

CODIFIED ORDINANCES OF SHAWNEE HILLS
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Regulations

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CHAPTER 1105
General Provisions

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CROSS REFERENCES

- Zoning of Annexed Areas - see Ohio R.C. 303.25, 519.18
 Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

1105.01 AUTHORITY AND PURPOSE.

(a) Authority. This Zoning Ordinance adopted under authority granted to Ohio Municipal Corporations by the Legislature of the State of Ohio in Chapter 713, Ohio Revised Code. This Ordinance and all provisions contained herein shall be known as village of Shawnee Hills Zoning Ordinance and may be cited as such or as the Zoning Ordinance.

(b) Purpose. The purpose of this Zoning Ordinance is as prescribed by Section 713.02 Ohio Revised Code. (Ord. 363. Passed 6-22-81.)

1105.02 SCOPE.

(a) Territorial Limits. The provisions of this Zoning Ordinance shall apply to all land within the Village of Shawnee Hills, Ohio. (Ord. 363. Passed 6-22-81.)

1105.03 APPLICATION.

(a) Exemptions. The regulations set forth in this Zoning Ordinance shall affect all land, every structure and every use of structure, except public utilities or railroads as is now specifically exempt by law or as may be hereafter amended by law or as is exempted by subsection (a)(3) hereof.

- (1) Public utility and railroads. Public utilities and railroads shall not be prohibited in respect to the location, erecting, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures for the operation of its business.
- (2) Outdoor advertising. Outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, trade or lands used for agricultural purposes.
- (3) Governmental functions. Any local, State or Federal activity carried on for the purpose of administrative, protective, executive, service, legislative or judicial function shall not be prohibited.

(b) New Development. New development including the subdivision of land, construction and the use of land or structures shall conform with the regulations for the Zoning District in which such development is located.

- (1) New subdivisions. The subdivision or re-subdivision of land shall not create lots less than the minimum size required for the Zoning District in which such land is located nor shall lots be provided or intended for uses not allowed in the Zoning District.
- (2) New structures. New structures and/or developments shall be permitted only on lots subdivided to meet the requirements of this Zoning Ordinance and in accordance with the Subdivision Ordinance of Shawnee Hills, Ohio, and shall conform with the development standards of the Zoning Districts in which such constructions are permitted, except as is otherwise provided for in subsection (d)(1) hereof.
- (3) New uses. Any new use of land or a structure shall be a permitted use or a conditional use for the Zoning District in which such use is to be located.
(Ord. 04-2001. Passed 4-9-01.)
- (4) All pipes, lines, electrical line, secondary service, and telephone lines furnishing utility services to any building hereafter constructed shall be located underground. (Ord. 30-2009. Passed 12-14-09.)

(c) Existing Conforming Lots, Structures or Uses. Lots, structures, or the use of lots and/or structures which conform with the regulations of the Zoning District in which they are located may be continued; and may be altered, extended, or changed in accordance with the following:

- (1) Conforming lots. A conforming lot may be changed, altered, enlarged or reduced in dimension, provided however, that the remaining lot and/or resulting lots shall conform to the development standards for the Zoning District in which the lot is located.
- (2) Conforming structure. A conforming structure may be altered, reconstructed, or extended only in such manner as will comply with the development standards of the Zoning District in which the structure is located.
- (3) Conforming use. A conforming use may be expanded, modified, or changed only in such a manner as will comply with the permitted use, or conditioned use regulations and with the development standards of the Zoning District in which the conforming use is located.

(d) Non-conforming Lots, Structures, or Uses. Existing lots, structures and accessory development or the use of lots and/or structures which would be prohibited under the regulations for the Zoning District in which they are located shall be considered as non-conforming.

(1) Non-conforming Lots of Record:

- A. Any lot of record that does not meet the requirements of this ordinance shall be considered a nonconforming lot of record.
- B. If two (2) or more contiguous lots or combinations of contiguous lots in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance in the zoning district in which the lot(s) are located, the lands shall be considered to be an undivided parcel for the purposes of this ordinance.

C. Exceptions:

1. A non-conforming lot or lots of record may be conveyed to adjacent tracts to make those tracts into a conforming (or more conforming) lot, provided such transfer does not create a residual non conforming lot or lots of record that is even less conforming to current zoning standards.
2. The construction of a single family residence may be permitted as a conditional use on a non conforming lot(s) of record if a development plan is approved by the Board of Zoning Appeals pursuant to the following standards.

Exception (I) Single Lot of Record (35' x 70', or larger, minimum area of lot) Where a single, free standing non-conforming lot of record exists as of September 1, 2000, having a lot area less than required by the residential zone wherein said lot is located, a single family house may be permitted on the lot as a conditional use, provided the Board of Zoning Appeals determines that the following conditions are met:

aa.) The lot has a least 35' of frontage on an existing and improved (paved asphalt or concrete) publicly maintained street;

bb.) The lot was of separate ownership from all adjacent and contiguous lots (not adjacent to any lots held by the same legal owner or legal entity) as of September 1, 2000;

cc.) The lot has not been separated from adjacent contiguous lots under the same ownership after September 1, 2000 for the purpose of qualifying for an individual lot exception;

dd.) The adjacent and contiguous parcels exist as developed building lots, street right of way, or other legal non conforming lots of record under other separate ownership;

(Ord. 04-2001. Passed 4-9-01.)

ee.) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer that conforms to the following minimum standards for both a house and a required one-car garage. (Ord. 04-2004. Passed 3-22-04.)

- 1.) Front Setback (House): 17 & ½ feet from street right of way
- 2.) Front Setback (Garage): 40 feet from street right of way
- 3.) Rear Yard Setback (House): 20 feet from rear lot line
- 4.) Side Yard Setback for a house constructed with full masonry exterior (stone, stucco, of brick): 5 feet on the non-driveway side; 10 feet on the driveway side.

- 5.) Side Yard Setback for a house *without* full masonry exterior: 8 feet on the non-driveway side; 10 feet on the driveway side.
- 6.) Rear/Side Setback (Garage): 3 feet; or 0 (zero) feet if the garage walls are solid masonry construction (stone, stucco, or brick), with the side and back walls of the garage being coterminous with a masonry (stone, stucco, or brick) perimeter wall adjacent to the lot line. Garage eaves shall not overhang or encroach onto neighboring lots without adjacent owner's permission.
- 7.) Privacy Walls: A masonry (stone, stucco, or brick) party wall up to 72 inches in height may be required by the Board of Zoning Appeals to extend along portions of the side or rear lot lines to provide privacy to contiguous established residences.
- 8.) Minimum total square footage of dwelling: 1,050 square feet.
- 9.) Maximum square footage of garage: 288 square feet.
- 10.) Maximum structural (house and garage) coverage of lot: 35%
- 11.) Maximum impervious surface coverage of lot: 55%, Decks may constitute an additional 10% of the lot area for a maximum of 65% total impervious surfaces.
- 12.) Minimum landscaped green space on lot: 45%, adhering to Village standards. Approved decks are considered landscaped green space.
- 13.) Public water is provided.
- 14.) Sanitary Sewer: A sewer tap is allocated by the Village, and the house connects to the sanitary sewer system.
- 15.) Variance of any development standard as described above shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of

CHAPTER 1133 BOARD OF ZONING APPEALS.

Exception (II)- Two Contiguous Front-to-Back Lots of Record with less than 14,700 square feet of aggregate minimum lot area: Same requirements as Exception (I), but a two-car garage is permitted, maximum 480 square feet, and the lots shall be combined into one lot for tax purposes. If both lots have frontage on improved streets, garage access may be from the rear street.

Exception (III)- Two Contiguous Side-by-Side Lots of Record with less than 14,700 square feet of aggregate minimum lot area: Where two, contiguous non-conforming lots of record exist side-by-side as of September 1, 2000, having a lot area less than required by the residential zone wherein said lot is located, a single family house and two car garage may be permitted on the two lots as a conditional use, provided the Board of Zoning Appeals determines that the following conditions are met:

- aa.) The lots are combined into one lot for tax purposes.
- bb.) The combined lot has at least 70' of frontage on an existing and improved (paved asphalt or concrete) publicly maintained street;

- cc.) The two lots were of separate ownership from all adjacent and contiguous lots (not adjacent to any lots held by the same legal owner or legal entity) as of September 1, 2000.
- (dd.) The lots have not been separated from adjacent contiguous lots under the same ownership after September 1, 2000 for the purpose of qualifying for a dual lot exception;
- ee.) The adjacent and contiguous parcels exist as developed building lots, street right of way, or other legal non conforming lots of record under other separate ownership;
(Ord. 4-2001. Passed 4-9-01.)
- ff.) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer that conforms to the following minimum standards for both a house and a required two-car garage: (Ord. 04-2004. Passed 3-22-04.)
- 1.) Front Setback (House): 17 ½ feet from street right of way;
 - 2.) Front Setback (Garage): 40 feet from street right of way; 30 feet if a 16' wide driveway is installed.
 - 3.) Rear Yard (House): 20 feet from rear lot line.
 - 4.) Side Yard Setback for a house constructed with full masonry exterior (stone, stucco, or brick): 5 feet on the non-driveway side; 10 feet on the driveway side.
 - 5.) Side Yard Setback for a house *without* full masonry exterior: 8 feet on the non-driveway side; 10 feet on the driveway side.
 - 6.) Rear/side Yard Setback(Garage): 3 feet; 0 (zero) feet if the garage is full masonry construction (stone, stucco, or brick), with the side and back walls of the garage being coterminous with a masonry perimeter wall adjacent to the lot line. Garage eaves shall not overhang or encroach onto neighboring lots without the adjacent owner's permission.
 - 7.) Privacy Walls: A masonry (stone, stucco, or brick) wall up to 72 inches in height may be required by the Board of Zoning Appeals to extend along portions of the side and rear lot lines to provide privacy to an established contiguous residence.
 - 8.) Minimum total square footage of dwelling: 1,250 square feet.
 - 9.) Maximum square footage of garage: 576 square feet.
 - 10.) Maximum structural (house and garage) coverage of lot: 35%
 - 11.) Maximum impervious surface coverage of lot: 55%
 - 12.) Minimum landscaped green space on lot: 45%, adhering to Village streetscape standards.
 - 13.) Public Water is provided.
 - 14.) Sanitary Sewer: A sewer tap is allocated by the Village, and the home connects to the sanitary sewer system.
 - 15.) Variance of any development standard as described above, shall be obtained only through action of the Board of Zoning appeals in accordance with the provisions of **CHAPTER 1133 BOARD OF ZONING APPEALS.**

Exception IV – Three Contiguous Side-by-Side Lots of Record with less than 14,700 aggregate square feet exclusive of road right of way – Same as Exception (III) EXCEPT THAT SIDE YARDS FOR THE HOUSE ARE MINIMUM 15’, BOTH SIDES.

Exception V – Three Contiguous Lots of Record with Two Lots Side-by-Side, and Two Lots Contiguous Front-to-Back with less than 14,700 aggregate square feet of area exclusive of road right-of-way. Same standards as Exception (III); a two car garage is permitted and a rear driveway is permitted on lots with front and rear access to improved streets.

Exception VI - Four or Five Contiguous Lots of Record, Two of Which are Contiguous Side-to- Side and Two of Which Are Contiguous Front to Back: Where four or five contiguous non-conforming lots of record exist side by side as of September 1, 2000, having a lot area less than required by the residential zone wherein said combined lot is located, a single family house and two car garage may be permitted on the combined lots as a conditional use, provided the Board of Zoning Appeals determines that the following conditions are met:

- aa.) The lots are combined into one lot for tax purposes.
- bb.) The combined lot has at least 70’ of frontage on an existing and improved (paved asphalt or concrete) publicly maintained street.
- cc.) The lots were of separate ownership from all adjacent and contiguous lot (not adjacent to any lots held by the same legal owner or legal entity) as of September 1, 2000.
- dd.) The lots have not been separated from adjacent contiguous lots under the same ownership after September 1, 2000 for the purpose of qualifying for an exception.
- ee.) The adjacent and contiguous parcels exist as developed building lots, street right-of-way, or other legal non conforming lots of record under separate ownership. (Ord. 04-2001. Passed 4-9-01.)
- ff.) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer that conforms to the following minimum standards for both a house and a required two-car garage: (Ord. 04-2004. Passed 3-22-04.)
 - 1.) Front Setback (House): 17 ½ feet from street right of way.
 - 2.) Front Setback (Garage): 30 feet from street right of way.
 - 3.) Rear Yard (House): 25 feet from rear lot line.
 - 4.) Side Yard (House): setback: 15 feet on both sides.
 - 5.) Rear/Side Setback (Garage): 5 feet
 - 6.) Minimum Total Square Footage of Dwelling: 1,250 square feet.
 - 7.) Minimum Square Footage of Two Car Garage: 400 square feet.
 - 8.) Maximum Structural (House and Garage) Coverage of Lot: 30%
 - 9.) Maximum Impervious Surface Coverage of Lot: 45%
 - 10.) Minimum Landscaped Green space on Lot: 55%, adhering to Village streetscape standards.
 - 11.) Public Water is provided.

- 12.) Sanitary sewer – A sewer tap is allocated by the Village, and the home connects to the sanitary sewer system.
- 13.) Variance of any development standard as described above shall be obtained only through action of the Board of Zoning Appeals in accordance with the provision of **CHAPTER 1133**. (Ord. 04-2001. Passed 4-9-01.)
- (2) Non-conforming structures and development. Structures and/or accessory development, which by reason of size, type, location on the lot, or otherwise in conflict with the regulations of the Zoning District in which they are located may be altered, reconstructed or extended only in such a manner that the alteration, reconstruction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located.
- Such alteration, reconstruction, or extension shall include additional development and compliance with the development standards of the Zoning District as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.
- (3) Non-conforming uses. The non-conforming use of a lot and/or a structure may be continued, expanded or changed subject to the following:
- A. Change of a non-conforming use shall be allowed to a permitted use of the Zoning District in which the non-conforming use is located.
 - B. On approval of an appeal to the Board of Zoning Appeals a non-conforming use may be changed to a use found to be more nearly in character with the Zoning District in which the non-conforming use is located.
 - C. On approval of an appeal to the Board of Zoning Appeals a non-conforming use may be expanded within an existing structure manifestly arranged or developed for such use; said expansion of such non-conforming use shall not exceed fifty percent (50%) of the total floor area of the existing building.
 - D. No non-conforming use may be re-established where such non-conforming use has been discontinued for a period of at least two years. The non-conforming use of any structure damaged by fire, explosion, flood, riot, or act of God may be continued and used as before any such calamity, provided such reconstruction is started within twelve months of such calamity and is continued in a reasonable manner until completed.
(Ord. 363. Passed 6-22-81.)

1105.04 NEW ANNEXED AREAS.

Any territory annexed to the Village on or after adoption of this Zoning Ordinance, shall immediately upon its acceptance by the Village, be zoned R-2 Single-Family, unless such other zoning district is considered and acted upon in accordance with requirements of law at the time of annexation. (Ord. 11-99. Passed 9-13-99.)

1105.05 LAND/LOT SPLITS

(a) The Planning and Zoning Commission shall review and may approve all proposed land/lot splits.

(b) Application. An application for a Lot Split shall be completed by the property owner(s) and presented to the Code Enforcement Officer. The application shall include a preliminary drawing to scale of the proposed lot split showing all dimensions, square footage, floodplain if applicable, easements, existing and intended use of all parts of the lot, size and location of all proposed buildings on the lot, location of all streets and right-of-ways, proposed provisions of water and sanitary sewer facilities, and a list of all property owners contiguous to, or directly across the street from the proposed lot split.

(c) Application Fee. A fee, as established by Village Council, shall be paid by the applicant to cover the costs of reviewing and reporting of the application.

(d) Notice of Hearing. Written notice of the hearing shall be published in a newspaper of general circulation in Delaware County, Ohio, and written notice of the hearing shall be mailed at least ten days before the date of the public hearing to the owners of property, contiguous to and across the street from, the property for which lot split is requested, as they appear on the County Auditor's current tax list or the Treasurer's real estate tax mailing list. No notice shall be required if there is filed with the application waivers from all the property owners who are entitled to such notice.

(e) Approval. The Planning and Zoning Commission shall determine the impact the proposed land/lot split will have on any buildings currently situated on the lot or nearby lots and whether the proposed lot split meets all applicable zoning requirements. Unless otherwise prohibited herein, the proposed lot split shall be approved if it (1) does not cause a violation in the current zoning regulations/development standards for buildings already existing on the subject lot or adjacent lots, (2) maintains, and does not substantially alter, the essential character of the neighborhood; and (3) maintains the spirit and intent of the zoning code. No lot split shall be approved where any remaining parcel does not have the minimum required frontage on an existing public street. No lot split shall be approved if more than three lots are involved after the original parcel, or contiguous parcels in the same ownership, have been completely subdivided. (Ord. 9-2015. Passed 4-27-15.)

CHAPTER 1109
Zoning District Map

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| <p>1109.01 Zoning district map adopted.</p> <p>1109.02 Designation of zoning districts.</p> | <p>1109.03 Interpretation of zoning district boundaries.</p> |
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CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10
Basis of districts - see Ohio R.C. 713.10

1109.01 ZONING DISTRICT MAP ADOPTED.

(a) Division of Land. All land in Shawnee Hills within the scope of this Zoning Ordinance is placed into Zoning Districts as shown on the Zoning District Map of Shawnee Hills, Ohio, which is hereby adopted and declared to be a part of this Zoning Ordinance.

- (1) Final authority. The Zoning District Map, as amended from time to time, shall be the final authority for the current Zoning District status of land under the jurisdiction of the Zoning Ordinance.
- (2) Land not otherwise designated. All land under this Zoning Ordinance and not designated or otherwise included within another zoning district shall be included in the R-2 Single Family District.

(b) 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 Clerk of the Village of Shawnee Hills, Ohio, under the following words:

“Zoning District Map, Shawnee Hills, Ohio, Adopted by
the Council of the Village of Shawnee Hills, Ohio”
(Ord. 14-2003. Passed 7-14-03.)

1109.02 DESIGNATION OF ZONING DISTRICTS.

(a) Standard Zoning Districts. The name and symbol for Standard Zoning Districts as shown on the Zoning District Map are as follows:

<u>NAME</u>	<u>SYMBOL</u>
Single Family District	R-2
Multiple Family District	R-4
Office-Institutional	O-I
Neighborhood Commercial	NC
Community Commercial	CC
General Commercial	GC
Select Commercial Planned District	SCPD

(b) Planned Development Zoning District. The name and symbol for Planned Development Zoning Districts as shown on the Zoning District Map or as prescribed by this Zoning Ordinance are as follows:

<u>NAME</u>	<u>SYMBOL</u>
Planned Unit Development District	PUD
Planned Neighborhood Center	PNC

(c) Legend. There shall be provided on the Zoning District Map a Legend which shall list the name and symbol for each Zoning District.

- (1) Use of color or pattern. In lieu of a symbol, a color or black and white pattern may be used on the Zoning District Map to identify each Zoning District as indicated in the Legend. A Planned Zoning District boundary shall be in green. A Special District shall have a black and white pattern.
- (2) Explanatory notes.
 - A. The Rural District has no symbol and includes all land under this Zoning Ordinance not designated or otherwise included within another Zoning District.
 - B. A Residential Zoning District symbol is suffixed by a number which indicates the general number of dwelling units per acre land obtainable under the regulations of the Residential Zoning District.

(Ord. 363. Passed 6-22-81; Ord. 4-99. Passed 5-10-99; Ord. 12-2003. Passed 6-23-03.)

1109.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of Zoning Districts as shown on the Zoning District Map, the following rules shall apply:

- (a) Along a Street or Other Right of Way. Where Zoning District boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement or other right of way, or a river, creek or other water course, such center line shall be the Zoning District boundary.
- (b) Along a Property Line. Where Zoning District boundary lines are indicated as approximately following a lot line, such lot line shall be the Zoning District boundary.
- (c) Parallel to Right of Way or Property Line. Where Zoning District boundary lines are indicated as approximately being parallel to the center line or a property line, such Zoning District boundary lines shall be parallel thereto and, in the absence of specified dimension on the map, at such scaled distance therefrom as indicated on the Zoning District Map.
- (d) Actual Conflict with Map. When the actual street or lot layout existing on the ground is in conflict with that shown on the Zoning District Map, the party alleging that such a conflict exists, shall furnish an actual survey for interpretation by Council. (Ord. 363. Passed 6-22-81.)

**CHAPTER 1113
District Regulations**

<p>1113.01 Regulation of the use and development of land and structures.</p> <p>1113.02 Rural district. (Repealed)</p> <p>1113.03 (R-1) Single Family District. (Repealed)</p> <p>1113.04 (R-2) Single Family District.</p> <p>1113.041 Deed restrictions for Shawnee Woods Subdivision.</p> <p>1113.05 (R-4) Multiple Family District. (Repealed)</p> <p>1113.06 (O-1) Office-Institutional District.</p> <p>1113.07 (NC) Neighborhood Commercial District.</p>	<p>1113.08 (CC) Community Commercial District.</p> <p>1113.09 (GC) General Commercial District.</p> <p>1113.10 (LI) Light Industrial District. (Repealed)</p> <p>1113.11 Tree Preservation Overlay District.</p> <p>1113.12 (SCPD) Select Commercial Planned District. (Repealed)</p> <p>1113.13 Development Standards for Neighborhood Commercial (NC), Community Commercial (CC) and General Commercial (GC) Zoning Districts.</p>
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CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Airport zoning - see Ohio R.C. Ch. 4563

1113.01 REGULATION OF THE USE AND DEVELOPMENT OF LAND AND STRUCTURES.

Regulations pertaining to the use of land and/or structures, and the physical developments thereof within each of the Zoning Districts as adopted as a Standard Zoning District in Chapter 1109 and as shown on the Zoning District Map are hereby established and adopted.

- (a) Rules of Application. The Standard District Regulations set forth in this Chapter shall be interpreted and enforced according to the following rules.
- (1) Identification of Uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Ordinance.
 - (2) Permitted Uses. Only a use designated as a Permitted Use shall be allowed as matter of right in a Zoning District and any use not so designated shall be prohibited except, when in character with the Zoning District, such additional uses may be added to the Permitted Uses of the Zoning District.

- (3) Conditional Uses. A use designated as a Conditional Use shall be allowed in a Zoning District when such Conditional Use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the Zoning District. To this end the Board of Zoning Appeals shall in addition to the Development Standards for the Zoning District, set forth such additional requirements as will, in its judgment render the Conditional Use compatible with the existing and future use of adjacent lots and the vicinity. (For Procedure, see 1133.05)
- (4) Development Standards. The Development Standards set forth shall be minimum allowed for development in a Zoning District. If the Development Standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standard shall govern. (Ord. 363. Passed 6-22-81.)

1113.02 RURAL DISTRICT.

(EDITOR'S NOTE: Former Section 1113.02 was deleted from the Zoning Ordinance by Ordinance 4-99, passed May 10, 1999.)

1113.03 (R-1) SINGLE FAMILY DISTRICT.

(EDITOR'S NOTE: Former Section 1113.03 was deleted from the Zoning Ordinance by Ordinance 4-99, passed May 10, 1999.)

1113.04 (R-2) SINGLE FAMILY DISTRICT.

(a) Purpose. The R-2 District is specifically created to provide for the development of medium to low density of single family homes and customary supporting residential facilities. (Ord. 363. Passed 6-22-81.)

(b) Permitted Uses.

- (1) One-family dwellings.
- (2) Accessory structures to single family dwellings such as garages for the noncommercial storage of automobiles.
- (3) Churches and places of worship providing such a structure occupies a site of two or more acres. All parking regulations must be met.
- (4) Public elementary, middle, or high schools provided all parking regulations are met and the site is at least three acres.
- (5) Public park, playgrounds, and play fields operated with or without a fee.

(c) Conditional Uses.

- (1) Private schools, including child care centers offering general education courses and having no facilities for the housing of students. Such uses shall be shown to have sufficient site area to provide for adequate traffic movement and minimum interference to adjacent property.
- (2) Other public facilities such as public libraries, municipal buildings, and community buildings subject to location, traffic considerations and site characteristics.
- (3) Customary home occupations contained totally within the home, meeting the requirements of the home occupation and sign regulations pertaining to identification of such occupation and having no adverse effect upon neighboring properties, such as traffic or parking burdens.
- (4) Violation of the permitted uses shall be grounds for revocation of the conditional use. (Ord. 10-99. Passed 9-13-99.)

(d) Development Standards.(1) Site requirements for each dwelling.

- A. Minimum site area: 14,700 square feet.
- B. Minimum site width: Seventy feet
- C. Minimum front yard: Structures shall be set back from all street right of way lines a minimum of 17 1/2 feet
- D. Minimum side yard: 15 feet
- E. Minimum rear yard: 25 feet
(Ord. 08-2009. Passed 5-11-09.)
- F. Maximum structural (house, garage, etc.) site coverage: Twenty percent (20%) maximum total impervious site coverage: Thirty-five percent (35%). (Ord. 25-2014. Passed 9-8-14.)
- G. A dwelling's front façade must face the street where the dwelling is addressed. A dwelling must be oriented to face the same direction as the dwellings on the adjacent lots of the same street. Orientation must be confirmed with the Code Enforcement Officer before preliminary designs are prepared. (Ord. 6-2014. Passed 5-12-14.)

(2) Building requirements for each dwelling unit.

- A. Maximum height: Thirty feet
- B. Accessory structures setbacks and other limitations
(Ord. 22-2013. Passed 9-9-13.)
 - 1.
 - a. For all accessory structures where the dwelling's front façade is not oriented to face the same direction as the dwellings on the adjacent lots of the same street - minimum side yard setback: 10 feet; minimum rear yard setback: 15 feet; front yard setback: no closer to the street than the front line/wall of the dwelling unit.
 - b. For all accessory structures where the dwelling's front façade is oriented to face the same direction as the dwellings on the adjacent lots of the same street - minimum side yard setback: 5 feet; minimum rear yard setback: 5 feet; front yard setback: no closer to the street than the front line/wall of the dwelling unit. (Ord. 23-2016. Passed 11-14-16.)
 - 2. No accessory structure can exceed the height of the dwelling unit on the subject property. This limitation will be the vertical distance measured from the average elevation of the finished grade along the front of the dwelling unit to the highest point of the dwelling unit as compared to the vertical distance measured from the average elevation of the finished grade along the front of the accessory structure to the highest point on the accessory structure.
 - 3. Regardless of the percentage of site coverage, there may be no more than two sheds, tool sheds, or other similar accessory structure for storage of equipment and other items used on the subject property (exclusive of a detached garage), totaling no more than 400 sq. feet, for each single family dwelling. (Ord. 22-2013. Passed 9-9-13.)
- C.
 - 1. Pools as Structures. Public or private in-ground or above-ground swimming, wading or other pools containing over one and one-half feet of water depth shall be considered as structures for the purpose of permits, shall not be located in

- front yards and shall conform to all required yard setback lines. Construction, plumbing, enclosures and electrical requirements, inspections and other safety factors shall be regulated by relevant State Codes.
2. Enclosures. The Village hereby adopt the 2006 Residential Code of Ohio and all future amendments pertaining to pools and enclosures. (Ord. 08-2009. Passed 5-11-09.)
 - (3) Site development requirements. In all cases, all applicable sections of the sign, parking, landscaping and subdivision regulations must be followed to satisfy site development requirements.
- (e) Dwelling Size. Each permanent, single family dwelling hereafter erected within the Incorporated Boundaries of the Village, shall have a living area of no less than 1,250 square feet, plus a two car garage. The garage may be attached or detached. (Ord. 363. Passed 6-22-81; Ord. 08-97. Passed 4-28-97; Ord. 10-01. Passed 5-23-01; Ord. 02-2003. Passed 5-12-03.)
- (f) Obstructing Line of Sight. No accessory building shall be placed in such a location that it will obscure the line of sight of people using the streets (walking or driving) and approaching an intersection. (Ord. 10-2001. Passed 5-23-01.)

1113.041 DEED RESTRICTIONS FOR SHAWNEE WOODS SUBDIVISION.

The following deed restrictions and protective covenants be adopted for the Shawnee Woods subdivision exclusively.

- (a) Land Use. No lot shall be used for anything other than residential purposes, unless said Lot is designated as a commercial property. Reserve B and C are not subject to restrictions. No building shall be erected, altered, placed or permitted to remain on any Lot other than one single-family dwelling, not to exceed two and one-half stories in height, maximum of thirty (30) feet, together with necessary accessory buildings including an attached or detached private garage for a minimum of two (2) cars, but not more than three (3) cars.
- (b) Plan Approval. No excavation, building, or other structure requiring a permit shall be commenced, erected, installed, used or maintained on any Lot, nor shall an addition, change or alteration to any structure on any Lot be made, until plans and specifications have been submitted to, and approved by the Village of Shawnee Hills.
- (c) Minimum Square Footage. For each dwelling to be constructed the following minimum livable heated and finished floor areas are required, exclusive of open porches, garages, attics and basements.
 - (1) Each two-story home shall contain a minimum of 2,200 square feet.
 - (2) Each one-story home shall contain a minimum of 2,000 square feet.
 - (3) Each one and one-half story home (1-1/2) shall contain no less than 2,200 square feet.
 - (4) Each split level home (multi-level) shall contain a minimum of 2,200 square feet on no more than three (3) different levels.
- (d) Set Back/Set in Lines. The set back and/or set in lines relating to the location of the dwellings and permanent improvements on the respective Lots herein described shall be as follows:
 - (1) From the front Lot line (facing the street) a minimum of thirty-five (35) feet, with the exception of Lots #5562,5563, 5564, which shall be a minimum of twenty-five (25) feet.
 - (2) From the rear Lot line, a minimum of twenty-five (25) feet.
 - (3) From the side yard Lot lines, a minimum of fifteen (15) feet.

- (4) Houses are to be built into the woods. Front trees facing street not to be removed except for driveway and other required services.
- (e) Exterior Materials. Most earth-tone colors work well in tying together the continuity of buildings. The intent is for the individual house to blend into the total image. All materials used in construction shall be stone, brick, cultured brick or stone, wood and/or stucco. There shall be no exposed concrete block, except foundation, nor any vinyl or aluminum siding, except soffits and fascia. Stains are preferred to paints. Roof colors should not contrast sharply with the rest of the house, darker colors are preferred. All elevations shall be finished and in keeping (compatible) with each other.
- (f) Detached Structures. All improvements to the Lots which are detached shall be constructed of the same type of materials as the dwelling unit. No prefab metal buildings are acceptable.
- (g) Roof Slope. All front facing roof slopes on the improvements constructed on the Lots shall have a minimum pitch of 6/12. Generally gable, hip and shed roofs with combinations thereof are acceptable. The dominant colors of the roof which are acceptable shall be dark colors.
- (h) Utilities. All pipes, lines, electrical line, secondary service, and telephone lines furnishing utility services to any building hereafter constructed on the above described premises shall be located underground.
- (i) Paving. All drives and parking areas shall be paved. Examples of acceptable materials are: concrete, asphalt, stone and brick pavers. Ideally, garage doors should be screened from the street and drives should curve. Garage to be side entry, (minimum of 45 degrees from front of house), or rear entry garage.
- (j) Grading and Drainage. No construction, grading or other improvements shall be made to any Lot if such improvements would interfere with or otherwise alter the general grading and drainage plan of the Subdivision or any existing swales, floodways, or other drainage configurations. If original drainage is altered, Lot owner is responsible for repairing and grading to original condition.
- (k) Landscaping. All Lots or parts thereof on which residences or commercial buildings are constructed shall be graded and landscaped promptly upon completion of such residence or commercial building, and shall thereafter be maintained neatly and in accordance with the descriptions, plans and specifications thereof.
- (l) Mailboxes. All mailboxes within the Subdivision shall be of uniform design, color, and construction. To order, call Cedar Craft Products, Inc. (614) 759-1600. Product code: SNW 6604.
- (m) Fences. No chain link or wire fences, including dog runs, or stockade fences, shall be constructed and/or permitted on the subject Lots. All other fences are to meet the Village requirements.
- (n) Antennas. No television or radio antennas or dishes of any type or nature shall rise above the roof line of any residence, nor shall there be any freestanding antenna of any type on any Lot with the exception of dishes not to exceed twenty-one (21) inches in diameter which must be screened from street and adjacent properties.
- (o) Temporary Structures. No structures of a temporary character, basement, shack, garage, barn, or other out building shall be used on any Lot at any time as a residence, either temporarily or permanently.
- (p) Soil Removal. No soil shall be removed for any commercial purpose.
- (q) Signs. No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than twelve (12) square feet advertising the property for sale or rent and promotional signs used by a builder during the construction period, not to exceed two (2) square feet. School spirit signs are allowed.

- (r) Nuisances. No obnoxious or offensive activity shall be permitted on any Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- (s) Animals. No animals, birds, insects, livestock, reptiles, or poultry of any kind shall be raised, bred, or kept on any Lot except dogs, cats, or other household pets which are kept for domestic purposes only, and are not kept, bred, or maintained for any commercial purpose. No more than two dogs and two cats may be kept on any Lot or in any Building or combination of Buildings on any Lot except when such dogs or cats in excess of such numbers are less than three months of age.
- (t) Pleasure and Utility Vehicle and Equipment Parking and Storage. No truck, trailer, boat, camper or other recreational vehicles, commercial vehicles or utility vehicles and equipment, including mowers, tractors and other lawn or garden equipment, shall be parked or stored on any Lot outside of an enclosed garage; provided, however, that nothing herein shall prohibit the occasional non-recurring temporary parking of such truck, trailer, boat, camper, recreational vehicle or commercial vehicle on the premises for a period not to exceed 48(forty-eight) hours in any period of 30 (thirty) days. The work "truck" shall include and mean every type of motor vehicle other than passenger cars and other than any pickup truck and SUV vehicles which are used as a vehicle by an owner of a Lot and his family, for personal, household, and family purposes.
- (u) Vehicles Not in Use. No automobile or motor-driven vehicle shall be left upon a Lot for a period of longer than fourteen (14) days in a condition where it is not able to be operated upon the public highway, after which time the vehicle shall be considered as a nuisance and detrimental to the welfare of the neighborhood and shall be removed from the Lot.
- (v) Waste Disposal. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment used for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
- (w) Lot Split. No Lot shall be split, divided, or subdivided for sale, resale, gift, transfer or otherwise, so as to create a new Lot.
- (x) Term. These reservations, restrictions, conditions, easements, charges, agreements, covenants, obligations, rights and uses and provisions shall bind the Grantee, its successors and assigns, and shall be considered covenants running with the land until the first day of January 2005, after which time said covenants shall be automatically extended for successive periods of then (10) years each, unless an instrument signed by a majority of the then owners of the Lots has been recorded, agreeing to change said covenants, in whole or in part.
(Ord. 24-2001. Passed 11-26-01.)

1113.05 (R-4) MULTIPLE FAMILY DISTRICT. (REPEALED)

(EDITOR'S NOTE: Former Section 1113.05 was repealed by Ordinance 19-99, passed December 13, 1999.)

1113.06 (O-I) OFFICE-INSTITUTIONAL DISTRICT.

(a) Purpose. Certain areas are better suited to meet the traffic accessibility demands of office and institutional uses and to serve as compatible buffer zones between residential district and commercial or other higher use areas. It is the purpose of the Office-Institutional District to promote, encourage, and regulate the development of applicable uses within the District.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Administrative office primarily engaged in general administrative supervision, purchasing, accounting and other management functions.
 - 1. Banks, credit and other financial agencies without drive-in facilities;
 - 2. Security, investment and commodity brokers, dealers and associated services;
 - 3. Insurance agents, brokers and services;
 - 4. Real estate and associated services.
- B. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions to include:
 - 1. Medical and medical related activities, but not to include veterinary office or animal hospitals;
 - 2. Other health and allied medical facilities;
 - 3. Legal, engineering and architectural services;
 - 4. Accounting, auditing and other bookkeeping services.
- C. Institutes providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public including:

1. Hospitals.
 2. Elementary and secondary schools.
 3. Colleges, universities, professional schools, junior colleges and galleries.
 4. Libraries, museums, and art galleries.
 5. Religious organizations.
- D. Organizations and associations organized on a profit making or non-profit making basis for the promotion of membership interests to include:
1. Business and professional associations and organizations.
 2. Labor unions and similar labor organizations.
 3. Civic, social, and fraternal associations.
 4. Political, charitable and other non-profit membership associations not elsewhere classified.
- (2) Conditional uses.
- A. Funeral homes and related facilities.
 - B. Veterinary offices and animal hospitals.
 - C. Motels, organization motels and lodging houses on a membership basis.
 - D. Restaurants and eating places, but not to include drive-in or fast food operations.
 - E. Banks, credit and other financial agencies with drive-in facilities.
 - F. Photographic studios, including commercial photography.
 - G. Beauty and barber shops.
 - H. Research, development and testing laboratories.
 - I. Non-profit educational and scientific research laboratories.
 - J. Vocational schools.
- (c) Development Standards.
- (1) Site requirements.
- A. Minimum site requirement: Six contiguous lots or 15,750 sq. ft. whichever is less. Site must be adequate to meet all yard and parking requirements.
 - B. Minimum site width: Structures shall be set back from all street right of way lines a minimum of 40 feet.
 - C. Minimum front yard: Structures shall be set back from all street right of way lines a minimum of five feet of green space protected by curb or barrier.
 - D. Minimum side yard facing side streets: Structures shall be set back from all street right of way lines a minimum of five feet of green space protected by curb or barrier.
 - E. Minimum rear yard: Twenty-five feet when abutting residential district, twenty feet in all other cases.
 - F. Maximum site coverage: Main and accessory structures shall occupy no more than eighty percent (80%) of the site.
 - G. Parking areas: (Deleted)
- (2) Building requirements.
- A. Maximum height: Thirty feet
 - B. Church steeples and bell towers as part of the construction of a church are excepted from this requirement.

- (3) General site development.
- A. The applicable sections of the parking, sign and landscaping regulations of this Zoning Ordinance must be met.
 - B. A traffic concept scheme must be shown, illustrating traffic control points, points of access, loading areas, parking areas, with number of spaces indicated and overall traffic flow patterns. In addition, expected number of peak hour traffic volume for employees as well as deliveries or other transports shall be described by text.
 - C. Storm drainage systems shall be indicated and outdoor trash container systems shall be specifically located and sufficiently screened to avoid nuisance to surrounding properties.
 - D. All sections of the lot not being planned for development according to the application plan shall be labeled as to expected future use or expansion. (Ord. 363. Passed 6-22-81.)

1113.07 (NC) NEIGHBORHOOD COMMERCIAL DISTRICT.

(a) Purpose: The primary purpose of the Neighborhood Commercial District shall be to permit the uses set forth below.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Any retail business or service establishment supplying commodities or performing service primarily for residents of the neighborhood.
- B. Grocery stores, Fruit and vegetable stores, bakeries, drug stores, shoe repair shops, barber and beauty shops, meat markets, music stores, newspaper stations, and postal substations of less than 4,000 square feet.
- C. Business and professional offices, banks, savings and loan associations, and similar financial institutions excluding drive-in banks.
- D. Restaurants, delicatessens, tea rooms, soda fountains, and ice cream parlors, not including drive-in restaurants, entertainment dancing or sale of alcoholic beverages.
- E. Churches, public buildings, and other facilities for public use, excluding hospitals.

(2) Conditional uses.

- A. Book stores.
- B. Nursery schools and day care centers.
- C. Veterinary clinics without outside runs or overnight boarding.
- D. Minor automotive repair garage and parking lots, not permitting overnight parking or storage.
- E. Coin operated self service laundry and dry cleaning establishments, distance of not less than 20 feet of any residential district.
- F. Apartment facilities may be constructed over storerooms in Neighborhood Commercial District provided each unit shall comply with the Building Code as to a completed apartment and shall have at least 150 square feet of lot area per room (of over eighty feet inside area) exclusive of the required parking area or garage area.

- G. Art or antique shops, interior decorating shops, paint or wallpaper shops, and artists supply stores.
- H. Other uses: Any other retail business or service establishment or use determined by the Planning Commission to be of the same general character as the above general uses, but not including any use which is first permitted or prohibited in the Community Commercial and General Commercial Districts.

(c) Development Standards. See Section 1113.13 for Development Standards.
(Ord. 03-2010. Passed 2-8-10.)

1113.08 (CC) COMMUNITY COMMERCIAL DISTRICT.

(a) Purpose. The purpose of the Community Commercial District is to permit and encourage the cohesive development of businesses and community shopping facilities.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Any use permitted as regulated in the Neighborhood Commercial District.
- B. Art or antique shops, interior decorating shops, paint or wallpaper shops, artist supply stores, furniture, liquor stores, dry goods, and apparel stores, mail order houses or any other retail business or service not first permitted or prohibited in General Commercial District.
- C. Billiard parlors and pool halls not permitting the sale of alcohol.
- D. Trade or business schools provided machinery is used for instruction purposes and is not objectionable due to noise, fumes, smoke, odor or vibration.
- E. Commercial studios including photographic studios, music, dancing, radio and telecasting studios.
- F. Newspaper printing and publishing.

(2) Conditional uses.

- A. Drive-in facilities for banks, saving and loan associations and similar financial facilities.
- B. Theaters, but not within 100 feet of residential district.
- C. Hotels, including motels and motor hotels.
- D. Filling stations, minor automotive repair shops and parking lots not permitting overnight or vehicle storage.
- E. Apartment facilities may be constructed over storerooms in Community Commercial District, provided each unit shall comply with the building code as to a completed apartment and shall have at least 150 square feet of lot area per room (of over 80 sq. ft. inside area) exclusive of the required parking area or garage area.
- F. Other uses: Any other retail business or service establishment or use determined by the Planning Commission to be of the same general character as the above general uses, but not including any use which is first permitted or prohibited in the General Commercial District.

(c) Development Standards. See Section 1113.13 for all Development Standards
(Ord. 04-2010. Passed 2-8-10.)

1113.09 (GC) GENERAL COMMERCIAL DISTRICT.

(a) Purpose. The purpose of the General Commercial district is to encourage and provide suitable areas for the development of traffic-oriented business service facilities and restricted types of retail sales, operations, and community service facilities.

(b) Permitted and Conditional Uses.

(1) Permitted uses.

- A. Any use permitted as regulated in the Neighborhood Commercial and Community Commercial Districts.
- B. Discount houses, garden supply stores, and laundries, excluding cleaning and dyeing bulk plant establishments.
- C. Drive-in eating and drinking places provided the principal building is not less than 100 feet from any residential area.
- D. Bowling lanes, but not within 100 feet of any residential district, drive-in theaters provided such screen shall be set back not less than 200 ft. from the established right of way of any such street or highway.
- E. Commercial recreation facilities including baseball fields, miniature golf courses, trampoline centers and similar open air facilities provided such facilities shall be at a distance of at least 100 ft. from any residential district.
- F. Carpenter shops, electrical, plumbing, and heating shops, furniture and upholstery shops, job printing, lithographing, blue printing and similar enterprises not including contractor's yards, not within 50 ft. of any residential district and containing less than 10,000 sq. ft. of floor space.
- G. Sign painting shops and wholesale bakeries, but not within 100 ft. of any residential district.
- H. Lumber and other building material dealers.
(Ord. 05-2010. Passed 2-8-10.)

(2) Conditional uses.

- A. Private assembly halls.
- B. Automotive service station, but not within 50 ft. of any residential district; establishments for automobiles, trucks, trailers, recreational vehicles, motorcycles, farm tractors, or implements or machinery and other types of vehicles for sale, display, hire, or repair, including sales lots, used car lots, or lots for the sale of other used vehicles, implements and equipment but not within 100 ft. of any residential district.
- C. Animal hospital or animal clinic but without overnight boarding and/or outside runs.
- D. Hospital, convalescent center and nursing home.
- E. Mortuary and funeral home.
- F. Commercial greenhouse.
- G. Apartment facility may be constructed only over storerooms, provided each unit shall comply with the Building Code as to a completed apartment and shall have at least one hundred fifty sq. ft. of lot area per room (of over 80 sq. ft. inside area) exclusive of the required parking area or garage area.
- H. Any other retail business or service establishment determined by the Planning Commission to be of the same general character as the above conditional and permitted uses, not including those which are first permitted or not permitted in this General Commercial District.

- I. Sexually Oriented Business Establishments.
1. In addition to all other applicable development standards, no person shall operate, locate, or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of any residential use or district, school, preschool, daycare, place of worship, or other civic or public use.
 2. No person shall operate, locate or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of another sexually oriented business establishment.
 3. No person shall operate, locate or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of any commercial establishment selling beer or alcohol for consumption on the premises.
 4. No person shall operate, locate or permit the location of a sexually oriented business establishment within 1,000 feet (as measured from property line to property line) of any hotel or motel.
 5. No person shall operate, locate or permit the location of more than one(1) sexually oriented business on the same property, in the same building or structure, or any part thereof.
- J. Completely enclosed self-service personal storage garage and/or storage facility which serves the storage needs of private individuals through the provision of compartmentalized and controlled-access stalls, lockers, or spaces only if:
1. The parcel or assembled parcels, upon which the structure is erected, total 3 or more acres;
 2. Such facility does not include sales, service, or storage of hazardous materials;
 3. Loading and unloading areas shall be paved and shall be located only as approved by the Board of Zoning Appeals;
 4. Fencing and/or landscape screening of the perimeter shall be provided as determined by the Board of Zoning Appeals in a manner which promotes security and presents an appropriate appearance to abutting properties;
 5. Door openings facing residential areas shall not be permitted unless approved by the Board of Zoning Appeals;
 6. Activities on the site shall be limited to the storage of property only. Other activities, such as the operation of tools, rummage sales, temporary residency, etc. shall be prohibited;
 7. Hours of operation shall be only as approved by the Board of Zoning Appeals, after consideration of the impact of the proposed use upon the character, safety, and tranquility of the neighborhood;
 8. The structure is setback at least 175' from the road right-of-way;
 9. The structure is incorporated into a development that includes another GC District Permitted Use on the parcel or assembled parcels other than then an on-site leasing office.
- (Ord. 01-2017. Passed 3-13-17.)

(c) Development Standards. See Section 1113.13 for all Development Standards. (Ord. 05-2010. Passed 2-8-10.)

1113.10 (LD) LIGHT INDUSTRIAL DISTRICT.

(EDITOR'S NOTE: Former Section 1113.10 was deleted from the Zoning Ordinance by Ordinance 4-99, passed May 10, 1999.)

1113.11 TREE PRESERVATION OVERLAY DISTRICT.

(a) Statement of Intent. Trees are an essential element of the rural-village character of Shawnee Hills as defined in the Long Range Master Plan for land use. Trees are also important to the Village as they contribute to stormwater management, reduce erosion and provide habitat for wildlife. Therefore, it is the intention of the Village to preserve healthy trees over 6" in diameter when measured 24" from the ground. It is the intent of this section to promote and protect public safety, convenience, comfort, prosperity and general welfare of the Village. (Ord. 13-97. Passed 6-9-97.)

(b) Trees Affected by the Tree Preservation Overlay District. All trees over 6" in diameter when measured 24" from the ground shall not be cut down or otherwise be compromised for any reason without written approval from the Village Administrator and/or his/her designee, with advise from the Village Forester or written approval from the Planning and Zoning Board according to the procedure described in this section. (Ord. 20-2010. Passed 10-25-10.)

(c) Area of Applicability. The Tree Preservation Overlay District is to cover all areas of the Village in order to protect the aesthetic and environmental significance of the trees in all of the Village's Zoning Districts. (Ord. 13-97. Passed 6-9-97.)

(d) Authority for Village Decisions Affecting Trees on Public and Private Property. The Village Administrator and/or his/her designee, with advice from the Village Forester, shall have the authority to approve or prohibit activities related to and affecting trees within the Tree Preservation Overlay District.

(e) Procedures for Obtaining Approval for Removing, Pruning, or Relocating a Tree.

- (1) Subject to the process described herein and the determination(s) set forth in subsection (g)(2) below, the decisions to treat, remove, or retain trees on private property shall be the property owner's. Property Owners should consider many variables when evaluating options, including tree size, location, and condition; access to the tree; potential targets should the tree fall; property value; shade, heating and cooling values; treatment techniques, efficacy, and costs' proximity of EAB infestation; and intangible costs. Anyone wishing to remove (cut down), prune (the shortening or removal of any tree limb greater than twelve inches in diameter as measured at any location on the limb), relocate or otherwise compromise the welfare of a tree as defined in the Tree Preservation Overlay District shall notify the Village Administrator of his or her plans prior to commencing any activity affecting the tree(s).
- (2) The Village Administrator and/or his/her designee and the Village Forester shall meet with the person(s) wishing to remove, prune, relocate or otherwise compromise a tree and personally visit the site. The Village Forester shall review construction plans and other plans related to removing, pruning, or moving trees.

- (3) If, after discussing the removal, pruning, or relocation of any tree within the Village with the Village Forester and the property owner, the Village Administrator believes the removal, pruning, and/or relocation of a tree is necessary and reasonable, he or she shall provide written authorization for pruning, relocating, or removing any tree within the Village to the property owner and to the Planning and Zoning Board within fifteen days of the applicant's request for review under this section.
- (4) Village residents may address their opinions regarding any tree-related plans to the Village Administrator and/or Village Forester.
- (5) Decisions of the Village Administrator made under this Section shall be appealable to the Board of Zoning Appeals.
(Ord. 20-2010. Passed 10-25-10.)

(f) Tree Topping Prohibited. No trees shall be topped. Topping is the removal of the upper portion (from one-quarter to one-half) of a tree.
(Ord. 13-97. Passed 6-9-97.)

(g) Removal and Replacement of Diseased, Dead or Damaged Trees; Trees that Interfere with Public Utilities and other Improvements.

- (1) Trees that are diseased, dead or damaged by forces of nature, such as storms and high winds, may be removed with the approval of the Village Administrator and/or his/her designee. All diseased, dead or damaged trees that are removed with the Village Administrator's and/or his/her designee's approval must be replaced by the property owner with a tree of at least 2" in diameter measure 24" from the ground and be of a species approved by the Village Forester.
- (2) Any tree or parts thereof, which the Village Administrator, with the advice of the Village Forester, has determined is diseased, dangerous, causing damage to, or obstructing any sewer line, electric power line, gas line, water line, or other public improvement, shall be removed upon the written notice of the Village Administrator and/or his/her designee. If any tree(s) are suspect of being infected with emerald ash borer or any other disease/insect must first be positively identified by the Village Forester. Once so identified, the tree must be immediately treated or removed. The Village Administrator and/or his/her designee shall give to the property owner written notice of the determination and an order to remove or treat said tree within thirty (30) days. Should the property owner fail to comply with a removal order within the specified time, upon approval of the Village Council, the Village Administrator may employ the necessary labor and equipment to perform such task, together with any cleanup work required. Any expenses incurred shall, when approved by Council, be paid out of any money in the treasury of the Village not otherwise appropriated. It shall be lawful for the Village, its employees, or agents to enter the property to remove such trees and to bill the property owner for the actual cost of the work performed. If such charges are not paid within thirty days after mailing of the notice, then the council shall make a written return to the County Auditor of its action under this chapter, with a statement of the approved charges, the amount paid for the performing of labor, the fees of the officers who made the services of the notice and return and a proper description of the premises be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village with the General Fund.

- (3) Trees removed for any non-emergency reason without review and written approval by the Village Administrator and/or his/her designee, as discussed in paragraph (e) above, will result in penalties as later described in this section. An emergency for the purposes of this section is a situation in which there is an immediate threat to life or property due to a sudden circumstance.
 - (4) Emerald Ash Borer (*Agrilus Planipennis*), an ash tree-killing insect from Asia, was identified in Ohio in 2003.
 - A. There are numerous ash trees within the Village of Shawnee Hills, and currently no formal inventory exists. Ash density varies by street. However, the Emerald Ash Borer has been found in the Village.
 - B. The best way to control against the insect is through education, the proper identification of its presence and the proper disposal of infested wood. Property owners are urged to monitor the EAB's movements and to contact the Village Forester with questions via the Village Office. (Ord. 20-2010. Passed 10-25-10.)
- (h) New Construction Around Trees.
- (1) Before any site clearing or other construction activity begins, all trees, either individually or as a group or groups, shall be enclosed with at least three foot high orange construction fencing to prevent any access to the tree(s). Unless otherwise approved by the Village Forester. Fencing should be placed six feet from the base of the tree. Such fencing shall not be removed until the construction is complete. Such trees to which this section applies shall not be disturbed any time before or after construction except for necessary access as approved by the Village Forester.
 - (2) No development, clearing, construction or work shall be performed within six feet of trees protected by this section except as deemed necessary by the Village Forester. If a tree or trees are disturbed at any time, including but not limited to utility construction and/or easement, building or grading construction, by the developer, such disturbances that occur shall be restored to a condition approved by the Village Forester.
 - (3) All construction projects within six feet of a tree shall be conducted with evidence that the following elements are being monitored in regard to the welfare of the tree(s).
 - A. Conservation of soil moisture.
 - B. Reduction of rainfall and erosion.
 - C. Reduction of soil compaction from construction activities.
 - D. Reduction of competition from grasses and weeds.
 - E. Increased soil fertility.
 - F. Improved soil structure; and
 - G. Moderation of soil temperature, with a subsequent increase in root development activity.
- (i) Penalty.
- (1) If this section is violated during a construction project, the Building Inspector may place a stop work order on the construction until such time as the Village Forester has approved remedial measures bringing the construction activity into compliance with this section.
 - (2) Violations of this section shall be calculated and fines shall be assessed on a per tree basis.

- (3) Any resident or other person who violated any provisions of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this section, shall, upon conviction thereof, be found guilty of a minor misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all cost and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.
- (4) Any organization (including but not limited to a developer, contractor, and/or subcontractor) who violated any provisions of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this section, shall, upon conviction thereof, be found guilty of a minor misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day such violation continues shall be considered a separate offense.
- (5) Any fines collected under this section shall be paid to the Village Park Fund for use in improving landscaping within Village Parks and Village Property.
- (6) Nothing herein contained shall prevent Village Council from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 13-97. Passed 6-9-97.)

**1113.12 (SCPD) SELECT COMMERCIAL PLANNED DISTRICT.
(REPEALED)**

EDITOR'S NOTE: Former Section 1113.12 was repealed by Ordinance 24-2015.

**1113.13 DEVELOPMENT STANDARDS FOR NEIGHBORHOOD
COMMERCIAL (NC), COMMUNITY COMMERCIAL (CC)
AND GENERAL COMMERCIAL (GC) ZONING DISTRICTS**

- (a) Purpose and Intent.
 - (1) The purpose of these Development Standards is to regulate development of the Neighborhood Commercial (NC), Community Commercial (CC), and General Commercial (GC) Zoning Districts in order to protect and establish the unique architectural and aesthetic characteristics of the established commercial corridors.
 - (2) These Development Standards are intended to encourage pedestrian-friendly development. The development standards generally require full compliance for new construction, partial compliance for exterior building additions and alterations, and minimal or no compliance for routine maintenance and the replacement of in-kind materials.
- (b) General Development Standards. The Development Standards and requirements apply as follows:
 - (1) Landscaping and screening shall comply with Section 1121.04.
 - (2) The construction and installation of all signs shall comply with Section 1121.06.
 - (3) A parking area layout shall be provided, indicating traffic flow patterns, ingress and egress, traffic control points, and number of spaces to be controlled on site. When ingress and egress points are located on side streets, they shall be staggered from the neighboring business.

- (4) Storm Drainage Systems shall be indicated and outdoor trash container systems shall be specifically located on the development plan.
 - (5) The Architectural Board of Review, the Village Engineer, and the Village Code Enforcement Officer shall approve all Development Plans governed by these Development Standards prior to any permits, authorizing work to be started, are issued.
 - (6) Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this chapter.
- (c) Compatibility Standards. The following general compatibility standards shall apply:
- (1) A building's front façade shall include a pedestrian entrance and give the appearance of a primary orientation toward said street through the sizing, placement, and treatment of windows and doors.
 - (2) The orientation of all new primary structures, building additions, and accessory buildings must be consistent (Parallel or perpendicular) with primary structures on adjacent properties.
 - (3) New buildings that are significantly larger than the mean size of buildings having similar zoning or usage within the area should be designed to reflect the rhythm of those existing buildings. Building indentations, penetrations and façade treatments shall be used to complement nearby structures.
 - (4) Incorporate rhythm of doors, windows, porches, and other projections into new construction that is similar to that used in adjacent structures.
 - (5) Except for the Permitted Uses set forth in 1113.07(b)(1)B., which are limited to no more than 4,000 square feet, no single structure shall exceed twenty thousand (20,000) square feet.
- (d) Height. Other than a chimney, no portion of a building shall be higher than thirty-five (35) feet from the finished grade line of the lot.
- (e) Definitions. The following definitions shall be used for interpretation of the requirements of this Chapter.
- (1) Building Frontage: "Building frontage" means the side or façade of a building closest to and most nearly parallel to an abutting street.
 - (2) Building Frontage, Primary: "Primary building frontage" means a building frontage that abuts a street listed as a primary street in the applicable Thoroughfare Plan.
 - (3) Building Frontage, Secondary: "Secondary building frontage" means a building frontage that abuts an alley or a street not listed as a primary street in the applicable Thoroughfare Plan.
 - (4) Building Rear: "Building rear" means the wall or plane opposite the primary building frontage. For a building on a corner lot, the building rear is the wall or plane opposite the wall or plane containing the principal building entrance.
 - (5) Drive-thru: "Drive-thru" means a building or portion thereof that, by design, permits customers to receive goods or services while remaining in a motor vehicle.
 - (6) Parking Lot: "Parking lot" means any off-street public or private area, under or outside of a building or structure, designed and used for the temporary storage of motor vehicles.
 - (7) Principal Building: "Principal building" means a building in which the principal use of the property is conducted. All parcels containing at least one building shall be deemed to have a principal building. A parcel may contain more than one principal building.

- (8) Public-Private Setback Zone: "Public-private setback zone" means an area between a principal building and a public street right-of-way line utilized for seating, outdoor dining, public art and/or other pedestrian amenities.
- (9) Reconstruction: "Reconstruction" means the replacement or rebuilding of a building premises or structure.
- (10) Setback: "Setback" means the distance between a lot line or right-of-way line and a building structure, defined outdoor area serving as the primary activity, parking lot, or vehicular circulation area.
- (f) Site Requirements.
- (1) The following specific Site Requirements apply individually to each designated Zoning District:
- A. Neighborhood Commercial District.
 - 1. Minimum site area: 15,750 square feet. Site must be adequate to meet all yard and parking requirements
 - 2. Minimum site width: none except that all sites must abut a public street and have adequate width to meet the parking and yard space requirements.
 - B. Community Commercial District.
 - 1. Minimum site area: 20,000 square feet. Site must be adequate to meet all yard and parking requirements
 - 2. Minimum site width: None except that all sites must abut a public street and have adequate width to meet the parking and yard space requirements.
 - C. General Commercial District.
 - 1. Minimum site area: None, except that lot size shall be adequate to meet all yard and parking requirements.
 - 2. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.
- (2) All of the following general Site Requirements apply to Neighborhood Commercial (NC), Community Commercial (CC), and General Commercial (GC) Zoning Districts:
- A. The minimum front building setback is thirty-five (35) feet from all street right-of-way lines.
 - 1. Planting of a least three street trees per 100 lineal feet of frontage of a minimum of three inch caliper and of a variety acceptable by the Village shall be installed within three feet of the street right -of way.
 - 2. A six foot wide concrete sidewalk running the length of the property from side property line to side property line, to be located two feet inside of the edge of the front street easement
 - B. Minimum side yard building setback is fifteen (15) feet.
 - C. Minimum rear yard building setback is thirty-five (35) feet.
 - D. The minimum setback for fences and masonry or stone walls is zero (0) feet.
 - E. Maximum site coverage. Both structures, pedestrian sidewalks and parking area shall not cover more than eighty percent (80%) of the site.

- F. Parking areas shall be no closer to main structures than three feet and shall meet the required design specifications for parking lots. Parking areas adjacent to a residential district shall be screened with a landscape buffer to a minimum height of six feet and have a minimum year-round opacity of eighty percent (80%). If the property or parcel is an acre or less, a seven foot six inch (7' 6") wide landscape buffer will be required where it abuts a residential district. If the property or parcel is an acre or more, a fifteen (15) foot wide landscape buffer will be required where it abuts a residential district

Where the side yard faces another commercial lot, there shall be a three (3) foot wide landscape buffer from the lot line.

- G. Up to fifty percent (50%) of the parking lot may be located at the side of the principal building.

(g) Design Standards.

- (1) A primary building frontage shall incorporate at least one (1) main entrance door. At a building corner where two (2) primary building frontages meet, one (1) main entrance door may be located so as to meet the requirements for both building frontages.
- (2) A building frontage that exceeds a width of fifty (50) feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage. The vertical piers or vertical elements shall be spaced at intervals of fifteen (15) feet to thirty-five (35) feet along the entire building frontage.
- (3) For each primary building frontage, at least forty (40) percent of the area between the height of two (2) feet and ten (10) feet above the nearest sidewalk grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four (4) feet. For a secondary building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten (10) feet.
- (4) The standards below apply to upper story windows. They recognize that regularly spaced upper story windows (any story above ground) create a repeated pattern for unity and are an integral part of the building design. Upper story windows are generally smaller than store front windows at street level, are spaced at regular intervals and give scale and texture to the street edge formed by building facades.
 - A. For any new installation or replacement of upper story windows, the new/replacement windows must be clear non-tinted glass.
 - B. Windows must not be blocked, boarded up, or reduced in size, unless otherwise required by Code for securing a vacant structure.
 - C. At least twenty-five (25%) percent of the second and third floor building frontages (as measured from floor to ceiling) must be window glass.
- (5) All roof-mounted mechanical equipment shall be screened from the public view to the height of the equipment. The design, colors, and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building. Exhaust fans must face away from residential areas.

- (6) Dumpsters and all ground-mounted mechanical equipment shall be located at the rear of the building and screened from public view to the height of the dumpsters/equipment or a minimum of six (6) feet. Gates shall be required and shall be kept closed at all times.
- (7) Ornamental fencing or any other fencing not used for screening, with or without masonry piers, shall be decorative and constructed of ornamental metal tubes or solid metal bars. Fences may not exceed a height of four (4) feet. Chain-link fences are not permitted.
- (8) Masonry or stone walls may be used for screening, sitting, or used as independent architectural elements. Walls may not exceed a height of four (4) feet.
- (9) Parking lots must be screened from all abutting public streets. Parking areas shall be screened from adjacent residential areas and public streets. Parking lot screening shall consist of either:
 - A. A four (4) foot high random horizontal solid coursed partially mortared stone wall with a stone capping. Materials to be used shall be limestone or sandstone. The minimum thickness of the wall shall be eighteen (18) inches not to exceed thirty six (36) inches. Piers shall be three (3) feet by three (3) feet not to exceed five (5) feet in height. Adequate footer construction per State
 - B. A four (4) foot high decorative metal tube or solid metal bar fence located at the street right-of-way line (property line), with or without masonry pier supports, with a minimum three (3) foot wide landscaped area along the parking lot side of the fence. Trees and shrubs must be maintained in good condition; dead material must be replaced within three (3) months. Chain-link fences are not permitted; or
 - C. A minimum 4-foot high, 3-foot wide continuous evergreen or deciduous hedge with low earth mounding. Hedge size at installation shall be at least 30 inches in height, or
 - D. A six (6) foot high wooden fence stained or painted a neutral, earth-tone color may be used for screening as long as the fencing is installed behind the front line of the building with a minimum three (3) foot wide landscaped area along the parking lot side of the fence. Trees and shrubs must be maintained in good condition; dead material must be replaced within three (3) months.
- (10) On small commercial sites, such as homes converted to commercial uses and/or where only four (4) parking spaces are required, there shall be a maximum of one access drive with parking in the front and/or side, provided it meets the thirty-five (35) foot minimum setback requirement.
- (11) Roofs on new structures should be pitched or hipped, or give the visual appearance of the same when viewed from off-site, from the nearest street right-of-way line.
- (12) Building materials shall be wood frame, brick, stone, or an acceptable combination thereof.
- (13) Roof materials shall be shake, such as an asphalt shingle or metal.
- (14) Large shade trees should be placed closer to the street to avoid conflicts with the structure and to reinforce the street tree plantings in place and/or anticipated pursuant to the Village Thoroughfare and Street Detail Plans.

- (15) Small ornamental trees should be used as accent plants and frame views to special architectural features. Ornamental trees shall not be placed in locations that would block a pedestrian's view of the structure from the street or impair visibility for automobile operators.
- (16) Planting, mounding, and or fencing shall be incorporated at the rear of commercial area that are adjacent to residential areas. Screened planting shall be at eighty percent (80%) opacity and 6 feet above parking lot elevation at time of installation to be maintained in perpetuity at owner's expense.
- (17) Unless otherwise approved on the development plan, minimum plant sizes at installation shall be as follows:
Shade Trees - 3" Caliper, 12' - 14' height
Ornamental Trees - 8" - 10" height
Evergreen and Deciduous Shrubs - 24" height
- (18) All parking lot and private street lighting shall be cut-off type fixtures and down cast. All parking lot lights shall be of the same light source, type, and scale. Building, pedestrian, and landscaping lighting may be incandescent or metal halide. Parking lot lighting shall be "shoebox" type light fixtures from a controlled source in order to minimize spilling beyond the boundaries of the site. No permanent colored lights or neon lights shall be used on the exterior of any building or structure. Lighting used to illuminate signs should be indirect and shielded. All outdoor lighting shall be constant intensity, and shall be directed, reflected or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his/her property.
- (19) Residential buildings converted to commercial uses shall use residential-scale light fixtures.
- (20) Four-sided architecture, including windows, doors, fenestrations, or other architectural features shall be utilized. (Ord. 06-2010. Passed 2-8-10.)
- (21) One bench will be allowed between each side street in the Village where a sidewalk is installed and placed in a flat area. That this bench will be a wrought iron bench made by Fortin Iron Works with the Village of Shawnee Hills name and a feather on it as designed by Dan Fortin. The logo will be printed on two of the panels in the bench. A bicycle rack can be an option on this bench. See Exhibit A, attached to Ordinance 21-2011.
(Ord. 21-2011. Passed 10-10-11.)

(h) Parking and Circulation. Parking access and vehicular circulation standards are as follows:

- (1) Additional curb cuts along streets identified in the Commercial Area and Village Thoroughfare Plan will not be permitted unless the administration determines that a new curb cut is the only means available to provide vehicular access to the site and that the new location of the curb cuts meets the requirements of the Village Code.
- (2) The required number of loading spaces may be eliminated at the discretion of the Village Administrator or his/her designee, with due consideration given to: frequency and time of deliveries; size and nature of vehicles accommodated by the loading spaces; the character of the neighborhood; and the impact upon adjoining streets.

(i) Variance. Variances from these Development Standards may be granted by the Board of Zoning Appeals pursuant to Section 1133.01, et seq. (Ord. 06-2010. Passed 2-8-10.)

CHAPTER 1117
Planned Unit Development District

1117.01	Conflict.	1117.08	Plan contents.
1117.02	Purpose and intent.	1117.09	Basis of plan approval.
1117.03	Definitions.	1117.10	Procedure for approval of a Planned Unit Development.
1117.04	Uses.	1117.11	Recording and transfer.
1117.05	Modification of minimum requirements.	1117.12	Amendments to PUD.
1117.06	General procedures.	1117.13	Appeal.
1117.07	Ownership.		

CROSS REFERENCES

Planned Unit Development defined - see P. & Z. 1137.01

1117.01 CONFLICT.

Planned Unit Development Zoning Districts may be established by application in accordance with the provisions of this chapter and the requirements contained herein which shall take precedence over all other conflicting regulations contained in the Zoning Code and/or platting ordinances. (Ord. 12-2015. Passed 4-27-15.)

1117.02 PURPOSE AND INTENT.

The Planned Unit Development (PUD) District is established as an optional development tool to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership and variety of design, layout and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment and business opportunities particularly suited to residents; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the property and surrounding areas. It is the further intent of the PUD regulations to promote a higher quality of development than can be achieved from conventional zoning requirements in furtherance of the vision and goals of the Village of Shawnee Hills. (Ord. 12-2015. Passed 4-27-15.)

1117.03 DEFINITIONS.

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

"Planned Unit Development (PUD)." A "PUD" means an area of land in which one use or a variety of uses may be accommodated in a pre-planned environment under more flexible standards than those restrictions that would normally apply under this Zoning Code. The process in a PUD shall consist of a Preliminary Development Plan which shall constitute the act of zoning; and a Final Development Plan which shall consist of a detailed development plan for all, a portion of the area, or subareas within the Preliminary Development Plan. (Ord. 12-2015. Passed 4-27-15.)

1117.04 USES.

Within the Planned Unit Development (PUD) Zoning District, permitted uses shall include all uses allowable under the Zoning Code or a compatible combination of any or all of these uses provided the proposed location of any of the uses will not adversely affect adjacent property and/or public health, safety and general welfare. All zoning requirements for the PUD applicable to the proposed use shall be applicable to all uses in the PUD, unless modified in accordance with Section 1117.05. (Ord. 12-2015. Passed 4-27-15.)

1117.05 MODIFICATION OF MINIMUM REQUIREMENTS.

(a) District regulations applicable to a land use in the PUD may be altered from the requirements set forth in the Zoning Code, including but not limited to, lot width, building setbacks, height, lot coverage, signs, and parking. The PUD applicant shall identify, in the Preliminary and Final Development Plans, all intended and needed deviations from the zoning requirements. Modifications may be approved by the Village Council during the preliminary plan review stage, after Planning Commission approval and recommendation. These modifications will be permitted only if they result in a higher quality and more sustainable development consistent with the purpose of this Chapter.

(b) In addition to these modifications of minimum requirements, Village Council, after Planning Commission approval and recommendation, may permit an increase in the total number of residential units allowed with the PUD where it is demonstrated the PUD:

- (1) Uses low-impact design and or best practices design principles to minimize storm water run-off;
- (2) Preserves the best natural features of the site;
- (3) Creates, improves, or maintains open space for the residents, employees, and other visitors to the PUD; and
- (4) Contains at least 20% of the area as preserved open space. If the site contains, or is adjacent to a river, stream, or other body of water, the Village may require that all, or a portion of, the open space abut the river, stream, or body of water. (Ord. 12-2015. Passed 4-27-15.)

1117.06 GENERAL PROCEDURES.

Procedures and conditions set forth for determination of Planned Unit Development Districts and development(s) therein shall be strictly followed except when the Planning Commission and Council have approved a written statement submitted with the rezoning application, by the applicant clearly showing that such procedures or conditions do not apply in the specific case. (Ord. 12-2015. Passed 4-27-15.)

1117.07 OWNERSHIP.

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

(Ord. 12-2015. Passed 4-27-15.)

1117.08 PLAN CONTENTS.

(a) The following described contents shall be provided to secure approval for Planned Unit Development (PUD) District zoning. The basic process shall require submittal and approval of a Preliminary Development Plan and Final Development Plan.

(b) All plans shall be drawn to a scale suitable to the scope of the project and acceptable to the Village. Ten (10) copies of each plan shall be submitted to the Code Enforcement Officer.

- (1) Contents of Preliminary Development Plan. The Preliminary Development Plan must clearly indicate the following in text and/or map form:
 - A. North point and scale
 - B. All existing roads, buildings, and permanent structures/facilities
 - C. A subarea plan which shows allocation of land by acreage, use, and density
 - D. Overall design of the proposed PUD
 - E. Architectural guidelines for each area
 - F. The location of any land to be dedicated to any public agency
 - G. Topography with slope classification system
 - H. Physical features and natural conditions of the site, including the location of all substantial tree masses
 - I. The location of all current and proposed easements, rights-of-way, and property boundaries
 - J. The location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, the total number of dwelling units in the development, and the estimated population of the project
 - K. The location and size of areas of commercial use, indicating the building size (height and square footage) and type
 - L. The size, location and use of nonresidential portions of the tract, including usable open spaces, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership of such areas
 - M. The provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness. All utility services shall be underground
 - N. The location of all streets and thoroughfares. The traffic circulation patterns, including ingress and egress locations for all public and private streets and parking areas, indicating their relationship to topography and existing streets, or showing other evidence of reasonableness

- O. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas
 - P. The relationship of the development to existing and future land use in the surrounding areas, the street system, community facilities, services and other public improvements
 - Q. An affidavit of the applicant listing all property owners within the 300 feet, contiguous to, and directly across the street from the parcel(s) included in the Preliminary Development Plan and their addresses as appearing on the Delaware County Auditor's current tax list
 - R. A written statement regarding the potential impact of the proposed development on the student population of the local school district(s)
 - S. Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024. of House Bill 231)
 - T. Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers
- (2) Contents of Final Development Plan. Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plans shall necessitate revision of portions of the approved Preliminary Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Code before approval of the Final Development Plan. Council then shall be required to approve any change to the Preliminary Development Plan and the rezoning. A Final Development Plan may be submitted and approved at the same time as the Preliminary Development plan if the site will be developed in only one phase and within 1 year of approval. Final Development Plans are intended to be detailed representations of the total aspects of the approved Preliminary Development Plan. Contents of the Final Development Plan shall include:
- A. The boundaries of the property which is the subject of the Final Development Plan with accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments

names

- B. All municipal, corporation, township and county lines and section lines traversing or immediately adjacent to the property which is the subject of the Final Development Plan, and adjacent subdivision boundaries within 200 feet of such property, accurately referenced to the boundaries of the project by bearings and distances
- C. A bar scale, north point, legal description and total acreage of the area which is the subject of the Final Development Plan
- D. Accurate location of all monuments, which shall be concrete six inches by six inches by thirty inches with iron pipe cast in center, one such monument to be placed at each corner and at each change of direction of the boundary, at each street intersection and at the beginning and end of curves on one side of the street
- E. A certificate by a surveyor registered in the State of Ohio that the plan represents a survey made by him and that the monuments shown actually exist and that all dimensional and geodetic details are correct;
- F. Accurate outlines, dimensions and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, and the acreage of such reserved areas
- G. The lines of adjoining streets and alleys with their width and names
- H. All lot lines and easements with their dimensions
- I. Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners
- J. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school site, open spaces and other public or private facilities; (This provision shall not apply to those areas of the Final Development Plan indicated for development of single family detached building sites. However, all lots intended to be so developed shall have building setback lines indicated thereon)
- K. A detailed statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density of population and building intensity
- L. Detailed engineering plans for the provision of all streets and utilities including provisions for off-site connections and facilities necessary to serve the entire areas which are the subject of the Final Development Plan
- M. Detailed engineering site grading plans including proposed finished grades (This provision shall not apply to those areas of the Final Development Plan indicated for development of single family detached buildings sites.)
- N. Proposed drainage facilities
- O. Detailed landscaping plans (This provision shall not apply to those areas of the Final Development Plan indicated for development of single family detached homes, except that detailed landscaping shall be provided as to all residential entry features.)

- P. Architectural drawings demonstrating the design and character of the proposed structures, buildings, uses and facilities and the physical relationship of all elements; (In a one or two story building site this provision is intended to demonstrate the exterior design, character and general element of and within the plan and it is not intended to require a detailed presentation by the applicant. However, it should provide sufficient detail to enable the Planning Commission to make a decision.)
- Q. All proposed restrictions or reference made thereto and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions
- R. Evidence that the applicant has sufficient control over the land in question to initiate the proposed project within two years;
- S. A certificate to the effect that the owner will dedicate to public use the appropriate uses, streets, parks and other lands intended for public use, provided those areas are acceptable to the Village
- T. A tabulate showing the exact area of each lot, reserve or other parcel shown on the plan (other than streets and alleys), such areas to be computed inclusive of and after the extension of lot or parcel lines to the center lines of contiguous public ways, such as streets and parking areas
- U. Approval of detailed water and sewer engineering plans by the appropriate agency
- V. Space for signature of the Planning Commission chair, vice chair or designee and the date of Commission approval
- W. Location and character of all signs
- X. The proposed size, location, ownership and use of nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, other public areas and open spaces, and the methods of access whereby all residents of the PUD can have ingress to and egress from the aforesaid areas or portions of the tract whether such areas have been previously established or will be established in the future
- Y. An affidavit of the applicant listing all property owners within the 300 feet, contiguous to, and directly across the street from the parcel(s) included in the Final Development Plan and their addresses as appearing on the Franklin County Auditor's current tax list
- Z. Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and, if required, granted such permit. If a permit was granted, four (4) copies shall be supplied by the applicant to the Code Enforcement Officer
- AA. Evidence the U.S. Army Corps of Engineers has considered the applicant's application, and if required, granted such permits. If a permit was granted, four (4) copies shall be supplied by the applicant to the Code Enforcement Officer
(Ord. 12-2015. Passed 4-27-15.)

1117.09 BASIS OF PLAN APPROVAL.

The basis for approval of a Preliminary Development Plan shall be:

- (a) The proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code and this Chapter
- (b) The proposed development is generally conforms with the Strategic/Comprehensive Plan or portion thereof as it may apply
- (c) The proposed development advances the general welfare of the Village
- (d) The benefits, improved arrangement, and design of the proposed development justify the deviation from standard development requirements included in the Zoning Code
- (e) Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density of dwelling units may not violate any contractual agreement contained in any utility contract then in effect;
- (f) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;
- (g) Building heights of all structures with regard to their visual impact on adjacent facilities;
- (h) Front, side and rear yard definitions and uses where they occur at the development periphery;
- (i) Gross commercial building area;
- (j) Area ratios and designation of the land surfaces to which they apply;
- (k) Spaces between buildings and open areas;
- (l) Width of streets in the project;
- (m) Setbacks from streets;
- (n) Off-street parking and loading standards;
- (o) The order in which development will likely proceed in complex, multi-use, multi-phase developments;
- (p) The potential impact of the proposed plan on the student population of the local school district(s);
- (q) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);
- (r) The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).

(Ord. 12-2015. Passed 4-27-15.)

1117.10 PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD).

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

- (a) The Preliminary Development Plan together with an application and application fee shall be filed with the Code Enforcement Officer. Within 30 days of the submittal, the Preliminary Development Plan and accompanying documents shall be forwarded to the Solicitor and an ordinance shall be drawn concerning the requested zoning change. The Preliminary Development Plan, accompanying documents and ordinance shall then be forwarded to the Planning Commission for study and recommendation. Copies of the Preliminary Development Plan shall also be forwarded to the Municipal Engineer, Code Enforcement Officer, and Village Administrator for a comprehensive staff report, which report shall have been received and reviewed by the Planning Commission prior to the Commission's recommendations being made to Council.

- (b) The Planning Commission shall have a reasonable time not less than 30 days to consider the ordinance and the plan at a public hearing and to report its recommendations to Council. The Code Enforcement Officer, or his designee, shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the Commission's public hearing at which such Preliminary Development Plan will be considered. Such notices shall be served by first class mail posted at least ten (10) days before the date of the proposed hearing.
- When the report and recommendations of the Commission are received by Council, Council shall establish a date for public hearing on the ordinance and the plan giving notice in accordance with the provisions of Section 1129.04. Such public hearing by Council shall be held within 90 days after the receipt of the report of the Commission unless such time period is extended by mutual agreement of the parties.
- The report of recommendations of the Planning Commission on the Preliminary Development Plan and the ordinance, as well as the plan and the ordinance, shall be available for public inspection for the period of 30 days immediately preceding the public hearing. Adoption of the ordinance including the Preliminary Development Plan shall constitute a rezoning of the property included in the Preliminary Development Plan subject to the applicant's compliance with the provisions of subsections (c) through (f) hereof prior to the development or the construction of improvements contained in the preliminary plan.
- (c) Within two years of notice of approval of the Preliminary Development Plan the applicant shall submit a Final Development Plan for the area contained within the approved Preliminary Development Plan. Upon good cause shown by the applicant and by a majority vote of the Planning Commission, the Commission may extend the two-year period if the request is submitted prior to the expiration date. Submittal of such plan shall be to the Code Enforcement Officer. The failure to submit a Final Development Plan within such two-year period (or any such extended period) shall invalidate any prior zoning approval given, forfeit fee payments and the property shall revert to its previous zoning classification. Within 30 days of official acceptance, the Final Development Plan and accompanying documents shall be forwarded to the Planning Commission for study and approval. Copies of the Final Development Plan shall also be forwarded to the Municipal Engineer, Code Enforcement Officer, and Village Administrator, for preparation of a comprehensive staff report, which report shall have been received by the Planning Commission prior to the Commission's action on the Final Development Plan.
- (d) Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plan shall necessitate revision of portions of the approved Preliminary Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Code before approval is granted to the Final Development Plan. Council shall be required to approve the change at a public hearing which notice shall be given in conformance with Section 1129.04.

Final Development Plans are intended to be detailed representations of and in conformance with all aspects of the approved Preliminary Development Plan. Following receipt of a Final Development Plan and accompanying documents from the Code Enforcement Officer, it shall be the duty of the Planning Commission to review such plan and determine whether it complies with regulations of this chapter, that it represents a detailed and precise expansion and delineation of the previously approved Preliminary Development Plan, that it complies with all conditions which may have been given at the time of approval of the Preliminary Development Plan, or that before it can be considered, it requires an amendment of the Preliminary Development Plan.

The Code Enforcement Officer, or his designee, shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the Commission's public hearing at which such Final Development Plan will be considered. Such notices shall be served by first class mail posted at least ten (10) days before the date of the proposed hearing.

- (e) If the Planning Commission finds that the Final Development Plan complies in all respects with the regulations of this chapter and the previously approved Preliminary Development Plan, the Commission shall approve the plan and the Commission chair, vice chair or designee shall affix his/her signature and approval date thereto attesting to such approval. Following approval of the Final Development Plan and the attestation of such action by the Commission chair, vice chair or designee, the applicant shall provide one copy of all plans as part of the Final Development Plan for records of the Village.
- (f) A final subdivision plat prepared in accordance with applicable requirements of the subdivision regulations for the area covered by the Final Development Plan shall be prepared for Council approval prior to appropriate recording.
(Ord. 12-2015. Passed 4-27-15.)

1117.11 RECORDING AND TRANSFER.

When a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within 12 months unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of Council shall become null and void. If construction is not begun within two years of approval of the Final Development Plan, all approvals and permits shall be invalidated and canceled. Original tracings will become the permanent record of the County Recorder. One copy of this tracing, showing the date and place of recording, shall be supplied by the owner to Council as local public records. Such two year period may be extended by the Commission for good cause.

(Ord. 12-2015. Passed 4-27-15.)

1117.12 AMENDMENTS TO PUD.

Amendments to an approved PUD, whether under this Chapter or former Section 1113.12, shall be permitted only under the following circumstances:

- (a) Notify Code Enforcement Officer. The holder of an approved PUD preliminary and/or final development plan shall notify the Code Enforcement Officer of any desired amendment to the PUD.
- (b) Minor Change Determination. Minor changes may be approved by the Code Enforcement Officer upon determining the proposed amendment(s) will not alter the basic design and character of the PUD, nor any specified modifications imposed as part of the original approval. Minor changes shall include, but are not limited to, the following:
 - (1) Reduction of the size of any building and/or sign;
 - (2) Movement of buildings and/or signs by no more than ten feet;

- (3) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
 - (4) Changes in floor plans which do not alter the exterior of the building, character of the use, or increase the amount of required parking;
 - (5) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design; or
 - (6) Changes required or requested by the Village or other county, state or federal regulatory agency in order to conform to other laws or regulations.
- (c) Major Change Determination. A proposed change determined by the Code Enforcement Officer to be a major, not minor, shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the preliminary and/or final development plan.
(Ord. 21-2015. Passed 7-29-15.)

1117.13 APPEAL.

If the Planning Commission disapproves the Final Development Plan, the applicant shall have thirty (30) days in which to file an appeal with the Council for review. Such appeal shall be in writing, filed within thirty (30) days of the disapproval, and shall be filed with the Code Enforcement Officer. Council shall then act within a reasonable time. Council cannot reverse or modify Planning Commission's decision without a vote of three-fourth of its members.

(Ord. 12-2015. Passed 4-27-15.)

CHAPTER 1121
General Development Standards

<p>1121.01 Arrangement and development of land and structures.</p> <p>1121.02 Lot and yard space requirements.</p> <p>1121.03 Home occupation.</p> <p>1121.04 Landscaping.</p> <p>1121.05 Parking and off street loading requirements.</p> <p>1121.06 Signs.</p>	<p>1121.07 Environmental review district.</p> <p>1121.08 Mailboxes.</p> <p>1121.09 Architectural standards for Commercial Zoning Districts.</p> <p>1121.10 Long Range Land Use Plan.</p> <p>1121.11 Parking and storage of vehicles on residential property.</p> <p>1121.12 Portable residential structures.</p> <p>1121.13 Site plan and/or conceptual grading plan requirement.</p>
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CROSS REFERENCES

Zoning applied to housing projects - see Ohio R.C. 3735.44
Referral of zoning permit applications to Director of Transportation - see Ohio R.C. 5511.01

1121.01 ARRANGEMENT AND DEVELOPMENT OF LAND AND STRUCTURES.

Standards pertaining generally and uniformly to the arrangement and development of land and structures within the Zoning Districts adopted in Chapter 1109 are hereby established and adopted as supplementary to the District Regulations of Chapter 1113 and Chapter 1117. (Ord. 363. Passed 6-22-81.)

1121.02 LOT AND YARD SPACE REQUIREMENTS.

(a) Platting Required. No use shall be established or altered and no structure shall be constructed or altered except upon a lot that has been platted in accordance with, or which otherwise meets, the requirements of the Subdivision Regulations for the Village of Shawnee Hills, Ohio.

(b) Minimum Requirements. Development Standards are minimum requirements for the arrangement of lots and spaces to be achieved in all developments.

(c) Lot Area and Yard Space Preserved. A lot area and yard area required for a use or structure shall be maintained during its life and shall not be reduced below the minimum requirement occupied by another use or structure, or counted as yard space for any other use or structure.

(d) Yards, Required Open. The yard space required for a use or structure shall, during its life, remain free of all uses or occupancy except as follows:

- (1) Fences, walls, and landscaping shall be permitted in any required yard, or along the edge of any yard, provided that no fence or wall between a street and a front building line is more than three feet in height, except as required in "required screening" or in accordance with an approved Development Plan of a Planned Development District.
- (2) A front yard fence may be constructed of decorative or painted wood, or painted or decorative iron or wire. (Ord. 363. Passed 6-22-81.)
- (3) Back and side yard fences shall not exceed six feet in height, except as required in "required screening" or in accordance within approved Development Plan of a Planned Development District. The back and side fence shall be constructed of an appropriate material for that area. (Ord. 15-97. Passed 7-14-97.)
- (4) A permit shall be required to erect any fence within the Village. To obtain such permit, a sketch of the proposed fence to be erected, along with the appropriate fee, shall be submitted to the Code Enforcement Officer for approval. If the Code Enforcement Officer and/or the Village Administrator determine that all requirements are met, after reviewing all applicable codes, a permit shall be issued. (Ord. 37-2007. Passed 10-8-07.)
- (5) It shall be unlawful to construct, erect, replace, or remodel any fence in violation of any of the provisions of this Zoning Ordinance or any amendments or supplements thereof.
- (6) No fence shall be erected which obstructs a driver's view of the traffic at street or road intersections. (Ord. 363. Passed 6-22-81.)
- (7) Whoever violates or fails to comply with any provisions of this chapter is guilty of a minor misdemeanor and shall be fined not less than fifteen dollars (\$15.00) and not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 02-2010. Passed 3-8-10.)
- (8) Eaves may project into any required yard a distance not to exceed two feet.
- (9) Open and uncovered porches may project beyond the front building line or into a required rear yard a distance not to exceed five feet.

(e) Yards Not Otherwise Required. Yard space not otherwise required but provided shall be five feet or more in width.

(f) Yards Maintained. All yard space shall be maintained in accordance with one or more of the following provisions:

- (1) Fenced as permitted or required
- (2) Landscaped by lawns, shrubberies, tree and other plantings, maintained in a neat and orderly natural state, or used for permitted accessory or ancillary use.
- (3) Paved for parking as permitted. (Ord. 363. Passed 6-22-81; Ord. 9-2014. Passed 5-12-14.)

1121.03 HOME OCCUPATION.**(a) Permit Required.**

- (1) A written application must be made to the Village Mayor or his designee detailing the nature of the home occupation, the number of persons to be involved in such occupation, the expected length of time such home occupation shall be carried on, and any additional information as may be requested.
- (2) Upon the directive of the Village Mayor or his designee, the Zoning Officer shall issue a permit to carry on a home occupation.

(b) Regulations.

- (1) Only one person other than members of the family residing in the premise shall be engaged in said occupation.
- (2) The use of dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than one third (33 1/3%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no external indication of such home occupation other than one sign, controlled by the sign regulations in this Zoning Ordinance.
- (4) No home occupation shall be conducted in any accessory building.
- (5) There shall be no sales on the premises of goods produced on the premises, without permission of the Zoning Officer.
- (6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this Zoning Ordinance, and shall not be located in a required front yard.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(c) Violations.

- (1) If one or more of the conditions in subsection (b) hereof are violated, the Zoning Officer shall have the power to revoke the permit to carry on the home occupation.
- (2) The operator of such a home occupation may appeal the revoking of the permit to the Planning Commission.

1121.04 LANDSCAPING.

(a) Purpose. The purpose of the landscaping regulations shall be to promote and protect the public health, safety and welfare through the preservation and protection of the environment by recognizing the vital importance of tree growth to the ecological system. It is further the purpose of this section to specifically promote the preservation and replacement of trees and major vegetation removed in the course of land development, and to promote the proper utilization of landscaping as a buffer between certain land uses to minimize the possibility of nuisances. Through the proper use of landscaping, nuisances can be avoided between abutting land uses and distractions eliminated for traffic passing by and through a particular use. For the purpose of this Zoning Ordinance, "landscaping" means the treatment of the ground surface with natural greenery and plant material, including seeding and sod.

(b) Plan.

(1) All applications for a subdivision, zoning permit, variance, conditional use permit or in other such cases where a site plan or development plan is to be filed, a landscape plan must be shown. The owner or applicant shall indicate and show proof of preserving major vegetation either by generally locating major tree growth as related to development and construction plans on the landscape plan or boundary survey or by tree spot as determined by the Village Mayor or his designee.

(2) All trees having a trunk diameter of six inches or greater as measured twenty-four inches from the ground level shall be preserved unless such trees are exempted as follows:

- A. Trees within public rights-of-way or utility easements, which impair use of the easement.
- B. Trees within the ground coverage of proposed structures or within twelve feet from the perimeter of such structure(s).
- C. Trees within the driveway to service a single-family home.
- D. Trees that in the judgment of the Village Mayor or his designee are damaged, diseased, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.

It is encouraged that exempted trees subject to destruction are preserved by relocation and replanting of such trees on a lot.

(3) For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this section, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved by the Village Mayor or his designee, the applicant or owner shall plant such trees as may be required within one year after the issuance of a building permit.

(c) Screening Requirements.(1) Screening of service courts and loading dock areas.

- A. For applicable uses under the commercial and industrial districts both planned and standard all areas used for service, loading and unloading activities shall be adequately screened if adjacent to or abutting a residential district.
- B. Such screening can consist of walls, fence structures, landscaping or, an acceptable combination of these elements, provided that the height of any wall or fence structure is at minimum seven feet and at maximum twelve feet.
- C. Such screening shall cover a minimum of seventy-five percent (75%) of the area of the visual face formed by the property line between adjacent residential uses extended vertically to a height of nine feet from ground level, and extended horizontally between the side lot lines of the property. In addition, such screening, during full foliage, shall have a minimum opaqueness of seventy-five percent (75%). The use of year round vegetation, shall be no closer than three feet to any property line.

(2) Screening of trash containers; receptacles.

- A. For applicable uses under the commercial and industrial district, both planned and standard, all trash containers or receptacles shall be sufficiently screened or enclosed. Trash containers designed to service more than one residential unit or to service a non-residential restructure or structures shall be screened by walls, a fence structure or landscaping or an acceptable combination of these elements.
- B. The height of such walls, fence structures of landscaping shall be a minimum of six feet. The maximum height of walls and fence structures shall not exceed ten feet. All screening, during full foliage, shall have a minimum opaqueness of eighty percent (80%). The use of year round vegetation such as pines or evergreens is encouraged.
- C. For every six inch tree removed in the course of development or construction that is otherwise not exempted from regulation, the owner or applicant shall plant a tree having a trunk diameter of no less than one and one half inches within one year from the date a building permit was granted. For every six inch tree removed, and if no replacement trees are planted within this one year period, the Village Mayor or his designee may find the owner or applicant in violation of this chapter and assess a fine of fifty dollars (\$50.00) per violation. Such fee shall be used by the Village to plant trees on public property or rights of way. In the case of dispute between the applicant or owner and the Village Forester relative to whether a specific tree is exempted or non-exempted from these regulations, the Village Mayor or his designee may require that an accurate tree spot be made by the applicant for determination of violation.

- (d) Standards.
- (1) Preservation of wooded areas. It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.
 - (2) Tree planting requirements. For all new development the following landscape requirements shall apply:

USE

Individual lots under R-2, R-4, PUD
Districts

CC, GC, PNC, NC

REQUIREMENTS

There must be tree plantings equal to one half inch in tree trunk size for every 150 sq. ft. in ground coverage by a single family structure.

A. Up to 20,000 sq. ft.: Tree planting equal to 1/2 inch in tree trunk size for every 2,000 sq. ft. of ground coverage.

B. Between 20,000 and 50,000 sq. ft.: tree plantings equal to five inches plus 1/4 inch in tree trunk size per every 2,000 sq. ft. over 20,000 sq. ft. in ground coverage.

C. Over 50,000 sq. ft.: Tree plantings equal to eight and three fourths inches plus 1/2 inch in tree trunk size per every 4,000 sq. ft. over 50,000 sq. ft. in ground coverage.

No new tree plantings shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Zoning Ordinance. The minimum tree size for each tree planting shall be no less than one and one fourth inches in trunk diameter.

(3) Additional screening requirements.

- A. For all applicable uses under the Commercial and Industrial Districts, both planned and standard, screening shall be provided between such uses and any adjacent or abutting residential districts.
- B. Such screening can consist of walls, fence structures, and landscaping or an acceptable combination of these elements. Such screening shall cover a minimum of fifty percent (50%) of the area of the visual face formed by the rear and side property lines extended vertically to a height of seven feet and extended horizontally between the front building line and the rear property line for side lot lines. Such landscaping shall be not closer than three feet to any property line.
- C. Such screening during full foliage shall have an opaqueness of at least seventy-five percent (75%) and walls and fence structures shall have a minimum height of four feet and a maximum height of eight feet.
- D. For all industrial uses adjacent or abutting a residential district, screening shall be provided as per the following requirements:

Minimum visual face coverage	80%
Minimum opaqueness	80%
Minimum height, walls and fence structures	7 feet
Maximum height, walls and fence structures	12 feet

- E. No screening shall be erected which obstructs a driver's view of traffic at street or road intersections.

(e) Procedure.

- A. The applicant, developer or builder at the time of procuring a building permit shall submit his building plans, and landscaping plans to the Village Mayor or his designee indicating location, size of trees, location of trees over six inches to be removed and location and size of replacement trees, if any, to be planted.
- B. The Village Mayor or his designee shall review the building and landscape plan simultaneously with the engineering and subdivision review and have 15 days from the date of receipt of such plans to indicate approval or disapproval of the landscape plan to the Planning Commission under appeal, no building permit shall be issued.
- C. Under the requirements set forth for screening, the Village Mayor or his designee shall recommend to the Planning Commission the acceptability of the screening plans and the Planning Commission shall approve or disapprove the screening plan. (Ord. 363. Passed 6-22-81; Ord. 4-99. Passed 5-10-99.)

1121.05 PARKING AND OFF STREET LOADING REQUIREMENTS.

(a) Purpose. It is the intent of these requirements to insure adequate parking and off street loading areas, both for the convenience of the people and to avoid undue congestion and circulation conflicts.

(b) General Requirements.

- (1) No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this Zoning Ordinance.
- (2) All off street parking areas for multiple-family and non-residential uses shall be paved with all weather paving, adequately drained, and lighted. Such lighting shall be so arranged as to reflect the light away from adjoining property, subject to approval by the Village Mayor or his designee.
- (3) The owner of the property used for parking and/or loading shall maintain such area in good conditions without holes and free of all dust, trash, and other debris.
- (4) Location of Parking Space: The following shall govern the location of off street parking spaces and areas.
 - A. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
 - B. Parking spaces for commercial, industrial or institutional areas shall be located not more than 600 feet from the principal use.
 - C. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.
- (5) No part of any parking area for more than five vehicles shall be closer than twenty feet to any dwelling unit, school, hospital, or other institution for human care located on an adjacent lot unless separated by acceptable, adequate screening of seventy-five percent (75%) opaqueness. In no case shall any part of a parking area be closer than 15 feet to any established street.
- (6) Parking spaces: Minimum area and dimensions exclusive of driveways are as follows: For at least fifty percent (50%) of parking spaces on any development site:

	Stall minimum width	Minimum length	Minimum area sq. ft.	Aisle minimum width
90 degree angle parking	10'	20'	200'	22'
parallel parking	10'	23'	230'	14'
60 degree angle parking	10'	20'	200'	18'
45 degree angle parking	13'	20'	260'	18'

Access drives into parking area: Minimum widths as follows:

Single family driveways	10'
Two family combined drive	16'
All other uses	Minimum 20', but additional width may be required dependent on size and type of lot.

- (7) Traffic control and access:
- A. Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.
 - B. Whenever a parking lot extends to a property line or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to restrict such extension.
 - C. All parking areas with a capacity over twelve vehicles shall be striped with double lines twelve inches both sides of center to facilitate the movement into and out of the parking stalls.
- (8) A detailed parking layout must be shown to include the following:
- A. Number of spaces indicated by total number of on-site spaces and to be summed by row.
 - B. Access points and expected movement through and between separate parking lot areas.
 - C. Expected pedestrian access routes from parking areas to stores.
- It is encouraged that the total area used for parking be so defined as to create smaller, defined parking lot areas in lieu of a single, unbroken paved lot.
- It is required that adequate landscaping be used to delineate or accent parking, pedestrian, and bicycle areas.

(c) Schedule of Requirements.

<u>Building Use</u>	<u>Minimum Off-Street Parking Spaces</u>
(1) <u>Residential.</u>	
Residences, apartment unit	Two per dwelling
Rented rooms	One space per rented room plus two per dwelling unit (see definition)
Hotels, motels, lodges	One space per guest room and one space per employee.
(2) <u>Community uses.</u>	
Governmental (unless otherwise specified)	One space per 300 sq. ft. of net floor area plus one space per every 2 employees.
Civic (unless otherwise specified)	One space per 400 sq. ft. of net floor area plus one space per every 2 employees.
Educational (excluding colleges or universities)	One space per 1000 sq. ft. of net floor area.
Places of assembly (auditoriums, lodge hall, theaters, gymnasiums, stadiums, and churches)	One space per four seats.
Hospitals	
(3) <u>Commercial/business/office</u>	
Retail	One space per 500 sq. ft. of net floor area
Office	One space per 250 sq. ft. net floor area
Barber/beauty shops	One space per 300 sq. ft. net floor area
Medical, dental, or veterinary office	Four spaces per barber/beautician
Funeral homes, mortuaries	Seven per doctor having office to provide services to public
Commercial recreation	One space per 50 sq. ft. net floor area
Open commercial amusement	
Bowling alleys	One space per 500 sq. ft. net floor area
(4) <u>Service/manufacturing/industrial</u>	
Manufacturing/industrial/service processing operations, warehousing	Four spaces per lane, plus one per 150 sq. ft. of net floor area of a restaurant, lounge, entertainment.
	One per 1.5 employees on the largest shift plus one for each motor vehicle maintained on the premises.

- (5) Loading space.
- A. Loading spaces shall be required for all industrial, commercial and office uses. These spaces shall be located in the rear yard except upon Planning Commission approval.
 - B. A loading space shall have minimum dimensions of not less than 14 feet in width, 55 feet in length, exclusive of driveways, aisles and other circulation areas, and a height of clearance of not less than 15 feet, except as provided below. One off-street loading space shall be provided and maintained on the same lot for every commercial, office and institutional building excluding churches having floor area of 2,500 to 5,000 sq. ft. or industrial building floor area up to 5,000 sq. ft. Additional loading spaces shall be provided for buildings over 10,000 sq. ft. as meets the intent of this section as approved by the Planning Commission. For all commercial, office and institutional buildings excluding churches having a floor area of 750 to 2500 sq. ft., one loading space having dimensions of not less than twelve feet in width, thirty feet in height and arranged so as not to inhibit other service traffic shall be provided.
- (6) Planning Commission shall review all parking and loading plans to insure the intent of this section is met. For all uses not listed the Planning Commission shall determine what the reasonable and proper and loading requirements are to meet the intent of these regulations.
- (7) All applicable sections of the landscaping and signage sections of this Zoning Ordinance shall be met. (Ord. 363. Passed 6-22-81.)

1121.06 SIGNS.

- (a) Purpose. To regulate the size, number, use and location of signs.
- (b) Definitions.
- (1) "Sign" means and includes every sign, billboard, ground sign, free standing sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, pole sign, marquee, awning, display, illustration, insignia or similar device used to advertise or promote the interest of any person or business when the same is placed out of doors in view of the general public, or is visible to the general public from out of doors.
 - (2) "Wall sign" means any sign attached to or erected against the exterior wall of a building or structure or which is an integral part of the exterior of a building.
 - (3) "Free standing sign" means any sign which is not a wall sign and which is permanent in nature and which is affixed to the realty.
 - (4) "Temporary sign" means any sign which is permitted for a limited period of time.
 - (5) "Display area" means the area available on the sign structure for the purpose of displaying the advertising message, whether the area is used or not used.
 - (6) "Roof sign" means any sign which projects above the parapet or structural and visual roof of the building.

(c) Permit Requirements and Exemptions.

- (1) Except as otherwise specifically provided herein, no sign not subject to the Shawnee Hills Environmental District shall hereafter be constructed, erected, replaced, re-erected or remodeled within the limits of the Village of Shawnee Hills by any person, firm, corporation, or organization until a permit for the same has been issued by the Building Inspector. Such permits will be granted by the Building Inspector only upon the basis of representations submitted to him pertaining to the design, specifications and location of each sign.
- (2) Any sign to be erected within the boundaries of the Shawnee Hills Environmental Review District shall be subject to the provisions of such District and must receive a Certificate of Appropriateness prior to the erection of such sign. The provisions of this Zoning Ordinance with regard to size, location, type, and number of signs shall be maximums for property within said district and such Board, where appropriate may further restrict the size, location, type, number, and design of such sign.
- (3) There will be a fee of ten dollars (\$10.00) for each permit, plus an additional charge of twenty-five cents (25¢) per sq. ft. of available display area.
- (4) Any request for variances from the provisions hereof, or any requests for permits for signs not specifically permitted hereunder shall be submitted to the Board of Zoning Appeals for their final decision, unless such signs are subject to the Shawnee Hills Environmental Review District, in which event such variance or requests shall be submitted to the Shawnee Hills Environmental Review Board for approval.
- (5) No permit shall be required for the following signs:
 - A. Temporary real estate signs of an area of 12 sq. ft. or less for the sale or lease of property.
 - B. Professional name plates not exceeding 2 sq. ft. in area.
 - C. Small announcements with an area of less than 4 sq. ft. located inside buildings, whether or not the same are visible from the outside.
- (6) Public notices by government bodies, traffic control signs and other official signs and notices are exempt from the provisions of this Zoning Ordinance.

(d) General Provisions.

- (1) No sign, including its frame and structure, shall exceed 40 sq. ft. in area on any one side; and in addition the total display area of all signs on any one property, shall not exceed 100 sq. ft. Neither the vertical nor the horizontal measurements of any sign shall exceed 15 ft. in length.
- (2) No sign shall be placed on or above any public right of way except publicly owned signs, such as traffic control signs and directional signals, without the consent of the Mayor.
- (3) No sign shall be installed, erected or constructed in such a manner as to obstruct any fire escape or any door or window giving access to a fire escape.
- (4) Every wall sign or free standing sign shall be securely attached to the building wall or suitable metal support iron or metal anchors, bolts, supports, chains, cables or steel rods.

- (5) All signs attached to buildings may extend not more than two feet above the roof or parapet of said building whichever is higher. All other signs may extend not more than 18 feet in the air, measured from street level.
 - (6) On a corner lot, only one pole will be permitted within 12 ft. of the corner of said lot.
 - (7) Any sign on a corner lot which is within 12 ft. of the corner of said lot shall be at least seven ft. above the highest point of the sidewalk, unless such signs are wall signs and the flat side of said sign is attached to the front or side of the building. No sign base within 12 ft. of the corner permitted to extend more than six inches above grade.
 - (8) No temporary sign shall be attached to, painted on or otherwise displayed on a light standard, fence, wall, post, pole, portable supporting device or other structure except as specifically authorized by this Zoning Ordinance.
 - (9) Except as provided in Subsections (d)(7) and (8) hereof, no signs shall be permitted other than those which pertain to the business being carried on the premises on which the sign is located.
 - (10) No sign shall be erected which obstructs a driver's view of traffic at street or road intersections.
- (e) Wall Signs.
- (1) Each business may have not more than one wall sign on the front, one wall sign on each side and one wall sign on the rear of the building in which it is located.
 - (2) The aggregate area of all wall signs for any single business on any one wall may have a maximum area equivalent to 3 sq. ft. of sign area for each lineal foot of width of the building or part of a building occupied by such business, but such aggregate area shall not exceed 70 sq. ft.
 - (3) No wall sign shall project laterally beyond the building.
- (f) Free Standing Signs.
- (1) Each business shall not have more than one free standing sign.
 - (2) All free standing signs shall be designed in accordance with the sign requirements of Ohio Basic Building Code.
 - (3) No temporary sign shall be attached to any free standing sign, or its support.
- (g) Illuminated Signs.
- (1) All wiring, fittings, and materials used in the construction connection and operation of electrically illuminated signs shall be in accordance with provisions of the National Electric Code, and shall be inspected by the Building Inspector for the Village of Shawnee Hills.
 - (2) Every illuminated sign shall be constructed of metal or other equally non-combustible material.
 - (3) No mounded lamp fitting of the gooseneck type shall be permitted on any sign with the exception of roof signs.
 - (4) No sign shall contain electric bulbs, lamps, fixtures, or equipment of a nature resembling flasher signals or traffic lights, and the light from signs shall not interfere with the vision of motorists.
 - (5) No free standing plastic signs internally illuminated shall be permitted in the Village of Shawnee Hills.

- (h) Special Signs.
- (1) Signs used for announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc. shall not exceed 24 sq. ft. and may be erected for a period not to exceed 30 days plus the construction period.
 - (2) All candidates for public office, their campaign committees or other persons responsible for the posting on private property of campaign material or special announcements shall remove such material within 10 days following the election or special event.
- (i) Real Estate Signs.
- (1) Signs not exceeding 12 sq. ft. in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted. Real estate "open house" signs shall be permitted only when a house is open for inspection and only on the premises for which this sign is applicable. Such signs shall not exceed four feet in height.
 - (2) "For Sale" or "rent" signs shall be removed not later than 10 days after the contract for sale or rent of said property has been entered into. Signs indicating that the property has been sold shall not be displayed for more than 10 days.
- (j) Unsafe and Unsightly Signs.
- (1) Should any sign be or become insecure or in danger of falling or otherwise unsafe, the Building Inspector may declare such sign unsafe because of failure to conform with the provisions set forth herein; and the owner thereof or person or organization maintaining or responsible for the same shall, upon receipt of written notice from the Building Inspector, proceed at once to comply with the instructions of the Building Inspector, and put such sign in a safe and secure condition, or remove the same.
 - (2) If the Building Inspector at any time decides that because of the appearance of a sign the owner thereof or the business being advertised has abandoned maintenance of the same, he may notify such person, firm, corporation or business to either restore said sign to this original condition or remove the same within 15 days.
- (k) Violations and Penalties.
- (1) It shall be unlawful to construct, erect, replace, re-erect, or remodel any sign in violation of any of the provisions of this Zoning Ordinance or any amendments or supplements thereof.
 - (2) Any person, firm, corporation, organization, or business violating the provisions of this Zoning Ordinance shall upon conviction, be fined not less than five dollars (\$5.00) not more than one hundred dollars (\$100.00). Each day during which such unlawful construction, erection, replacement, re-erection or remodeling continues shall constitute a separate offense.

(l) Removal of Signs.

- (1) Temporary signs in existence at the effective date of this section which do not comply with the provisions of this Zoning Ordinance and all other signs heretofore erected or displayed without legal authorization or as to which a non-conforming use has not been established, shall be removed within ten days after delivery of written notice to that effect by the Building Inspector to the owner or occupant of the premises on which such signs are located.
- (2) No sign shall be permitted on a building's premises for longer than two weeks after the business to which said sign pertains has ceased operating on said premises.

(m) Canvas Awnings. Canvas awnings to protect windows from rain or sunshine may be erected and maintained if the framework and all parts thereof are made of metal and no part of such awning or of any support therefore that extends over the sidewalk shall be less than seven feet above the highest point of the sidewalk. (Ord. 363. Passed 6-22-81.)

1121.07 ENVIRONMENTAL REVIEW DISTRICT.

(a) Purpose. The Environmental Review District is established to protect the economic and social welfare of the Village of Shawnee Hills by requiring reasonable controls over the character, design, placement and relationship of the buildings, structures, and spaces of the commercial areas while enhancing and protecting the residential land uses which abut the commercial areas through the proper development of the commercial areas.

(b) Organization. The Shawnee Hills Environmental Review District is hereby established to control, encourage and regulate the character, design, placement and relationship of buildings, structures, and spaces within the boundaries of the District. (Ord. 363. Passed 6-22-81.)

(c) Affected Property. The district shall be applicable to land presently or hereafter commercially zoned or considered a non-conforming lot.

(d) Regulations.

- (1) The Architectural Board of Review shall sit as the Shawnee Hills Environmental review Board (and for the purposes of this section shall be referred to as the Board). (Ord. 09-2002. Passed 4-8-02.)
- (2) No building, structure, or space within the Shawnee Hills Environmental Review District shall be constructed, reconstructed, altered, moved, extended, raised, enlarged, or changed in external appearance, unless and until the plans and specifications of such building or structure and the landscaping plan for the premises on which it is to be located have been approved by the Board. The Board, in reviewing such plans and specifications shall examine the architectural design, the exterior surface treatment, the arrangement of buildings and structures on the premises, the uses of signage, the means of integrating parking, the use of landscape materials and the impact of the proposed project on the surrounding properties to determine the effect the project will have upon the appearance and environment of the district. The Board shall endeavor to assure that the exterior appearance and environment of such buildings, structures, and spaces will enhance the attractiveness and desirability of the district in keeping with its purpose and intent; encourage the orderly and harmonious development of the district in keeping with the character of the district; improve residential amenities in any adjoining residential neighborhood; enhance and protect the public in private investment in the value of all lands and improvements within the district and adjoining districts.
- (3) Architectural style: The Board in the performance of its duties shall not attempt to prescribe the style of architecture so long as the architectural style and design under construction meets the standards set forth above.

(e) Certificate of Appropriateness.

- (1) A Certificate of Appropriateness must be obtained prior to any new construction of any remodeling, reconstruction or other change which would come within the provisions of this Zoning Ordinance.
- (2) The responsibility of review and approval or denial of the application for a Certificate of Appropriateness shall rest with the Board. All applications for a Certificate of Appropriateness shall be made to the Mayor or his designee at least 14 days before a regularly scheduled Board meeting. The applicant shall submit with his application drawings, materials, sketches, and other such items that indicate or identify the proposed exterior and environment of any new or existing building or structure within the Environmental Review District.
- (3) The Board shall review and approve, approve with modifications or conditions, or disapprove such applications within 45 days of the meeting. Upon approval by the Board, the Mayor or his designee shall issue a Certificate of Appropriateness to the applicant within 15 days thereafter. Upon disapproval by the Board, the Mayor or his designee shall not issue a Certificate of Zoning Compliance for such project. Any applicant may appeal the decision of the Board to the Shawnee Hills Village Council by filing a notice of appeal to the Clerk of Council within 14 days after the decision of the Board. The decision of the Shawnee Hills Village Council shall be final.

- (f) Penalty.
- (1) Whoever constructs, reconstructs, alters, moves, extends, raises, enlarges, or changes the external appearance of any building, structure or use of land within the Shawnee Hills Environmental Review District or whoever maintains, changes or installs a sign in violation of this Chapter shall be fined no more than one hundred dollars (\$100.00). Each day in which such violation continues shall be deemed a separate offense and punishable under the terms of the Section.
 - (2) In the event that any exterior change is made for any structure or building which is located within the Shawnee Hills Environmental Review District, or in the event that any construction occurs within the District in violation of the provisions of this chapter, the Village may institute appropriate proceedings to enjoin such unlawful change or construction.
(Ord. 363. Passed 6-22-81; Ord. 38-2007. Passed 10-8-07.)

1121.08 MAILBOXES.

- (a) All mailboxes can be installed with the following: a 4' by 4" wooden post, a rust proof metal post, stone or brick permanently anchored into the ground.
- (b) Types of mailboxes allowed:
 - (1) Basic metal.
 - (2) Basic plastic.
 - (3) Basic all aluminum.
 - (4) Cedar.
 - (5) Stone or brick.
- (c) All mailboxes will be installed according to the U.S. Postal Regulations regarding height from the ground and distance from the roadway.
- (d) All mailboxes and posts must be maintained in a "like new" condition.
- (e) Any person, firm, corporation, organization, or business violating the provisions of this section shall upon conviction, be fined not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00). Each day after which an unapproved mailbox is installed and the owner is notified in writing. (Ord. 05-97. Passed 3-10-97.)

1121.09 ARCHITECTURAL STANDARDS FOR COMMERCIAL ZONING DISTRICTS.

The following guidelines will supplement the existing architectural standards already in the Village's commercial districts' development standards:

- (a) Maximum Building Height: 35 feet. (Ord. 12-97. Passed 6-9-97.)
- (b) Building Materials: A sample materials board shall be submitted to and reviewed by the Village Planning and Zoning Commission prior to approval of any commercial site plan. The sample board shall clearly and accurately display the color, material, design, and use of all exterior materials. Any deviation from the approved material must have prior written approval from the Village Planning and Zoning Commission. (Ord. 22-2002. Passed 12-9-02.)

- (c) Building Colors. Rustic, muted colors that contribute to a “country” look and feel from the following color families, white, gray, brown and green.
- (d) Roof Pitch. Roof pitch as part of the front facade shall be a minimum of 4:12 (four inches of rise for every twelve inches in length.)
- (e) Lighting. Building and parking lot lighting schemes shall not produce glare onto adjacent properties that are not similarly zoned for commercial uses. Overlapping lighting among commercial uses is desirable to prevent dark spots between uses/buildings.
- (f) Building Orientation. All buildings shall be oriented to a public street unless otherwise approved by Village Council.
- (g) Standard of Repair. All buildings shall be regularly maintained so as to be kept in good condition. (Ord. 12-97. Passed 6-9-97.)

1121.10 LONG RANGE LAND USE PLAN.

(a) The final draft of the Long Range Land Use Plan is adopted as presented by the Long Range Planning Committee.

(b) This Land Use Plan be reviewed every five years and be updated as necessary. (Ord. 16-97. Passed 7-14-97.)

1121.11 PARKING AND STORAGE OF VEHICLES ON RESIDENTIAL PROPERTY.

(a) The following guidelines for commercial vehicles, operable vehicles and inoperable vehicles are established.

(1) Parking of Commercial Vehicles.

A. Definitions. As used in this section: "Commercial Vehicle" means any vehicle, trailer, with or without motive power, designed or used for carrying merchandise, freight, professional materials and/or equipment, or used as a commercial tractor or motor bus.

B. Prohibitions. No person shall stop, park, or leave standing a commercial vehicle, whether attended or unattended, on a residential street, except when necessary to avoid conflict with other traffic or while obeying the direction of a police officer. The owner of a parcel of land, or combined parcels of land, zoned residential, may stop, park, or leave standing only one commercial vehicle in the driveway of his or her residential lot if the property owner uses the Commercial Vehicle as the primary and daily source of transportation. The length of the Commercial Vehicle shall not exceed twenty feet and shall not have more than two axles.

C. Exceptions. This parking prohibition shall not apply to such vehicle used for conveying the necessary tools and materials to a premises where labor, using such tools and materials, is to be performed, during the time of parking such vehicle or to the time during which such vehicle is being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery, if such loading and unloading or other activities referred to in this provision are conducted diligently and without unnecessary delay.

(Ord. 18-2009. Passed 11-23-09.)

- (2) Operable vehicles. No operable vehicle may be stored on any residentially zoned lot for a period exceeding fourteen days. For purposes of this section, a stored vehicle is one which has not been moved within fourteen days, is not used for transportation by any resident of the lot, and is in view of any adjacent street or lot.
- (3) Inoperable vehicles. Outdoor storage of inoperable, unlicensed, or unused vehicles of any type, for a period exceeding seven days, is prohibited.

(b) Any person violating the provision of this section shall be penalized according to the provisions set forth in Section 1129.02 of the Codified Ordinances of the Village of Shawnee Hills. (Ord. 9-99. Passed 11-8-99.)

1121.12 PORTABLE RESIDENTIAL STRUCTURES.

As used in this section, "mobile home" shall mean any vehicle so designated, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation and/or used or so constructed as to permit its being issued as a conveyance upon the public street and highway.

- (a) No mobile home, trailer or similar portable residential structure shall be permitted in any district in the Municipality, except as allowed and specified in Section 351.16.
(Ord. 18-2011. Passed 9-12-11.)

1121.13 SITE PLAN AND/OR CONCEPTUAL GRADING PLAN REQUIREMENT.

(a) Activities Requiring an Approved Site Plan. The following activities require a Site Plan approved by the Village Zoning Code Enforcement Officer or his/her designee:

- (1) Construction of a building or structure.
- (2) Enlarging or altering any building or structure.
- (3) Altering the grade of any lot in excess of two (2) feet. Construction of any streets, alleys, sidewalks, curbs, gutters, retaining walls, drain or sewer or off street parking lots.
- (4) Changing or diverting the flow of Stormwater runoff or natural water courses.
- (5) If the proposed plan is inadequate in detail for Stormwater management, a separate drainage plan will be required. A Professional, licenses in the State of Ohio and experienced in drainage and storm sewer design is required to design Stormwater systems and prepare plans. These plans, in addition to basic information such as owner name and address, date, scale, north indication, and etc. Shall contain, as a minimum, the following items or information.

(b) Site Plan Requirements. All Site Plans submitted under this Section shall include, at least, the following information and be prepared as follows. Depending on the circumstances of a particular activity at a specific location, the Zoning Administrator may require additional information.

- (1) Owner's Name, Address of Property and who prepared the drawing.
- (2) A Bench Mark shall be provided at each site.
- (3) Identification (horizontally and vertically) of the Bench mark used for the site.

- (4) A standard scale (i.e., 1" = 20', 1" = 40', 1" = 50', etc.).
- (5) Prepared on a sheet size no less than 11" x 17" in order to appropriately provide the items required and so as to provide for a legible and easy to understand plan.
- (6) Prepared by a Professional, licensed in the State of Ohio, with knowledge in preparing such grading plan.
- (7) Provide the total land area including easements and rights-of-way.
- (8) Show all existing and proposed topography of existing land and impervious areas shown in two (2) foot intervals. Some situation may require additional elevation verifications.
- (9) Provide elevations of existing and proposed lot grades, streets, alleys, utilities, waterlines, sanitary and storm water sewers, and including existing and adjacent buildings and structures that may be affected.
- (10) Show all existing and proposed impervious areas (i.e. paved parking areas, paved driveways, paved play courts, etc.).
- (11) Show all road rights-of-way and easements.
- (12) Show all natural and artificial watercourses.
- (13) Show all adjacent private and public utilities (i.e. gas, water, sanitary, etc.) to ensure the proposed stormwater improvements do not conflict with existing utilities.
- (14) Show limits of flood plains (if applicable).
- (15) Show all existing and proposed slopes, terraces, or retaining walls.
- (16) Show all existing and proposed Stormwater drainage structures or features.
- (17) Show all Stormwater structures/features immediately upstream and downstream of the site.
- (18) Show all Erosion and Sediment Control measures.
- (19) Drainage calculations for storm systems are required.
- (20) Drainage easements are required when storm systems are proposed to be turned over to the Village.
- (21) Provide existing grade and proposed Finish Floor elevations.
- (22) Indicate existing and proposed ground around house (or structure) and adjacent properties.
- (23) Show existing and proposed driveways with grades and elevations (grades shall not exceed 8%).
- (24) All drainage that is proposed shall drain away from the road, including the driveway. Driveways shall drain away from the traveled road for at least the first five (5) feet. See drawings.
- (25) All runoff that leaves the improved site shall be controlled so that there is no increase in the maximum rate of flow and velocity prior to its improvement and no new runoff shall be allowed onto the adjacent lot(s). (Ord. 8-2014. Passed 5-12-14.)

CHAPTER 1125
Special Districts

EDITOR'S NOTE: Former Chapter 1125 was deleted from the Codified Ordinances by Ordinance 4-99, passed May 10, 1999.

CROSS REFERENCES
Zoning Map - see P. & Z. Ch. 1109
District Regulations - see P. & Z. 1113

CHAPTER 1128
Flood Damage Reduction Regulations

<p>1128.01 General provisions. 1128.02 Definitions. 1128.03 Administration.</p>	<p>1128.04 Use and development standards for flood hazard reduction. 1128.05 Appeals and variances. 1128.06 Enforcement.</p>
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CROSS REFERENCES

Levees - see Ohio R.C. 717.01

Marking flood areas - see Ohio R.C. 1521.14

1128.01 GENERAL PROVISIONS.

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

(b) Findings of Fact. Although the Village of Shawnee Hills does not have any special flood hazard areas identified at this time that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; the Village wants to update its flood damage reduction regulations so that it is better prepared in case an emergency arises and be eligible to receive federal funds. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;

- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Shawnee Hills as identified in subsection (f) hereof, including any additional areas of special flood hazard annexed by Village of Shawnee Hills.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Rate Map for Delaware County, Ohio and incorporated areas and the Flood Insurance Study for Delaware County, Ohio and incorporated areas both effective April 16, 2009.

- (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Shawnee Hills as required by Section 1128.04(e) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Municipal Building, 40 W Reindeer Dr., Shawnee Hills, Ohio 43065.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Shawnee Hills, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 05-2009. Passed 3-23-09.)

1128.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter for these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (a) Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

- (b) Appeal: A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one hundred (100) year flood.
- (d) Base (100-Year) Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (e) Basement: Any area of the building having its floor subgrade (below ground level) on all sides.
- (f) Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (g) Enclosure Below the Lowest Floor: See "Lowest Floor."
- (h) Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (i) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.
- (j) Fill: A deposit of earth material placed by artificial means.
- (k) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (l) Flood Hazard Boundary Map (FHBM): Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (m) Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (n) Flood Insurance Risk Zone: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - (1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
 - (2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - (3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

- (5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
- (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
- (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (o) Flood Insurance Study (FIS): The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (p) Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (q) Floodway:
 - (1) A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.
 - (2) The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (r) Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (s) Historic structure: Any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
 - (4) Individually listed on the inventory of historic places maintained by Village of Shawnee Hills's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

- (t) Hydrologic and hydraulic engineering analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (u) Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
 - (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (v) Lowest floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (w) Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
- (x) Manufactured home park: As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

- (y) National Flood Insurance Program (NFIP): The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (z) New construction: Structures for which the "Start of Construction" commenced on or after the initial effective date of the Village of Shawnee Hills Flood Insurance Rate Map, April 16, 2009, and includes any subsequent improvements to such structures.
- (aa) Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.
- (bb) Recreational vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (cc) Registered Professional Architect: A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (dd) Registered Professional Engineer: A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (ee) Registered Professional Surveyor: A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (ff) Special Flood Hazard Area: Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (gg) **Start of construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (hh) **Structure:** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (ii) **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (jj) **Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
- (1) Any improvement to a structure that is considered "new construction,"
 - (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
- (kk) **Variance:** A grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (ll) **Violation:** The failure of a structure or other development to be fully compliant with these regulations.
(Ord. 05-2009. Passed 3-23-09.)

1128.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Code Enforcement Officer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator or his/her designee shall include, but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1128.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

- (2) Elevation of the existing, natural ground where structures are proposed.
 - (3) Elevation of the lowest floor, including basement, of all proposed structures.
 - (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
 - (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1128.04(e).
 - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1128.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
 - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1128.04(i)(3).
 - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1128.04(i)(2).
 - E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1128.04(i)(1).
 - F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1128.04(c).
 - (6) All applications for a floodplain development permit shall be accompanied by a permit fee as set forth in the schedule of fees adopted by the Village of Shawnee Hills.
- (e) Review and Approval of a Floodplain Development Permit Application.
- (1) Review.
 - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (d) hereof has been received by the Floodplain Administrator.

- B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
- (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
- (f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:
- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
 - (2) For all development activities subject to the standards of subsection (j)(1) hereof, a Letter of Map Revision.
- (h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1128.05 of these regulations.
- (i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:
- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
 - (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

- (3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Village of Shawnee Hills flood maps, studies and other data identified in Section 1128.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data.

- A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1128.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with subsection (j)(1) hereof, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 1. Proposed floodway encroachments that increase the base flood elevation; and
 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to subsection (j)(1)A. hereof.

- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the Village of Shawnee Hills, and may be submitted at any time.
 - (3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Shawnee Hills have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Shawnee Hills' Flood Insurance Rate Map accurately represent the Village of Shawnee Hills boundaries, include within such notification a copy of a map of the Village of Shawnee Hills suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village of Shawnee Hills has assumed or relinquished floodplain management regulatory authority.
- (k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:
- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
 - (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
 - (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
 - A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1128.05, Appeals and Variances.
 - (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.
- (1) Substantial Damage Determinations.
- (1) Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:
 - A. Determine whether damaged structures are located in special flood hazard areas;
 - B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
 - C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.
 - (2) Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.
(Ord. 05-2009. Passed 3-23-09.)

1128.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1128.01(f) or 1128.03(k)(1):

- (a) Use Regulations.
 - (1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of Shawnee Hills are allowed provided they meet the provisions of these regulations.
 - (2) Prohibited Uses.
 - A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
 - B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

- (b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (c) Subdivisions and Large Developments.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
 - (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1128.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection (c)(4) hereof.
- (d) Residential Structures.
- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring and construction materials resistant to flood damage are satisfied.
 - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation

- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - A. Be used only for the parking of vehicles, building access, or storage; and
 - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.
 - (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section
- (e) Nonresidential Structures.
- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (d)(1)-(3) and (5)-(7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with subsection (e)(2)A. and B. hereof.

- (f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of subsection (d)(5)C. hereof;
- (g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
 - (2) They must be fully licensed and ready for highway use, or
 - (3) They must meet all standards of subsection (d) hereof.
- (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
- (1) Development in Floodways.
 - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. Meet the requirements to submit technical data in 1128.03(j)(1);
 2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 5. Concurrence of the Mayor of the Village of Shawnee Hills and the Chief Executive Officer of any other communities impacted by the proposed actions.

- (2) Development in Riverine Areas with Base Flood Elevations but No Floodways.
- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 2. Subsection (i)(1)B., items 1. and 3. to 5.
- (3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the Village of Shawnee Hills specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

- D. The applicant shall meet the requirements to submit technical data in Section 1128.03(j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.
(Ord. 05-2009. Passed 3-23-09.)

1128.05 APPEALS AND VARIANCES.

- (a) Appeals Board.
- (1) The Village of Shawnee Hills Board of Zoning Appeals is hereby appointed to serve as the Appeals Board for these regulations.
 - (2) Records of the Appeals Board shall be kept and filed at the Municipal Building, 40 W Reindeer Dr. Shawnee Hills OH 43065.
- (b) Powers and Duties.
- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
 - (2) Authorize variances in accordance with Section 1128.05(d).
- (c) Appeals.
- (1) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 20 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall immediately transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.
 - (2) Upon receipt of the notice of appeal, the Appeals Board shall schedule a hearing within forty-five (45) days, giving written notice to parties in interest. The Board of Appeals shall issue a written decision within thirty (30) days after the hearing is concluded.
- (d) Variances. Any person believing that the use and development standards of these regulations would result in practical difficulties may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.
- (1) Application for a Variance.
 - A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board for a public hearing

- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
 - C. All applications for a variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the Village of Shawnee Hills.
- (2) Public Hearing.
- A. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:
 - 1. The danger that materials may be swept onto other lands to the injury of others.
 - 2. The danger to life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
 - 6. The necessity to the facility of a waterfront location, where applicable.
 - 7. The compatibility of the proposed use with existing and anticipated development.
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - B. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause.
 - 2. A determination that failure to grant the variance would result in practical difficulties due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 4. A determination that the structure or other development is protected by methods to minimize flood damages.
 5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - C. Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.
- (3) Other Conditions for Variances.
- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (d)(2)1. to 11. have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.
 - C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (e) Procedure at Hearings.
- (1) All testimony shall be given under oath.
 - (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
 - (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
 - (4) The administrator may present evidence or testimony in opposition to the appeal or variance.
 - (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
 - (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
 - (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

- (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeals to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Delaware County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 05-2009. Passed 3-23-09.)

1128.06 ENFORCEMENT.

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1128.03(i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection (c) hereof.
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (c) hereof.

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a minor misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Shawnee Hills and/or the State of Ohio. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Shawnee Hills from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Shawnee Hills shall prosecute any violation of these regulations in accordance with the penalties stated herein. (Ord. 05-2009. Passed 3-23-09.)

CHAPTER 1129
Administration

1129.01	Enforcement of regulations.	1129.05	Severability.
1129.02	Penalty.	1129.06	Planning commission.
1129.03	Amendments.	1129.07	Fees for zoning applications
1129.04	Procedure for proposed amendment.		and permits.

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10
Violation of Zoning Ordinances - see Ohio R.C. 713.13

1129.01 ENFORCEMENT OF REGULATIONS.

(a) Administration, Code Enforcement Officer. This Zoning Ordinance shall be administered and enforced by the Code Enforcement Officer who shall report to the village Administrator. The duties of the Code Enforcement Officer are:

- (1) To issue a Certificate of Zoning Compliance when these regulations have been followed or, to refuse to issue the same in the event of non-compliance.
- (2) To collect the designated fees as set forth in this Zoning Ordinance for Certificate of Zoning Compliance, application for amendment or changes, Appeal and Conditional Use.
- (3) To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all Certificates of Zoning Compliance, and of receipt of complaints of violation of this Zoning Ordinance and action taken on the same.
- (4) To inspect any building or land to determine whether any violations of this Zoning Ordinance have been committed or exist.
- (5) To enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, a discontinuance of illegal uses or illegal work in progress, and may request the Village Solicitor to commence appropriate action.
- (6) To keep the Planning Commission advised of all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining to supplements and amendments.
- (7) To keep the Board of Zoning Appeals and Architectural Review Board advised of all matters pertaining to the Conditional Use permits, appeals or variances and to transmit all applications and records pertaining thereto.
- (8) To keep the Village Council advised on all matters pertaining to zoning, variances, conditional use permits, appeals and the like, and to transmit all applications of records pertaining there to as required by this Code.

(Ord. 363. Passed 6-22-81; Ord. 07-2004. Passed 5-24-04; Ord. 27-2006. Passed 10-9-06.)

(b) Certificate of Zoning Compliance. No occupied or vacant land shall be changed in its use in whole or part until the Certificate of Zoning Compliance shall have been issued by the Code Enforcement Officer. No existing or new building shall hereafter be changed in its use in whole or in part until the Certificate of Zoning Compliance shall have been issued by the Administrative Officer. This section shall in no case be construed as requiring a Certificate of Zoning Compliance in the event of a change in ownership or tenancy only without a change in use or intended use, provided that no repairs, alterations, or additions are proposed for such building.

(c) Building Permit. No Building Permit for the extension, erection, or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance issued and no building shall be occupied until such certificate is approved. (Ord. 363. Passed 6-22-81.)

(d) Application for Certificate. For all projects except patios, decks, sidewalks, curb and driveway replacement and other minimum disturbance projects that are not required by the Ohio Environmental Protection Agency to provide an erosion and sediment (E&S) control plan, an E&S control plan must be submitted with the application. Applicable projects include, but are not limited to: alteration, construction, installation, demolition or removal of a structure, impervious surface or drainage facility; clearing, scraping, grubbing, killing, or otherwise removing the vegetation from a site; adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging; or otherwise significantly disturbing the soil, mud, sand or rock of a site. A minimum site disturbance (other than those listed below) does not exist for this requirement.

- (1) Responsibility. The developer/builder shall designate an individual responsible for the E&S controls on the site. This designee will be responsible for contacting the Village to request the initial E&S controls inspection and ensuring the necessary monitoring and maintenance of controls routinely occurs on the site.
- (2) Requirements. Projects are required to comply with the Village's Stormwater Management regulations. The following is a guideline of submittals and subsequent inspections:
 - A. Commercial Construction Sites and Individual Residential Lots
 1. Applicant will provide all necessary E&S controls on the construction civil drawings and residential lot plot plans. See Exhibit A for an example of the residential lot erosion control plan. Applicant will also need to provide confirmation that a Notice of Intent (NOI) application for coverage under OEPA's National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit Coverage has been submitted. Example can be found in Exhibit B. The information submitted to the Village shall be in compliance with the applicant's NPDES permit.
 2. Applicants are required to inspect their sites weekly and within 24 hours of a 0.5" or greater rainfall. The Village Zoning Inspector, or his/her designee, will visit the sites periodically, at least monthly, and as necessary after heavy rains, to ensure controls are in place and maintained, and that applicants are conducting their weekly inspections which are documented on a site log sheet.

- B. Public Improvement Portions of Subdivisions and Capital Improvement Projects
1. Applicant will provide all necessary E&S controls on construction civil drawings. This will be approved as part of the plan review process as required by the type of project. Applicant will also need to provide confirmation that a NOI application for coverage under OEPA NPDES Construction Storm Water General Permit Coverage has been submitted. Example forms can be found in Exhibit B. The informations submitted to the Village shall be in compliance with applicant's NPDES permit.
 2. These projects are to be inspected every week and within 24 hours of a 0.5" or greater rainfall by the Village Zoning Inspector, or his/her designee.
Applicants are encouraged to utilize all necessary technologies to fully understand their sites drainage and the Village's requirements to develop site specific plans. Applicant's plans shall emphasize prevention of erosion over treatment and capture of sedimentation. E&S control plans shall include all information necessary to install the controls effectively and efficiently.
- C. Penalty. The Village reserves the right to require modification to any approved plans that are deemed ineffective in controlling erosion and containing sedimentation of soils. If the corrective actions are not satisfactorily completed or controls are not installed and maintained, the Village may issue a Notice of Violation pursuant to Section 929.09 of the Codified Ordinances of the Village of Shawnee Hills and/or proceed with other enforcement remedies as provided by Ohio Law or Village Code.
- (3) In addition to the E&S control plan if required, each application for Certificate of Zoning compliance for new development shall be accompanied by a plan and supporting documentation in quadruple to scale, three copies of which shall be returned to the owner upon approval. The physical survey stamped and signed by a registered surveyor shall show the following:
- A. The actual dimensions of the lot.
 - B. Lot numbers.
 - C. Easements and road pavement locations.
 - D. Setbacks from street right of way and street pavement to the front of the structure.
 - E. Exact size, location and intended use of all proposed structures on the site.
 - F. Driveway location, width and setback from neighboring property line.
 - G. Trees greater than 6 inches in diameter.
 - H. Blue prints showing all floor plans, existing elevations, proposed finished elevation, square footage of the building and building height.
 - I. Such other information with regard to the lot and neighboring lots may be necessary to determine and provide for the enforcement of this Zoning Ordinance. (Ord. 7-2014. Passed 5-12-14.)

(e) A Development Drainage Plan is required and must be stamped/signed by a Licensed Architect, Certified Landscape Architect or a Registered Professional Engineer. Include information as listed on the Village of Shawnee Hills Site Plan or Conceptual Grading Plan Requirements as on file.

(f) Issuance of Certificates: Certificate of Zoning Compliance shall be issued or refusal thereof given within ten (10) business days after the date of receiving a completed application. Written notice of such refusal and reason thereof shall be given to the applicant.

(g) A Zoning Inspection Certificate and a final drainage inspection is required before an occupancy permit will be granted by Delaware County Code Compliance.

(h) If Village Code does not specifically address an area then the Delaware County Building Code will be used for clarification. (Ord. 03-2004. Passed 3-22-04.)

1129.02 PENALTY.

(a) Any person violating any provision of any section of this Zoning Ordinance, or who shall violate or fail to comply with any order made thereunder, or who shall falsify plans or statements filed thereunder, or who shall continue to work upon any structure after having received written notice from the Administrative Officer to cease work, shall be guilty of a minor misdemeanor and upon conviction thereof, shall be fined not less than ten dollars (\$10.00) and more than one hundred dollars (\$100.00) per offense.

(b) A separate offense shall be deemed committed for each and every day during or upon which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, use, or failure to comply occurs or continues. (Ord. 23-2014. Passed 9-8-14.)

1129.03 AMENDMENTS.

Unless specifically governed by Chapter 1117, the following general requirements will apply to all requests to amend the Zoning District Map:

- (a) Initiation by Ordinance. Proposed amendments may be initiated by the Village Council by Ordinance, or by motion of the Planning Commission to Village Council to create such legislation.
- (b) Initiation by Application. Proposed amendments may be initiated by the owners of land, or his or her designee(s), that is proposed to be changed by amendment of the Zoning District Map.
- (c) If initiated by application, a complete application form and fee shall be filed with the Code Enforcement Officer.
 - (1) Application. The application for any proposed change or amendment shall contain:
 - A. Name, address, phone number of applicant and property owner.
 - B. A statement describing the current section(s) of the Zoning Ordinance, or the district boundaries of the Zoning district Map that the applicant wishes to have changed or modified, as well as the applicant's specific recommendations for said change.
 - C. Legal description of the property.
 - D. A statement of the relation of the proposed change or amendment to the general health, safety, and welfare of the public in terms of need or appropriateness within the area by reason of changed or changing conditions and the relation to appropriate plans for the area.

- E. A list of owners and their mailing addresses of property within and contiguous to and directly across the street from such area proposed to be rezoned. Such lists to be in accordance with the Delaware County Auditor's current tax list.
- F. A plot plan drawn to scale drawing:
 - 1. Shape and dimensions of the lot with front, rear and side yard dimensions shown.
 - 2. Exact size, location and dimensions of existing or proposed structures or of proposed alteration.
 - 3. Traffic access and parking.
 - 4. Notations of existing trees and other significant site vegetation.
 - 5. Any additional information as required by the Mayor, Zoning Officer, or Mayor's designee.
- G. Additional information as detailed in the Village Rezoning Application form packet, which packets shall be made available at the Village Office.
(Ord. 23-2015. Passed 8-24-15.)

1129.04 PROCEDURE FOR PROPOSED AMENDMENT.

- (a) Hearing Date.
 - (1) Upon receipt of an application, if applicable, a hearing date shall be set before the Planning commission, not later than 60 days following receipt of the application but not less than 40 days after receipt of the application, so as to provide for publication of notice as required by Ohio R. C. 713.12. As set out in subsection (e), below, the Planning Commission shall make a recommendation to the Village Council no later than 30 days after the initial public hearing, prior to hearing and action upon the application by Council.
 - (2) If Planning Commission review is not applicable pursuant to Sections 1113.12 1113.13 or the like, the application shall be processed and reviewed by applicable departments and officers as needed. Tentative first reading and second reading (public hearing) dates shall be scheduled before village Council. If applicable, the application shall be routed to the Architectural Board of Review for hearing and recommendation. An application shall not be set for public hearing by Council until a recommendation from the Architectural Board of Review has been issued.
 - (3) Upon receipt of such recommendation, notice and/or publication shall be made in accordance with Ohio R.C. 713.12.
- (b) Notification of Solicitor. Upon receipt of the application, the Mayor, or his designee shall notify the Solicitor of the filing of the application and request for preparation of an Ordinance effecting the proposed change. Said Ordinance shall be prepared for public examination during the 30 day period required after notice is given under Ohio R.C. 713.12.

- (c) Notice of Combined Public Hearing.
- (1) A notice setting forth the time and place of the public hearing and a summary of the proposed change or amendment shall be given by the Village Council by publication in one or more newspapers of general circulation in the village once a week for two consecutive weeks, at least 30 days before the date of each scheduled hearing.
 - (2) If a proposed change or amendment tends to effect (rezone) or (re-district) 10 or less parcels of land as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Clerk of the village of Shawnee Hills by first class mail at least 20 days before the date of the public hearing to all owners of property within, contiguous to and directly across the street from the area effected by the proposed change or amendment. Such notice is to be mailed to the address of such owners appearing on the Delaware County Treasurer's current Tax mailing list.
- (d) Public Examination. During such 30 day period as provided for in the published notice, the text or copy of the text of such ordinance, application, measure or regulation, together with maps or plans, or copies thereof, forming part of or referred to in such ordinance, application, measure, or regulation, and maps, plans, and reports submitted by the Mayor, Planning Commission, or Mayor's designee, shall be on file for public examination, in the Office of the Clerk or in such other office as designated by Council.
- (e) Action by Planning Commission. After the combined public hearing, the Planning Commission shall act on a proposed change or amendment.
- (1) Consideration. The Planning Commission shall consider the approval, denial, or modification of the proposed change or amendment as such proposal in the Commission's judgment advances the general health, safety, and welfare of the public by encouraging appropriate use and development of land effected and the comprehensive overall development of the surrounding area.
 - (2) Recommendations. Within 30 days after the public hearing, the Planning Commission shall submit to the Village Council, a recommendation of approval, denial, or some modification of the proposed change or amendment including a statement of reasons for such a recommendation, together with such application, the text and map pertaining thereto.
- (f) Action by Council.
- (1) Upon receipt of such recommendation concerning proposed change or amendment the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof.
 - (2) No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than three fourths of the membership of Council. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to Council.
(Ord. 363. Passed 6-22-81; Ord. 27-2006. Passed 10-9-06.)

1129.05 SEVERABILITY.

If for any reason any one or more sections, sentences, clauses or parts of this Zoning Ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Ordinance. (Ord. 363. Passed 6-22-81.)

1129.06 PLANNING COMMISSION.**(a) Organization.**

- (1) The Planning Commission shall consist of five members including the Mayor and a member of Council. Each member shall be a resident of the Village and appointed by the Mayor for terms of six years each, except that the term of one of the members of the first Commission shall be for four years and one for two years. All such members shall serve without compensation.
- (2) The Planning Commission shall create, establish, and adopt rules and regulations for its own government and procedure that is consistent with this Zoning Ordinance, and shall annually choose a chairman and a vice-chairman. The chairman shall be elected at the first meeting of the Planning Commission in January of each year. The chairman shall serve a one-year term.

(b) Meetings. The Planning Commission shall meet at a day and time each month (as established by the Planning Commission) if necessary, or at the request of the Mayor or his designee, or upon written notice by two or more of its members. Such request or notice shall be given at least twelve hours prior to the meeting time. Such written notice from Planning Commission members must be given to all available members of the Planning Commission and the Mayor or his designee. Such written notice must specify the item(s) on the agenda.

(c) Powers and Duties. The powers and duties of the Planning Commission shall be:

- (1) Consider and approve, deny, or modify a proposed change or amendment to this Zoning Ordinance or the Zoning Map and make such recommendation to Council.
- (2) Recommend, by motion, a change or amendment to this Zoning Ordinance or the Zoning Map.
- (3) Review and supervise subdivision platting and development plans for planned district applications with reference to this Zoning Ordinance and the Subdivision Regulations.
- (4) All of those powers and duties set forth in the Ohio Revised Code, including but not limited to, Ohio R.C. 713.02.
- (5) Perform other such duties as are required by Ordinance or requested by the Mayor and/or Council.

(d) Removal. Council may, at any time, remove any member of the Planning Commission with the concurrence of two-thirds of all members elected to Council. (Ord. 5-2015. Passed 2-9-15.)

1129.07 FEES FOR ZONING APPLICATIONS AND PERMITS.

Council hereby adopts the following schedule of fees for Zoning permits and all other related activities:

New Single Family Certificate of Zoning Compliance	\$425.00	
Alteration/Addition/Garage to Approved SF Structure/Site	\$325.00	
Re-review Fee	\$75.00	
Re-review of drainage plan(s) due to partial work or disapproval	\$125.00	
Re-inspection of final work site	\$125.00	
Zoning/Building Compliance Commercial	\$150.00 + .10/sf	Outdoor Storage
	\$200.00 – 3000 SF	
	\$400.00 – 5000 SF	
	\$600.00 – 10000SF	
Fence Permit	\$25.00 +	
Home Occupation	\$25.00	
Certificate of Appropriateness – Non CAP, New Construction	\$500.00	
COA - Comm'l - Non CAP, New Construction	\$500.00	
COA - Comm'l - Non CAP (re-submittal fee) New Construction	\$300.00	
Certificate of Appropriateness - Non CAP, Existing Business	\$150.00	
COA - Comm'l - Non CAP, Existing Business	\$150.00	
COA - Comm'l - Non CAP Existing Business (resubmittal fee)	\$50.00	
Zoning Compliance for Sign < 50 square feet*	\$35.00	
Re-review fee per submission and inspection	\$25.00	
Zoning Compliance for Sign > 51 square feet*	\$50.00	
Re-review fee per submission and inspection	\$25.00	
* In addition to all other comm'l applicable fees.		
Re-Zoning Amendment	\$1250.00	
Appeal to Board of Zoning Appeals	\$300.00	
Application for Variance to Board of Zoning Appeals	\$300.00	
Application for Conditional Use Permit	\$600.00	
Lot Split Application	\$100.00	
Tree Removal Permit	NA	
Deck - No change of grade	\$40.00 + .12/sf	
	\$25.00 Zoning	
	Certificate	
Gazebo/Porch/Patio (foundations/alter grade)	\$40.00 + .12/sf	
	\$25.00 Zoning	
	Certificate	
Driveway	\$50.00	
Swimming Pool Permit - Above Ground	\$50.00	
Swimming Pool - In Ground	\$50.00	
Any Reinspection Fee	\$50.00	
Any Resubmission Fee	\$25.00	

(Ord. 14-2007. Passed 7-23-07; Ord. 22-2009. Passed 9-14-09.)

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- (a) All fees set forth in this Section shall be paid in full before any permit or certificate is issued and/or any application is accepted or reviewed, except as provided hereunder.
 - (b) If any work that requires a permit or certificate is commenced prior to the necessary permit or certificate being issued, all work must stop immediately and a permit or certificate must be obtained. All fees for permits and/ or certificates obtained under this subsection shall be double the fee set forth in this Section.
 - (c) If the Village Administrator and/or Code Enforcement Officer determine work was commenced without a permit and/or certificate because of an emergency situation and if a permit application is completed and the required fee is paid within thirty (30) days after the work was commenced, the standard fees set forth above shall apply. If the Village Administrator and/or Code Enforcement Officer determine work was commenced without a permit and/or certificate because of an emergency situation and if a permit application is not completed and the required fee is not paid within thirty (30) days after the work was commenced, the fee provisions set forth in subsection (b) shall apply.
 - (d) Fees required in any of the foregoing or any parts of the Village's zoning ordinance are not refundable for any reason.
(Ord. 01-2011. Passed 3-14-11.)

CHAPTER 1133
Board of Zoning Appeals

<p>1133.01 Established; members; duties. 1133.02 Appeals. 1133.03 Nature of variance. 1133.031 Application for variance and appeals.</p>	<p>1133.032 Action by the Board of Zoning Appeals. 1133.033 Supplementary conditions. 1133.04 Procedure for authorizing a conditional use.</p>
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CROSS REFERENCES

Council may amend zoning - see Ohio R.C. 713.10
Appeals - see Ohio R.C. 713.11, Ch. 2506

1133.01 ESTABLISHED; MEMBERS; DUTIES.

(a) Members. The Board of Zoning Appeals shall consist of five members, one being a representative from Council and four who are appointed by Council. Each appointed member of the Board shall serve a three year term. Each appointed term commences after the Council considers the new appointment at the first Council meeting each year, and the term of the previous appointee will continue until the Council has appointed a successor. No member of the Planning and Zoning Commission shall serve on this Board. A vacancy occurring during the appointed term of any member shall be filled for the unexpired term of that member. This Board shall be paid thirty-five dollars (\$35.00) per member per meeting. (Ord. 18-2014. Passed 7-28-14.)

(b) Proceedings of the Board of Zoning Appeals.

- (1) The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the Zoning Ordinance. (Editor's Note: Pursuant to Ord. 15-2001, passed September 10, 2001 Council adopted the Rules of Procedure for the Board).
- (2) Meetings shall be held at the call of the Chairman or at such times as the Board may determine.
- (3) The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses.
- (4) All meetings shall be open to the public. A record of all 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 public record and filed with the Clerk of Council. (Ord. 06-2001. Passed 3-26-01.)

- (5) Three members of the Board shall constitute a quorum. The affirmative vote of three members of the Board shall be necessary to reverse an order or determination by the Planning and Zoning Commission, to decide in favor of an applicant in any matter over which this Board has original jurisdiction under the Zoning Code, or to grant any variance from the requirements stipulated in the Zoning Ordinance. (Ord. 17-2015. Passed 6-22-15.)
 - (6) The Board shall elect a Chairman and Vice Chairman at its first meeting following the confirmation of the new members by Council in each Calendar year. (Ord. 07-2011. Passed 4-11-11.)
- (c) Duties of the Board of Zoning Appeals. For the purpose of this Zoning Ordinance, the Board of Zoning Appeals has the following specific responsibilities:
- (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination of Village boards, commissions, and agencies pertaining to zoning, building, and landscaping in the Village.
 - (2) Authorize such exceptions to and variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where owing to the special conditions, a literal enforcement of the Zoning Ordinance shall be observed and substantial justice done. Such variances shall only be awarded in strict compliance with the condition of Chapter 1133 of the Codified ordinances of the Village of Shawnee Hills.
 - (3) Grant conditional use zoning permits as specified in the Zoning Code. (Ord. 29-2008. Passed 12-8-08.)

1133.02 APPEALS.

(a) Taking of Appeals. Appeals to the Board of Zoning Appeals concerning interpretation or administration of the Zoning Ordinance by the Code Enforcement Officer or any other staff member may be taken by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau, unless otherwise specified in this chapter. Such appeal shall be taken within twenty (20) days after the date of the decision, by filing with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.

(b) Public Hearing and Notices. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for an appeal or variance. Notice of the public hearing shall be given to the adjoining property owners as set forth in Section 1129.04(c). No publication shall be necessary. (Ord. 11-2013. Passed 5-13-13.)

1133.03 NATURE OF VARIANCE.

(a) Nature of Variance. On a particular property extraordinary circumstances may exist in making a strict enforcement of the applicable Development Standards of the Zoning Ordinance unreasonable and therefore, the procedure for variance from Development Standards is provided to allow flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of land or structure permitted. (Ord. 11-2013. Passed 5-13-13.)

1133.031 APPLICATION FOR VARIANCE AND APPEALS.

(a) Any person owning or having an interest in property may file an application to obtain an appeal or variance. The application for an appeal or variance shall be made on such forms as prescribed by the Village and shall contain the following information:

- (1) Name, address and phone number of the applicant
- (2) Legal description of property as recorded in Franklin County Recorder's office.
- (3) Each application for an appeal or variance shall refer to the specific provisions of this chapter which apply.
- (4) The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Franklin County Auditor's current tax list.
- (5) A narrative statement explaining the following:
 - A. The matter for which the appeal or variance is sought.
 - B. Details of the appeal or variance that is applied for and the grounds on which it is claimed that the variance or appeal should be granted.
 - C. The specific reasons why the appeal or variance is justified according to this chapter.
 - D. Such other information regarding the application for appeal or variance as may be pertinent or required for appropriate action by the Board of Zoning Appeals.
- (6) A plot plan drawn to an appropriate scale showing the following:
 - A. The boundaries and dimensions of the lot.
 - B. The nature of the special conditions or circumstances giving rise to the application for approval.
 - C. The size and location of existing and proposed structures.
 - D. The proposed use of all parts of the lots and structures, including accesses, walks, off-street parking and loading spaces, and landscaping.
 - E. The relationship of the requested variance to the development standards.
 - F. The use of land and location of structures on adjacent property (Ord. 11-2013. Passed 5-13-13.)

1133.032 ACTION BY THE BOARD OF ZONING APPEALS.

(a) Actions of the Board. Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the appeal or request for variance. The Board of Zoning Appeals shall approve a variance or approve a variance with supplementary conditions only if the Board determines the applicant would have practical difficulty in meeting the Code requirements if a variance was not granted. Factors that should be considered when determining whether practical difficulties exist include, but are not limited to

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) Whether the variance is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, etc.);

- (5) Whether the property owner purchased the property with knowledge of the zoning restrictions;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance, and
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

(b) Certificate of Zoning. A Certificate of Zoning Compliance may be issued only within the period of one year from the date of final approval by the Board of Zoning Appeals.

(c) Building Permit. A Building Permit may be obtained only for the development in accordance with the approved plot plan. (Ord. 11-2013. Passed 5-13-13.)

1133.033 SUPPLEMENTARY CONDITIONS.

(a) In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this chapter and punishable as proscribed herein.

(b) 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 chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district. (Ord. 11-2013. Passed 5-13-13.)

1133.04 PROCEDURE FOR AUTHORIZING A CONDITIONAL USE.

(a) Nature of Conditional Uses.

- (1) Specifically listed Conditional Uses are provided within the Zoning District Regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such Zoning Districts.
- (2) The intent of this Section 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) Written Applications. One copy of a provided application form shall be filed with the Zoning Administrator not less than twenty days prior to the date of the public hearing.

- (1) Description of property and intended use. The application shall include the following statements:
 - A. A legal description of the property.
 - B. The proposed use of the property.
 - C. A statement of the necessity or desirability of the proposed use of the neighborhood or community.
 - D. A statement of the relationship of the proposed use to adjacent property and land use.
 - E. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

- (2) Plot plan. The application shall be accompanied by two copies of a plot plan, drawn to an appropriate scale, clearly showing the following:
 - A. The 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 accessways, walks, off-street parking and loading spaces, and landscaping.
 - D. The relationship of the proposed development to the Development Standards.
 - E. The use of land and location of structures on adjacent property.
- (c) Actions of the Board. The Board of Zoning Appeals shall hold a public hearing and act on a Conditional Use in one of the following ways:
 - (1) Public notice. Notice of the public hearing shall be given to the adjoining property owners as set forth in Section 1129.04(c)
 - (2) Approval. The Board of Zoning Appeals shall approve an application for a Conditional Use if the following conditions are met:
 - A. The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Ordinance are met.
 - B. The proposed development is in accord with appropriate plans for the area.
 - C. The proposed development will be in keeping with the existing land use character and physical development potential of the area.
 - (3) Approval with modification.
 - A. The Board of Zoning Appeals may approve with modification an application for a Conditional Use, if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met, but plot plan modification is required:
 1. To be in accord with appropriate plan for the area.
 2. To prevent undesirable effects on adjacent property and the surrounding area.
 - B. Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.
 - (4) Disapproval. The Board of Zoning Appeals shall only disapprove an application for a Conditional Use for any one of the following reasons:
 - A. The proposed use is not a Conditional Use of the Zoning District, or the applicable Development Standards are not and cannot be met.
 - B. The proposed development is not in accord with appropriate plans of the area.
 - C. The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.

- (5) Conditional use approval. Upon a favorable finding, the Board of Zoning Appeals shall approve the Conditional Use application within 30 days following the public hearing.
- (6) Conditional use permit. A Certificate of Zoning Compliance may be issued only for an approved Conditional Use within a period of one year from the date of final approval by the Board of Zoning Appeals.
- (7) Building permit. A Building Permit may be obtained only for the development of accordance with the approved plot plan.
(Ord. 363. Passed 6-22-81.)

CHAPTER 1137
Definitions

1137.01 General interpretation.**1137.02 Definitions.**

CROSS REFERENCES

General code definitions - see ADM. 101.02

1137.01 GENERAL INTERPRETATION.

(a) For the purposes of this Zoning Ordinance, certain terms or words used herein shall be interpreted as follows:

(b) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied"; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Zoning Ordinance and any caption or illustration, the text shall control.

(c) Terms not herein defined shall have meaning customarily assigned to them.
(Ord. 363. Passed 6-22-81.)

1137.02 DEFINITIONS.

(1) "Accessory use or building" is a use or building on the same lot with, and of a nature customarily incidental and subordinate to those of the main use of building.
(Ord. 363. Passed 6-22-81.)

(2) "Adult booth" means any area of a sexually oriented business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

(3) "Adult material" means any of the following, whether new or used:

- A. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- B. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual presentations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

C. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas. (Ord. 07-2003. Passed 5-12-03.)

(4) "Agriculture" means the use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for parking, treating or storing of goods produced on premises; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

(5) "Alteration" is any change, addition or modification or type of occupance, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

(6) "Automotive sales" means the sale and/or rental of new or used motor vehicles only.

(7) "Automotive repair major" means the repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

(8) "Automotive repair minor" means the replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half ton capacity, but not including repairs specified under "Automotive Repair Major".

(9) "Aviation-oriented facilities" means any runway, land area, or other facility designed to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars and other necessary buildings and open space. Also, to include aviation rental facilities.

(10) "Basement" means a space with a floor level two feet or more below grade level, but having less than half its clear height above grade level.

(11) "Building" is any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

(12) "Building height" means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the building structure.

(13) "Building Inspector" means the Building Inspector of the Village of Shawnee Hills, Ohio.

(14) "Building Line" is a line formed by the face of a building, and for the purposes of this Zoning Ordinance, a building line is the same as a front setback line; this line forms a plane which goes above and below ground and defines the limits of a front yard in which no building or structure may be located except as may be provided by this Zoning Ordinance or District Regulation or as established by the Planning Commission.

(15) "Carry-out operation" shall be defined as a retail business established on an individual tract of land or lot, contained in a structure having 8,000 or less square feet of gross floor area and where such use is designed and oriented to primarily serve short-term shoppers in the purchase of, but not wholly to include foods, beverages and other incidental items for consumption and use off the premises. (See also "drive-in or drive-through" business.) (Ord. 363. Passed 6-22-81.)

(16) "Civic building or use" means a building or location that provides for community meetings and/or activities including, but not limited to, Village Hall, school administration building, recreation center (public or private), property listed on the National Register of Historic Places, Chamber of Commerce building, library, or other public buildings owned or operated by the Village. (Ord. 07-2003. Passed 5-12-03.)

(17) "Clinic" means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

(18) "Club" is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

(Ord. 363. Passed 6-22-81.)

(19) "Commercial establishment" means any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

(20) "Conditional Use Permit" means a permit issued by Council upon the recommendations of the Planning Commission to allow certain specific developments that would not otherwise be allowed in that particular Zoning District where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Zoning Ordinance. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and if approved he must follow those plans exactly or re-apply for a permit before deviating from that plan.

(21) "Council" means the Council of the Village of Shawnee Hills.

(22) "Density" means a unit of measurement; the number of dwelling units.

A. "Gross density" means the number of dwelling units per acre of the total land to be developed; that is, including that area in publicly dedicated land.

B. "Net density" means the number or dwelling units per acre of land exclusive of that area in publicly dedicated land.

(23) "District" is a portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provision of this Zoning Ordinance.

(24) "Drive-in or drive-through business" means an operation designed and operated to specifically attract vehicular traffic and is oriented to offer maximum convenience to facilitate the arriving and departing of customers from the place of business by vehicle. A "drive-in" business shall include gas stations, carry-outs and fast-food businesses and shall be further defined as the use of an individual tract of land or lot under which the following conditions apply to the operation.

A. The use is contained in a building having 8,000 square feet or less gross floor area.

B. The business includes a limited range of food and beverage items or services for sale, having a high volume of sales and sales transactions are typically completed within five to fifteen minutes.

C. Twenty-five percent (25%) or more of the sales are carry-out orders.

(25) "Dwelling" means any building or that portion of which is designed for or used for residential purposes.

(26) "Dwelling unit" is a building or a portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

(27) "Dwelling, one-family" is a building designed exclusively for and occupied exclusively by one household.

(28) "Dwelling, two-family" is a building designed exclusively for occupancy by two households living independently of each other.

(29) "Dwelling, multi-family" means a building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

(30) "Dwelling, rooming house (boarding house, lodging house, dormitory)" means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation for five or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

(31) "Easement" means authorization by a property owner for use by another and for a specified purpose, of any designated part of his property.

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

(33) "Entertainment facilities (commercial)" means any activity conducted for economic gain which is generally related to the entertainment field, to include theater for the showing of motion pictures and theatrical productions.

(34) "Excavation" is the breaking of ground, except common household gardening and ground care.

(35) "Farm implement sales" means an operation where the principal activity is the sale or rental of farm implements.

(36) "Fence" means any enclosing structure other than part of a building of sufficient strength and dimensions to prevent straying from within or intrusion from without.

(37) "Filling" is the depositing or dumping of any matter on to, or into the ground, except common household gardening and ground care.

(38) "Floor area ratio" means the relationship between the total amount of permitted floor space in a structure, and the area of the lot on which it is situated expressed in number form. The building may be designed in a number of ways and still preserve this ratio and also meet lot coverage and height requirements.

(39) "Floor area" means the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

(40) "Home furnishing" means the sale of goods for equipping the home.

(41) "Home occupation" means an occupation conducted in a dwelling unit, subject to the provisions of Chapter 1121.

(42) "Hospital or sanitarium" means a public or semi-public facility that provides accommodations and services for the sick and injured including obstetrical, medical and surgical care.

(43) "Garages, private" means a detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein;

A. No more than one space is rented for parking to persons not residing on the premises;

B. No more than one commercial vehicle per dwelling unit is parked or stored;

C. The commercial vehicle permitted does not exceed two ton capacity.

(44) "Garages, public" means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

(45) "Gasoline service stations" means a building, structure or land used for dispersing, sale or offering for sale any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories.

(46) "Junk buildings, junk shops, junk yards" means any land, property, structure, building, or combination of the same, on which junk is stored or processed, and which shall be prohibited within the Village limits.

(47) "Hotel, motel and apartment" means a building in which lodging or boarding is provided and offered to the public for compensation. As such it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

(48) "Household" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage no such household shall contain over five persons. Further each household shall have separate and independent cooking facilities.

(49) "Institution" means providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public.

(50) "Kennel" means any lot or premises used for the sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping on, or in any lot or building three or more dogs, cats or other household pets which are over the age of six months.

(51) "Landscaping" means to modify or ornament a natural landscape by altering the plant cover.

(52) "Loading space" means a space located in the rear yard, except in unusual circumstances, used for bulk pick-ups and deliveries scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(53) "Lot measurement"

A. "Lot depth" means the mean horizontal distance of a lot measured between the front and rear lot lines.

B. "Lot width" means the width of a lot at the building setback line measured at right angles to its depth.

(54) "Lot, minimum area of" shall be the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

(55) "Lot occupancy" means that in all Zoning Districts, no more than one building may be constructed on each recorded lot or parcel unless all buildings conform to all applicable regulations and use provisions of this Zoning Ordinance.

(56) "Lot of record" means any lot width, individually or as a part of a subdivision, which has been recorded in the Office of the Recorder of Deeds of the County.

(57) "Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

(58) "Lot" is a parcel of land occupied, or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Zoning Ordinance. Every lot shall abut and have permanent access to a public street.

(59) "Lot types". Terminology used in this Zoning Ordinance with reference to interior, through, reversed frontage and corner lots is as follows:

A. "Interior Lot" means a lot with only one frontage on a street.

B. "Through Lot" means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

- C. "Reversed Frontage Lot" means a lot on which frontage is at right angles to a general pattern in the area. A reversed frontage lot may also be a corner lot.
- D. "Corner Lot" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or street shall be considered a corner lot if the side lot lines to the foremost depth of the lot meet an interior angle of less than 135 degrees. Irrespective of building orientation, on a corner lot the setback for the front yard for that use shall apply to all sides of a lot having frontage on publicly dedicated right of way.

(60) "Lot coverage" means a ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

(61) "Front lot line" in the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot, it is that line separating said lot from either street.

(62) "Side lot line" is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(63) "Major Thoroughfare Plan" means the portion of the comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

(64) "Maintenance and storage facilities" means land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

(65) "Manufacturing, light industrial" means manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures and generating little industrial traffic and no nuisances.

(66) "Mobile home" means any non-self-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public street and highways and exceeding a gross weight of 4,500 pounds and an overall length of thirty feet.

(67) "Main, principal or primary building" is a building in which is conducted the principal use of the lot upon which it is situated.

(68) "Main, principal or primary use" is the principal use to which the premises is devoted and the principal purpose for which the premises exists.

(69) "Master plan" is the comprehensive plan approved by the Village Council including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Municipality and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

(70) "Non-conforming building" is a building or portion thereof, lawfully existing at the effective date of this Zoning Ordinance, or amendment thereto, and that does not conform to the provisions of the Zoning Ordinance in the District in which it is located.

(Ord. 363. Passed 6-22-81.)

(71) "Nonconforming lot" means a lot which was lawfully created, but which does not conform to the minimum area or dimensional requirements specified for the zoning district in which it is located. (Ord. 04-2001. Passed 4-9-01.)

(72) "Non-conforming uses" is a use which lawfully occupies a building or land at the effective date of this Zoning Ordinance, or amendments thereto and that does not conform to the use regulations of the District in which it is located. (Ord. 363. Passed 6-22-81.)

(73) "Nude or state of nudity" means a state of undress that exposes to view:

- A. Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or
- B. Human male genitals in a discernibly turgid state, even if completely covered, or any device or covering that, when worn, simulates male genitals in a discernibly turgid state. (Ord. 07-2003. Passed 5-12-03.)

(74) "Nursery".

- A. "Plant material" is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.
- B. "Retail" is a space including accessory building or structure or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

(75) "Nursery (day care center)" means a facility which temporarily assumes responsibility for children in their parents absence.

(76) "Nursing home" includes convalescent and extended care facilities and means an establishment which specializes in providing necessary services to those unable to be responsible for themselves.

(77) "Off-street parking" is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

(78) "Open space" means that part of a zoning lot, including courts or yards which is open and unobstructed from its lowest level to the sky accessible to all tenants upon the zoning lot.

(79) "Organization and association" means organized on a profit or non-profit basis for the promotion of membership interests.

(80) "Parking spaces" is hereby determined to be a minimum of 150 square feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

(81) "Performance bond or surety bond" means an agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (Ord. 363. Passed 6-22-81.)

(82) "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. (Ord. 07-2003. Passed 5-12-03.)

(83) "Personal services" means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

(84) "Planning Commission" refers to the Planning Commission of the Village of Shawnee Hills, Ohio.

(85) "Planned Neighborhood Center" means designed and intended to meet the day-to-day needs of the residents, provides the necessary conveniences, sales, and services; encouraged to be integrated with the residential developments through innovative design.

(86) "Planned Industrial District" means designed and intended to both provide employment opportunities for those living in the Village of Shawnee Hills and to insure a strong economic base for the Village.

(87) "Planned Unit Development" means an area of land which a variety of housing types are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such developments contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

(88) "Professional activities" means the use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

(89) "Public service facility" means the erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by municipal or other government agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

(90) "Public use" means public parks, schools, administrative and cultural buildings and structures, not including lands or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

(91) "Public use (governmental owned)" means public parks, schools and administrative, recreational, cultural and service buildings not to include public land or buildings devoted solely to the storage of equipment and material or the disposal of refuse.

(92) "Public utility" is any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing (under state or municipal regulations) to the public gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

(93) "Quasipublic use" means churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

(94) "Research activities" means research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings and no noise, smoke, glare, vibration or odor shall be detected outside of the same building.

(95) "Recreational facilities"

- A. "Private" means private and semi-private recreational facilities which are not operated for commercial gain.
- B. "Public" means recreation facilities open to the public, established and operated for profit.
- C. "Municipal" means recreation facilities operated by the Village with or without charge.

(96) "Recreational vehicle sales" means the sale or rental of vehicles used principally for recreation.

(97) "Repair service" means any business activity which services and repairs, appliances and machines used in the home.

(98) "Restaurant" means an eating and drinking establishment excluding fast food and carry-out operations, and operations selling alcoholic beverages or liquor by the glass.

(99) "Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

(100) "Roadside stand" means a temporary structure designed or used for the display or sale of agricultural and related products.

(101) "Right of way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
(Ord. 363. Passed 6-22-81.)

(102) "Semi-nude" means a state of undress in which clothing covers no more than the human genitals, anus, areolae of the female breast, as well as portions of the body covered by straps or devices or by other minor accessory apparel such as hats, gloves and socks.
(Ord. 07-2003. Passed 5-12-03.)

(103) "Setback Line" means a line established by the Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in said Zoning Ordinance. For the purposes of the Zoning Ordinance, setback shall be considered exclusive of street right of way or easement.
(Ord. 363. Passed 6-22-81; Ord. 04-2001. Passed 4-9-01.)

(104) "Sewer system, on site" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction or an approved connection to municipal sewer service.

(105) "Sewers, central or group" means an approved sewage system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region. (Ord. 363. Passed 6-22-81.)

(106) "Sexually Oriented Business Establishment" means a commercial establishment including adult cabaret, adult store, or adult theater primarily engaged in presenting persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths or sale or display of adult material.

- A. Adult cabaret. Any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:
1. Persons who appear nude or semi-nude.
 2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
 3. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
- B. Adult store. Any commercial establishment that:
1. Contains one or more booths;
 2. As a substantial or significant portion or its business offers for sale, rental, or viewing of any adult materials; or
 3. Has a segment or section devoted to the sale or display of adult materials.

- C. Adult theater. Any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
- D. Specified anatomical areas. Any of the following:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
 - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- E. Specified sexual activities. Any of the following:
 - 1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
 - 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
 - 3. Masturbation, actual or simulated.
 - 4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
 - 5. Excretory functions as part of or in connection with any of the activities set forth in divisions 1. through 4. of this definition. (Ord. 07-2003. Passed 5-12-03.)

(107) "Swimming pool" means a pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

- A. "Private" means exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

B. "Community" means operated with a charge for admission; a primary use.

(108) "Story" is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor space above, then the ceiling next above. If the floor level directly above a basement is more than six feet above ground, such basement shall be considered a story.

(109) "Street or thoroughfare" means a way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however designated.

- A. "Expressway (freeway)" means a street devoted entirely to the movement of large volumes of traffic at relatively high speeds. The expressway (freeway) is not intended to service abutting property. Access is completely controlled.
- B. "Major Arterial" means a street that accommodates traffic to and from the expressway (freeway) and provides for traffic movements through the community to adjacent cities. A major arterial street may also carry local traffic to the minor arterial or collector system. The major arterial street may provide direct access to abutting property, but is subject to necessary control of entrances, exits and curb uses.

- C. "Minor Arterial" means a street that accommodates traffic, usually having origin and destination within the community, carry vehicles to and from the expressway (freeway) or major arterial systems to the collector network. Minor arterials offer direct access to abutting property.
 - D. "Collector" means a street that serves the internal traffic within a given segment of the community. A collector street provides connection between the arterial and local street systems. A collector street provides direct access to abutting property.
 - E. "Local" means a street that provides direct access to abutting land and for local traffic movement. This street carries traffic from a residence to the remainder of the system.
 - F. "Alleys" mean minor streets which are used primarily for vehicular service access to the back or the side of the properties otherwise abutting on a street.
 - G. "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
 - H. "Dead-End Street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
 - I. "Loop Street" means a type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
 - J. "Marginal Access Street" means a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.
- (110) "Structure" is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- (111) "Temporary use of building" is a use or building permitted by the Planning Commission to exist during periods of construction of the main building or use, or for special events.
- (112) "Temporary use permit" is the use of a building permitted by the Planning Commission to exist during periods of construction of the principal building or use, or as issued by the Village Mayor or his designee for special events.
- (113) "Trailer".
- A. "Mobile Home" is any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public street or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling for one or more persons.
 - B. "Recreational Vehicle" includes travel trailers, campers, camp car, truck campers, boats and boat trailers.
- (114) "Use" is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- (115) "Yards" means the open spaces extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- A. "Front yard" is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

- B. "Rear yard" is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
- C. "Side yard" is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the hearest point of the side lot line to the nearest point of the main building.

(116) "Veterinary animal hospital or clinic" means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

(117) "Vicinity Map" means a drawing located on the Development Plan which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to nearby developments, landmarks, community facilities or services within the general area in order to better locate and orient the area in question.

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

(119) "Variances and conditional uses"

- A. "Conditional Use" means a use permitted only after review of an application by the Planning Commission, such review being necessary because the provisions of this Zoning Ordinance covering conditions, precedent or subsequent are not precise enough to all applicants without interpretation, and such review is required by the Zoning Ordinance.
- B. "Variance" means a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are undue hardship and unique circumstances. A variance is not justified unless both elements are present in the case. The "Conditional Use" differs from the "variance" in several respects. A conditional use does not require "undue hardship" in order to be allowable. The conditional uses that are found in this Zoning Ordinance appeal as "special approval" or review by the Planning Commission. These land uses could not be logically allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time.

(120) "Zero lot line" means a condition where regulations for side yards can be modified or waived under the Planned Unit Development District to allow two structures or dwellings to share a common wall that is placed on the side lot line that separates two individual lots in a subdivided plat.

(121) "Zoning Certificate" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Ordinance.

(122) "Zoning District" is a portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

(123) "Zoning District Map" means the Zoning District Map or maps of the Village, together with all amendments subsequently adopted by Ordinance.

(124) "Zoning Permit" means a document issued by the Building Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

(125) "Zoning Ordinance" refers to the Zoning Ordinance of the Village of Shawnee Hills, Ohio. (Ord. 363. Passed 6-22-81.)

TITLE THREE - Subdivision Regulations
Chap. 1151. Standards for Development.

CHAPTER 1151
Standards for Development

1151.01 Standards adopted.
1151.02 Compliance required;
exceptions.

1151.03 File copies.

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.

Plat acknowledgment and recording - see Ohio R.C. 711.06

1151.01 STANDARDS ADOPTED.

The Delaware County Engineering and Surveying Standards For Subdivision Development is adopted by the Village. (Ord. 9-89. Passed 8-28-89.)

1151.02 COMPLIANCE REQUIRED; EXCEPTIONS.

All development within the Village, be it new construction or remodeling, will adhere to this Standard. Furthermore, there will be no deviations granted under this policy without:

- (a) The expressed written consent of the Village's consulting engineer or Council;
and
- (b) The Village will consult the Delaware County Engineering Department for guidance prior to granting any deviations to the Standard.
(Ord. 9-89. Passed 8-28-89.)

1151.03 FILE COPIES.

A copy of this Engineering Standard be on file in the Village Administration building. The Chairman of the Planning and Zoning Commission shall become familiar with this guideline in order to perform their duty as head of that Commission.
(Ord. 9-89. Passed 8-28-89.)