physical impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing. A Nursing Home is licensed to provide personal care services and skilled nursing care (ORC Section 3721.01(A)(6)).

OPEN SPACE - An area open to the sky which must be delineated by the Developer at the time of application as Open Space. This area may include but is not limited to; recreation facilities, pools, retention ponds and tennis courts, and up to one-half of all surface area for storm water detention facilities.

ORC – Ohio Revised Code.

OWNER - Owner of record according to records contained in the County Offices.

OUTDOOR SEASONAL BUSINESS – A Use that is conducted on a temporary basis and is outside of a fully enclosed Building. Such Uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, farm stand or food trucks etc.

OUTDOOR SERVICE FACILITY – An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are permanently displayed, sold or stored. For the purposes of this Ordinance, outdoor service facilities include, but are not limited to, restaurant patios, outdoor storage areas, and garden stores. This

definition shall not include any Use classified as an Outdoor Seasonal Business as defined herein.

PARKING AREA - An open area, other than a Street or other public way, used for the parking of motor vehicles.

PARKING SPACE, OFF-STREET – Any Parking Space located wholly off any Street, Alley, or sidewalk, either in an enclosed Building or on an open Lot and where each Parking Space conforms to the standards as specified in this Ordinance.

PATIO - An uncovered area, other than a Parking Space, surfaced or constructed, the Use of which is customarily incidental to that of the main Use of the land.

PENNANT – A flag or Banner longer in the fly than in the hoist, usually tapering to a point.

PERENNIAL STREAM – A natural waterway that contains water throughout the year except in severe drought as identified on the U.S. Geological Survey maps.

PERMANENT VEGETATION – Ground cover mature enough to control soil and Erosion satisfactorily and to survive severe weather conditions.

PERSON – An individual, proprietorship, partnership, corporation, Association, trust, or other legal entity.

PLANNED UNIT DEVELOPMENT (PUD) – A Zoning District which provides greater design flexibility and encourages a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable Open Space, preserving existing Natural Features, and providing for a variety of Building styles, types and Uses.

PLAT – A map of a tract or parcel of land made by a professional surveyor that shows a division of land and/or the layout for subdivisions and is intended to be filed for record.

PORTABLE HOME STORAGE UNIT – Any assembly of materials which is designed, constructed or reconstructed to make it portable and capable of movement from one site to another and designed to be Used without a permanent foundation. Such Structures are typically utilized for temporarily storing household goods or other such materials on a residential property. A Portable Home Storage Unit shall not be considered an Accessory Structure as defined in this Article due to its temporary nature.

PRINCIPAL BUILDING –The Building on a Lot Used to accommodate the primary Use to which the premises are devoted.

PRIVATE STREET – See Street, Private.

PROJECT BOUNDARY – The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a Planned

Unit Development. The term "Project Boundary" shall also mean "development boundary."

PUBLIC BUILDINGS – Any Structure owned and operated by a governmental agency or public school or school that is certified and/or licensed by the State of Ohio.

PUBLIC IMPROVEMENT – Any roadway, sidewalk, pedestrian way, tree lawn, Lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.

RECREATIONAL VEHICLE – Any vehicle Used for recreational purposes, including all-terrain vehicles, boats, boat trailers, camper trailers, jet skis, motor homes, and snowmobiles.

RESIDENTIAL CARE FACILITY – TYPE A – Accommodations for three (3) or more unrelated individuals, supervision or personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, skilled nursing care as authorized by Section 3721.011 of the ORC (ORC Section 3721.01(A)(7)(b)).

RESIDENTIAL CARE FACILITY – TYPE B – Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment (ORC Section 3721.01(A)(7)(b)).

RESIDENTIAL FACILITY – A home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, a county home or District home operating pursuant to Chapter 5155 of the ORC, or a Dwelling in which the only mentally retarded or developmentally disabled residents are in the independent living arrangement or are being provided supported living (ORC Section 5123.19(A)(1)(a)).

RESIDENTIAL FACILITY – TYPE A – A licensed Residential Facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) persons with mental retardation or developmental disability.

RESIDENTIAL FACILITY – TYPE B – A licensed Residential Facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine (9) but not more than sixteen (16) Persons with mental retardation or developmental disability.

RESTAURANT – A facility primarily engaged in the selling of food that is prepared and cooked within such facility and includes establishments commonly known as grills, cafes, and fast food establishments.

RIGHT-OF-WAY – The boundary of the strip of land occupied or intended to be occupied by a road, Street, or Alley.

SEDIMENT – Solid material, both mineral and organic, that is or was suspended, is being or has been transported, or has been removed from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below water.

SETBACK – The minimum required distance between a Structure and a Lot Line, Street Right-of-Way, pavement, Stream or River Bank, Wetland, or other delineated site feature.

SETBACK, FRONT YARD – The minimum distance required between any part of a Building and the Street Right-of-Way line.

SETBACK, REAR YARD – The minimum distance required between any part of a Building and the Rear Lot Line.

SETBACK, RIPARIAN – A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit Erosion.

SETBACK, SIDE YARD – The minimum distance required between any part of a Building and the nearest Side Lot Line.

SETBACK, WETLANDS – An area of undisturbed natural vegetation located adjacent to the perimeter of the Wetlands.

SIGN – Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a Person, institution, organization, activity, business, place, object, or product.

SITE DEVELOPMENT – The altering of terrain and/or vegetation and constructing improvements.

SOIL STABILIZATION – Measures which protect soil from the erosive forces of raindrop impact and flowing water and include, but are not limited to, vegetation establishment, mulching, and the early application of gravel base on areas to be paved.

STORY - That portion of a Building, included between the surface of any floor, and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, FIRST - The lowest Story or the ground Story of any Building the floor of which is not more than two (2) feet below the average contact ground level at the exterior walls of the Building except that any Basement or Cellar Used for residence purposes, other than for a janitor or caretaker shall be deemed the First Story.

STORY, HALF - A partial Story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such Story.

STREET - A public Right-of-Way which provides a public means of access to abutting property. The term Street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

STREET, COLLECTOR – A Street providing traffic movement between the Major Arterials and local Streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

STREET, MAJOR OR ARTERIAL – A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic, movement between areas, across the county, and to and from expressways. An Arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic. A Major Street shall be any Street so designated on the approved Fairfield County Thoroughfare Plan.

STREET, PRIVATE – A local private way which provides vehicular access to abutting property that has not been dedicated to the public or subject to any public easements.

STRUCTURE – A combination of materials constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to Buildings, sheds, Garages, Fences, etc. The term “Building” is one type of “Structure.”

STRUCTURAL ALTERATION - Any change in the structural members of a Building, such as walls, floors, columns, beams, or girders.

SUBSTANTIALLY COMPLETE – The stage in which the work, described in the Zoning Permit, is finished to a point that the applicant/owner can occupy or utilize the land or Building for its intended purpose.

SWIMMING POOL – A pool, pond, lake or any body of water in an artificial or natural receptacle or other container capable of containing at least three (3) feet of water at any point and which is Used or intended to be Used for swimming by adults and/or children. This definition does not include portable Swimming Pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet or farm ponds.

SWIMMING POOL, PRIVATE RESIDENTIAL – Any Swimming Pool exclusively used by the Owner or lessee of a residential property and the family and friends invited to use it without a payment of any fee.

SWIMMING POOL, COMMUNITY – Any Swimming Pool used by members of a property Owners Association or lessees of a Multi-Family development without paying an additional charge for admission.

SWIMMING POOL, COMMERCIAL – Any Swimming Pool used in conjunction with or by clubs, Motels, or Hotels or any Swimming Pool that is operated with a charge for admission.

TELECOMMUNICATION TOWER – A Structure situated on a site used to support antennas and radio or cellular communications equipment. Antennas used by amateur radio operators are excluded from this definition.

TELECOMMUNICATION TOWER, ATTACHED – Any Structure that will be attached to a Building or other Structure that meets the criteria for a Telecommunication Tower, as defined herein.

TELECOMMUNICATIONS TOWER, FREE STANDING – Any free standing Structure that meets the criteria for a Telecommunication Tower, as defined herein.

TELECOMMUNICATION TOWER, FREESTANDING (HEIGHT OF) – The distance measured from the base of the tower, at Grade, to the highest point of the tower, including the antenna.

THOROUGHFARE PLAN – The official Thoroughfare Plan as adopted and as amended from time to time by the Fairfield County Regional Planning Commission establishing the general location and official Right-of-Way widths of the major and secondary highways and thoroughfares.

TYPE A FAMILY DAY-CARE HOME – See Day-Care Home, Family (Type A)

TYPE B FAMILY DAY-CARE HOME – See Day-Care Home, Family (Type B)

USE – The purpose for which land, a Building or premises is or may be utilized or occupied. In the classification of Uses, a "Use" may be a Use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on, in a Building or on premises, or the name of a Building, place, or thing which name indicates the Use or intended Use.

USGS SOLID BLUELINE STREAM – A Perennial Stream that is depicted on a United States Geological Survey (USGS) 7.5-minute quadrangle map (scale 1:24,000) with a solid blue line.

VARIANCE – A modification of the strict terms of this Zoning Ordinance strict enforcement of these regulations would result in an unnecessary Hardship. Such modification will not be contrary to the public interest and such Hardship must be a result of a condition to the property and not the result of actions by the applicant.

VEGETATIVE STRIPPING – Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

WETLAND – An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do

support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a Wetland are hydric soils, hydrophytic vegetation, and Wetland hydrology.

Wind Energy Conversion System (WECS) – All necessary devices that together convert wind energy into electricity and consists of one or more WECS tower(s), rotors, nacelles, generators, electrical components, foundations, transformers, electrical cabling and any other associated control or conversion electronics. Any Wind Energy Conversion System that has an aggregate rated capacity of 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Ordinance.

Accessory Wind Energy Conversion System – A Wind Energy Conversion System that is accessory to a residential Dwelling Unit, includes no more than one WECS tower, and is intended to primarily reduce the consumption of utility power for the residential property on which the system is located.

WECS Tower – The support Structure to which the nacelle and the rotor are attached.

WECS Tower Height – The distance from the top surface of the WECS tower foundation to the centerline of the WECS hub.

WECS Rotor – The rotating part of a WECS consisting of the blade and the hub.

WECS Hub – The central part of a WECS rotor where the blades are inserted.

YARD – An Open Space on the same Lot with a Building, unoccupied and unobstructed by any portion of a Structure from the ground upward, except as otherwise provided herein.

YARD, FRONT – A Yard extending across the full width of a Lot and being the perpendicular distance between the Street Right-of-Way line and the nearest portion of any Building or Structure existing or proposed for construction on said Lot.

YARD, REAR – A Yard extending across the full width of a Lot between the Side Lot Lines and being the perpendicular distance between the Rear Lot Line and the nearest portions of any Building or Structure existing or proposed to be constructed on said Lot. In both Corner Lots and Interior Lots the rear Yard shall be in all cases at the opposite end of the Lot from the front Yard.

YARD, SIDE – An open area extending from the nearest portion of a Building or Structure existing or proposed to be constructed on a Lot and side lines of said Lot and extending from the Front Yard to the Rear Yard, unoccupied and unobstructed from the ground upward.

ZONING INSPECTOR - The Zoning Inspector or his authorized representative, appointed by the Mayor.

ZONING MAP - The Zoning Maps of the Village of Lithopolis, Fairfield County, Ohio, dated as of the Ordinance date together with all amendments subsequently adopted.

ZONING PERMIT – A document issued by the Zoning Inspector authorizing the construction or alteration of a Building, Structure, or Use consistent with the terms of this Zoning Ordinance.