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# **VILLAGE OF WILLIAMSBURG**

## **ZONING CODE**

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**ADOPTED: JUNE 26, 1993**  
**AMENDED: JANUARY 22, 2004**

# VILLAGE OF WILLIAMSBURG ZONING ORDINANCE

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## **ARTICLE I: GENERAL PROVISIONS**

### **SECTION 1.01 – AUTHORITY**

In accordance with the authority granted by the Ohio Revised Code, the Village of Williamsburg hereby ordains and enacts into law an Official Zoning Ordinance.

### **SECTION 1.02 – PURPOSE**

This Ordinance is hereby adopted in order to better promote the public health, safety, comfort, convenience, prosperity, and general welfare. In addition, The Official Zoning Ordinance is enacted to achieve all of the following:

- (a) to secure the most appropriate uses of land
- (b) to facilitate orderly and harmonious development
- (c) to protect the visual as well as historical character of the Village
- (d) to prevent overcrowding and blighting influences
- (e) to stabilize and enhance the value of property
- (f) to minimize air, water, and noise pollution
- (g) to facilitate the provision of adequate and economic public facilities and services

### **SECTION 1.03 – TITLE**

This ordinance shall be effective throughout the Village of Williamsburg, and shall hereafter be known, referred to, and recited to as The Official Zoning Ordinance of the Village of Williamsburg, Ohio.

### **SECTION 1.04 – ZONING MAP**

The various zoning districts hereby established by The Official Zoning Ordinance shall conform to the boundaries identified on The Official Zoning Map for the Village of Williamsburg, Ohio. The boundaries of individual zoning districts are intended to follow property lines, lot lines, or, the centerlines of streets as they existed at the time of adoption of this zoning ordinance.

### **SECTION 1.05 – INTERPRETATION**

The word “shall” is meant to be mandatory and not discretionary.

### **SECTION 1.06 – MINIMUM STANDARDS**

In interpreting and applying the multiple provisions of this ordinance, unless otherwise stated, they shall be held to be minimum requirements. Where the requirements of this ordinance are more restrictive than those established by other provisions of law the standards of this ordinance shall govern.

### **SECTION 1.07 – SEVERABILITY**

Should any section, subsection, clause, part or provision of this ordinance be declared to be unconstitutional or invalid, such invalidity shall not affect any other section, subsection,

clause, part or provision of this ordinance as they shall be severable, and, shall continue to have full force and effect.

#### SECTION 1.08 – CONFLICT

Where conflict occurs between the regulations of this ordinance and the building code, or, other regulations adopted by the Village of Williamsburg, the more restrictive of such regulations shall apply.

#### SECTION 1.09 – CONFORMITY REQUIRED

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, used, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the zoning district in which it is located.

## **ARTICLE II: DEFINITIONS**

**ACCESSORY BUILDING:** A subordinate structure which is customarily incidental in area, extent, and purpose to the principal building which it serves. Accessory buildings can be attached to or detached from a principal structure, and include, among other improvements, garages, carports, decks, tool sheds, gazebos, fences and walls.

**ACCESSORY USE:** Any use, function, or operation which is incidental and subordinate to the principal permitted use on the same lot.

**ADULT ENTERTAINMENT FACILITY:** A business which derives its revenues from the operation of one or more sexually oriented businesses as described elsewhere in this article, and, as detailed in Ordinance 818-00.

**ALLEY:** A public or private way of not more than 20 feet in width which normally provides secondary access to the rear of abutting properties.

**ANIMAL HOSPITAL/VETERINARY CLINIC:** A facility established for the short term care and medical or surgical

**APARTMENT:** A dwelling unit in a multi-family building which is intended or designed to be occupied by one or more persons for living and sleeping purposes, and, which contains both kitchen and bath facilities.

**AUTO REPAIR FACILITY:** A business establishment which repairs, rebuilds, reconditions, or services passenger cars, trucks, and/or buses.

**BERM:** A man made mound of earth in excess of 3 feet in vertical height which is designed primarily to provide visual interest, screen undesirable views, and reduce noise.

**BUFFER:** A strip or area of land containing landscaping or a combination of man made features such as walls, fences, and berms which, individually or collectively, are intended to mitigate negative impacts between adjoining properties and rights-of-way.

**BUILDING:** Any structure having a roof supported by columns or walls, and intended for the enclosure, shelter, and/or housing of any person, animals, or property of any kind.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average level of the proposed or finished grade to the highest point of the roof, ridge, or parapet wall on the main building, excluding chimneys, ventilating and air conditioning equipment, and elevator equipment rooms.

**BUILDING SETBACK LINE:** A line which is generally parallel to the front, side, and/or rear lot line which is intended to be a no build zone.

**CONDITIONAL USE:** Any use which, because of its special nature and/or characteristics, is authorized subject to one or more restrictions which are determined to be necessary to mitigate undesirable land use impacts and help assure compatibility.

**DAY CARE:** Administering to the needs of infants, toddlers, pre-school children, and school aged children outside of school hours, by a person or persons other than their parents, guardians, custodians or relatives for a period of time not exceeding more than 12 hours during any one day in a place or residence other than the child's own home.

**DECK:** An unroofed raised structure, either attached or freestanding, which does not contain walls and may or may not include rails, and, which is intended to function as an outdoor patio.

**DISTRICT:** A section of the Village of Williamsburg within which the use of land and structures, and the location, height, and bulk of structures is governed by the provisions of this ordinance.

**DRIVEWAY:** A surface, usually consisting of concrete or blacktop, which provides access to one or more off street parking areas, including garages and carports.

**DWELLING:** Any building or portion thereof designed or used exclusively as the residence of one or more persons, but not including tents, tourist cabins, motels/hotels, nursing homes, and trailers.

**DWELLING UNIT:** Two or more rooms designed or used exclusively as the residence of one or more persons for cooking, living, and sleeping purposes.

A. **ATTACHED** means a building containing a single dwelling unit having one or more walls in common with another such unit.

B. **DETACHED** means a building containing a single dwelling unit having no walls in common with another such unit.

**FAMILY:** A person or group of persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage.

**FENCE:** An improvement, other than a building, which acts as a barrier, boundary, means of security, confinement, or visual or physical separation.

**FLOOD PLAIN or FLOOD PRONE AREA:** Any normally dry land area which is periodically inundated by water.

**FLOOR AREA:** The total horizontal area of each story of a building, as measured from the interior faces of the exterior walls. The floor area measurement shall be exclusive of balconies, decks, carports, attached garages, breezeways, cellars, and, enclosed and unenclosed porches.

**GARAGE, PRIVATE:** A fully enclosed accessory building used only for the storage of vehicles and incidental personal property.

**GROUP HOME:** A residential facility licensed and/or approved, as well as regulated, by the State of Ohio for the exclusive purpose of providing a rehabilitative service.

**HEDGE:** A dense growth of shrubbery which may or may not be used for buffering and/or screening purposes.

**HOME OCCUPATION:** Any occupation or profession which is clearly incidental and secondary to the use of a dwelling for residential purposes.

**HOUSEHOLD PETS:** Any domestic animal kept within a dwelling or upon the premises for the resident's personal use and enjoyment. Animals which are normally found in the wild state and are not indigenous to the immediate area are not included within the meaning of domestic animal.

**IMPERVIOUS SURFACE:** An area that has been compacted or covered by a layer of material which is highly resistant to infiltration by water. Parking areas, driveways, sidewalks and buildings are examples of impervious surfaces.

**JUNK MOTOR VEHICLE:** As detailed in Ordinance 660-87, any motor vehicle which is extensively damaged, and includes, but is not limited to, the following: missing wheels, tires, motor or transmission, or, is a wrecked vehicle which is apparently inoperable.

**JUNK YARD:** Any outdoor area, whether large or small, which is used as a place where imported waste, furniture, inoperable household appliances, inoperable machinery, one or more inoperable motor vehicles or portions thereof, or, discarded or salvaged materials are disassembled, handled, placed, baled, processed, packaged or stored.

**KENNEL:** An establishment licensed to operate a facility housing dogs, cats, and/or other household pets. Services such as grooming, breeding, boarding, training, and selling of animals are all be permitted.

**LOT:** A parcel of land which fronts upon a public or private street, and meets all minimum zoning requirements.

A. **LOT AREA:** The total horizontal area included within the boundary lines of a

lot.

B. LOT, CORNER: A lot at the junction of and abutting on 2 or more intersecting streets.

C. LOT DEPTH: The average horizontal distance between the front and rear lot lines.

D. LOT, DOUBLE FRONTAGE: An interior lot having frontage on 2 non intersecting streets.

E. LOT, INTERIOR: A lot other than a corner lot.

F. LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the shortest side fronting upon a street shall be considered the front of the lot.

G. LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

H. LOT LINE, SIDE: Any lot line other than the front or rear lot line.

LOT OF RECORD: A lot which is a part of an approved subdivision, or, a lot which is described by metes and bounds and which is on file with the Clermont County Recorder.

MANUFACTURED HOUSING: Housing which is manufactured in a factory in compliance with the 1976 HUD Code, is transported to a lot in one or more sections, is placed on a permanent foundation, and is connected to utilities.

MINI WAREHOUSE: A storage facility which is surrounded by fencing or walls, or a combination thereof, and which contains a group of enclosed and secured storage units for long term storage of household goods and business items.

MOBILE HOME: A dwelling unit of 320 or more square feet which is built on a permanent chassis, is transported in one or more sections, is designed for use with or without a permanent foundation, and is connected to utilities.

NONCONFORMITIES: An existing use or structure or parcel of land which legally existed at the time of adoption of this ordinance but which does not presently meet adopted zoning requirements.

OPEN SPACE, COMMON: Land not owned or dedicated for public use which is designed and intended for the common use or enjoyment of the residents or occupants of a development.

**OPEN SPACE, USABLE:** Outdoor area which is accessible to pedestrians and is capable of being used for passive and/or active recreation purposes.

**NURSING HOME:** A facility in which 5 or more unrelated convalescent, aged, and/or invalid persons unable to care for themselves, but not including those suffering from contagious or mental diseases, alcoholism, or drug addiction, or those requiring surgery, are provided nursing, dietary, and other personal health care services on a daily basis.

**PARKING AREA, OFF STREET:** An open paved area, other than a street or alley, which is accessible to the public, and, is devoted to the temporary parking of motor vehicles.

**PARKING SPACE:** An area which is designed and exclusively designated for the purpose of parking motor vehicles. All parking spaces shall contain adequate room for opening doors on both sides, maneuvering, and easy and convenient access to a street or road.

**PATIO:** A level area predominantly open to the sky which is intended for outdoor dining, lounging, and other means of relaxation and enjoyment.

**PERFORMANCE STANDARDS:** Regulations which permit uses based upon the application of a specific set of standards of operation rather than a specific type of use. Performance standards are directed at limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire, hazards, wastes, and, traffic and/or visual impacts.

**PLANNED UNIT DEVELOPMENT (PUD):** A land development project which is comprehensively planned as a single entity via a unitary site plan. The primary emphases of PUD is: the preservation of special site features, the provision of open space, and, clustering of land uses. All planned unit developments shall be designed to minimize both infrastructure costs and surface runoff.

**PORCH:** A covered but unenclosed platform having a width of not less than 8 feet from the main wall of a building.

**PRE-APPLICATION CONFERENCE:** An informal discussion between an applicant for development and Village Staff and any other resource persons representing the Village of Williamsburg prior to the submission of a formal development request to the Village Planning Commission. The multiple purposes of the pre-application conference are: to determine the nature of the proposed development, acquaint the applicant with Williamsburg's zoning requirements, and, familiarize the applicant with the approval process.

**PRINCIPAL PERMITTED USE:** A use which is automatically permitted by right within a zoning district so long as it fully complies with all of the standards and requirements of the underlying zoning district.

**RECREATIONAL VEHICLE:** A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles include motor homes, camper trailers, boats, as well as dune buggies, stock cars, and motorbikes that are not street legal.

**SATELLITE STATION:** Any accessory structure or device, including the main dish and antenna, which is roof, building, or ground mounted, and which consists of a reflective surface that is solid, bar configured, or open mesh, and, is shallow, dish, cone, horn, bowl, or cornucopia shaped for the purpose of either transmitting or receiving satellite, television, or other electromagnetic or radio frequency communication signals directly by line of sight.

**SETBACK LINE:** The closest point at which a building or structure may be placed in relation to a lot line.

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theatre, adult novelty store, adult theatre, adult video store, escort, escort agency, massage parlor, nude model studio, or, sexual encounter establishment, as regulated by Ordinance 818-00.

**SIGN:** Any emblem, figure, letter, pictorial representation, symbol, or writing which is affixed to or painted upon a building, structure, or piece of land in order to identify, announce, communicate, direct attention to, or advertise an object, product, place, activity, person, institution, organization, or place of residence or business.

**SIGN AREA:** The total exterior surface area of any signing, computed in square feet, which is located within a frame or border, whether single or double faced.

**SITE PLAN:** A plan prepared to scale showing accurate and complete dimensions of all improvements and uses proposed for a particular piece of property.

**STORY:** That portion of a building between the surface of a floor and the ceiling immediately above it.

**STREET:** All property dedicated or intended for either public or private access. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, and thoroughfare.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location either on or in the ground.

**SWIMMING POOL, PRIVATE:** An accessory structure located either above or below grade having a depth in excess of 18 inches which serves the leisure or health needs of persons residing on the premises and their guests.

**TRAILER:** Any wheeled vehicle designed to be hauled, pulled, or towed by automobile, truck, tractor, or other vehicle, including but not limited to campers, utility wagons, construction and farm implements. Such wheeled vehicle may also be classified as a recreational vehicle.

**VARIANCE:** An exception or deviation from the dimensional requirements of the Official Zoning Ordinance, such as setbacks. Use variances are not allowed under any circumstances.

**WALL:** A physical barrier of concrete, brick, wood, or other material that closes, marks, or borders a field, yard, or lot.

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this ordinance. For purposes of measuring the depth of a front or rear yard, or the width of a side yard, the mean horizontal distance between the lot line and the main building shall be used.

A. **YARD, FRONT:** An open space extending the full width of the lot between a building and the front lot line.

B. **YARD, REAR:** An open space extending the full width of the lot between a building and the rear lot line.

C. **YARD, SIDE:** An open space extending from the front yard to the rear yard between a building and the nearest side lot line.

**ZONING ADMINISTRATOR:** The individual appointed by Village Council or the Village Administrator who is primarily responsible for administering, interpreting, and enforcing the provisions of these zoning regulations.

**ZONING DISTRICT:** An area specifically established for the purpose of regulating a variety of land uses, and, imposing a series of land use controls. In addition to the zoning text, individual zoning districts are identified on the Official Zoning Map for the Village of Williamsburg.

**ZONING MAP, OFFICIAL:** The map which has been adopted by both the Village Planning Commission and the Village Council for the purpose of delineating the boundaries of individual zoning districts.

## ARTICLE III: ZONING DISTRICTS AND ZONING MAP

### SECTION 3.01 – ZONING DISTRICTS

In order to regulate and restrict land use within the Village of Williamsburg, the following zoning districts are hereby established:

R-1	Residential One
R-R	Rural Residential
R-2	Residential Two
R-3	Residential Three
R-4	Residential Four
C	Commercial
CBD	Central Business District
I	Industrial
IA	Industrial A
PUD	Planned Unit Development
PO	Professional Office

### SECTION 3.02 – OFFICIAL ZONING MAP

The designations, locations, and boundaries of each of the zoning districts listed above are shown on the Official Zoning Map for the Village of Williamsburg. Said map, together with all explanatory data thereon, is hereby adopted and incorporated as a part of this ordinance. Said Map shall be displayed in the Village office.

### SECTION 3.03 – ZONING MAP AMENDMENTS

Whenever a change in the boundary of any zoning district is authorized by Village Council, said change shall promptly be reflected on the Official Zoning Map.

### SECTION 3.04 – ZONING DISTRICT BOUNDARIES

The following rules shall apply in determining the boundary as well as the classification of any zoning district shown on the Official Zoning Map:

- (a) Where the indicated zoning district or zoning boundary is identified as approximately following street or alley lines, the centerline of such streets or alleys shall be construed to be the boundary.
- (b) If a zoning district boundary line divides or splits a lot of record, the lot shall be deemed to be included within the district which is the more restrictive.
- (c) Where a street, alley, or right of way is officially vacated, the property formerly situated in such street, alley, or right-of-way shall be included within the appropriate zoning district designated for all adjoining property. In the event such street, alley, or right-of-way was a boundary between 2 or more different zoning districts, the new zoning district boundary shall be the new property line which is created by such vacation.
- (d) Where uncertainty still exists, the Planning Commission shall, by written

resolution, recommend the location of a zoning district boundary line to the Village Council for its action and final decision.

#### SECTION 3.05 – AREAS NOT WITHIN A ZONING DISTRICT

Whenever land is annexed into or otherwise becomes a part of the Village of Williamsburg, or, whenever property already located in the Village has not been specifically included within a zoning district either through error or omission, such property shall be officially included in the R-1 zoning district until otherwise classified.

Within 60 calendar days after an annexed area officially becomes a part of the Village of Williamsburg, or, an error or omission is recognized, the Village of Williamsburg shall obligate itself to take action in order to initiate a zone change of the area in question to enable its most appropriate zoning classification.

## ARTICLE IV: SUPPLEMENTARY PROVISIONS

### SECTION 4.01 – BUILDING CONSTRUCTION

- (A) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this ordinance.
- (B) Nothing contained in this ordinance or amendments thereto shall require any change in the plans, construction, size, or designated use of a building for which a valid permit was previously issued or lawful approval given before the effective date of this ordinance or amendments thereto. However, construction under such permit shall have been started within 6 months, and the ground story framework shall have been completed within one year and the entire building shall be completed within 2 years after the effective date of this ordinance.

### SECTION 4.02 – REDUCTION IN LOT AREA

No lot may be reduced in area below the minimum lot area requirements of the zoning district in which it is located except where such reduction has resulted from the expansion or acquisition of street right-of-way.

### SECTION 4.03 – INTERFERENCE WITH VISIBILITY

In order to minimize confusion and potential interference with traffic safety, no sign, fence, wall, vehicle, tree, hedge, bush, planting, vegetation, or obstacle of any kind shall be placed, planted, or retained at a height of more than 3 feet within a triangular area extending a distance of 30 feet from a corner.

### SECTION 4.04 – FRONT YARD SETBACKS ON CORNER LOTS

On a corner lot, the required side yard setback shall not be less than one-half (1/2) of the required front yard setback.

### SECTION 4.05 – MINIMUM LIVING AREA

All single family dwelling units shall contain a minimum of 1,200 square feet of living area.

### SECTION 4.06 – UTILITY FACILITIES

Electrical transformer stations, sewage and water treatment plants, pump stations, and other essential utility facilities are permitted subject to the following requirements:

- (a) Such facilities shall be enclosed by a safety fence.
- (b) Regardless of size, all buildings shall be setback a minimum distance of 50 feet from all property lines.
- (c) Open spaces on the subject premises shall be landscaped and suitably maintained.
- (d) Where situated adjacent to a residential zoning district or residential dwellings, a buffer may be required.

- (e) The temporary storage of vehicles and equipment on the property, unless suitably buffered, shall be prohibited.
- (f) To the maximum extent possible, utility buildings and structures shall be compatible in design with the character of their surroundings.

#### SECTION 4.07 – REGULATIONS CONCERNING THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS

Any proposed development which requires the construction of such public improvements as streets, curbs, gutters, sidewalks, sanitary sewers, storm sewers, water lines, and street trees, among others, shall be required to be designed and constructed in accordance with standards identified in the Subdivision Regulations adopted by Village Council. Where a street already exists, but other public right-of-way improvements are absent, Village Council may, pending a recommendation from the Planning Commission, vote to delay the installation of one or more public improvements until a later date. If any such delay is approved, Village Council shall require the property owner to execute an agreement committing to make the required improvements at a later date. Accordingly, the agreed upon improvements shall (1) be identified in an agreement which is subsequently signed by the property owner, and (2) filed with the County Recorder as a restrictive covenant.

#### SECTION 4.08 – WATER AND SANITARY SEWER SERVICE

No building, other than accessory storage structures, shall be built in any zoning district unless such building is directly connected to public water and sanitary sewer systems. Where one or more existing buildings, other than accessory storage structures, are currently not served by a public sanitary sewer system, and, are located within a reasonable distance of either an existing or recently extended sewer system, they shall be required to connect to said system within one (1) year of the receipt of written notice to connect from the Village of Williamsburg.

#### SECTION 4.09 – SIZE, HEIGHT, COVERAGE, AND APPEARANCE OF ACCESSORY BUILDINGS

- (a) Accessory buildings exceeding 120 square feet shall require the approval of both a zoning permit and a building permit prior to their placement on a lot.
- (b) No detached accessory building shall be permitted to exceed one story or 15 feet in height.
- (c) All accessory buildings exceeding 120 square feet in area shall use exterior building materials and colors which are compatible with the primary building.
- (d) Special design consideration shall be given to any accessory structure which is visible from a public street.
- (e) Unless approved by the Planning Commission, the size of an accessory structure shall not exceed the greater of 40% of the ground floor area of the primary building, or, 20% coverage of the rear yard.

#### SECTION 4.10 – ACCESSORY STRUCTURES IN REQUIRED YARDS

With the exception of fences, no accessory structure shall be permitted to be placed within any minimum required front or side yard. Accessory structures and accessory uses, including off street parking, shall be permitted in rear yards. All structures located within a rear yard shall be setback a minimum distance of 5 feet from the rear lot line. In addition, all minimum side yard requirements shall be maintained.

#### SECTION 4.11 – PROJECTIONS IN REQUIRED YARDS

Bay windows, awnings, balconies, cornices, canopies, eaves, chimneys, heat pumps, gutters, decks, and architectural features may project into a required yard a maximum distance of 3 feet. Unroofed porches and steps may each extend into a required front yard a maximum of 6 feet.

#### SECTION 4.12 – EXCEPTIONS TO HEIGHT REGULATIONS

Height limitations shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level.

#### SECTION 4.13 – FRONT YARD SETBACK EXCEPTION

Where the average depth of existing front yards within the same block front exceed the minimum front yard requirement for the zoning district in which a lot is located, the required minimum front yard depth for such lot shall be modified to be the average depth of said existing front yards.

#### SECTION 4.14 – INOPERABLE VEHICLES PROHIBITED

As defined by the Ohio Revised Code, per Section 4501.01(A) and (B), an inoperable vehicle means any vehicle and/or motor vehicle which is unfit for use due to any of the following conditions:

- (a) not currently licensed for use on roads in the State of Ohio, and/or
- (b) unsafe for travel due to the lack of a part or parts, such as but not limited to, a wheel, front door, the hood, the motor, or the windshield

#### SECTION 4.15 – OUTSIDE STORAGE OF TRASH

- (a) With the exception of single family detached, duplex, and triplex residences, all outdoor storage facilities for fuel, raw materials, trash and/or waste products shall be enclosed by a 4 sided screened fence or wall, or combination thereof, in order to completely conceal such matter from surrounding land uses.
- (a) All outside areas used for the storage of trash shall be constructed with a concrete floor.
- (b) All waste products temporarily stored outside shall be placed within closed containers capable of preventing their transfer either outside the required enclosure area, or, off the lot.
- (c) In no instance shall a trash enclosure area be permitted to be placed within a required front or side yard, or, closer than 5 feet from the rear yard property line.
- (e) All trash enclosure areas shall be surrounded by a 5 foot high screened fence or

wall.

- (f) The minimum required size of a trash enclosure area shall be based on the nature of the proposed use or uses, and, shall measure at least 8 feet by 10 feet, unless certification has been provided by a local refuse disposal firm indicating that a smaller enclosure area will be satisfactory. In no instance, however, shall such areas be permitted to measure less than 6 feet by 6 feet.

#### SECTION 4.16 – HOME OCCUPATIONS

- (a) A home occupation is an activity which is clearly incidental and secondary to the use of a dwelling for residential purposes.
- (b) A home occupation shall not change the residential character of either the dwelling or the surrounding neighborhood
- (c) A home occupation shall be conducted entirely within a dwelling, and shall not be permitted in any accessory structure or within any yard space.
- (d) A home occupation shall be operated and maintained only by a resident of the dwelling in which such home occupation occurs, and, there shall be no full time employees.
- (e) A home occupation shall not have a separate entrance from the outside of a dwelling.
- (f) A home occupation shall not involve the use of more than 25% of the gross floor area within a dwelling, or 250 square feet, whichever is larger.
- (g) A home occupation shall not utilize mechanical or electrical equipment except that which is customary for purely domestic or hobby purposes.
- (h) No outdoor storage of any materials used to operate a home Occupation shall be permitted.
- (i) A home occupation shall not be permitted to generate the need for any on street parking.
- (j) A home occupation shall not be permitted to display any sign, nameplate, or advertising which exceeds 4 square feet in area.
- (k) A home occupation shall not be permitted to operate in such a manner as to cause offensive noise, vibration, smoke, odorous matter, heat, glare, electronic interference, or, constitute a nuisance or safety hazard.
- (l) A home occupation shall not be interpreted to include any of the following uses: an animal hospital or kennel; automobile repair; barber or beauty shop; business, dance, or music school; doctor or dentist office; repair shop; or restaurant.

#### SECTION 4.17 – TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work shall be permitted in all zoning districts during periods of construction, and shall be promptly removed upon the completion of the construction work.

#### SECTION 4.18 – PRIVATE SWIMMING POOLS

Private swimming pools shall be permitted as an accessory use within all residential zoning districts, but only when in compliance with the following conditions and requirements:

- (a) the swimming pool is used only by the residents of the dwelling unit's occupants and their guests.
- (b) no swimming pool or associated equipment shall be permitted within any required yard, nor shall they be located within any public utility right-of-way.
- (c) in ground and above ground swimming pools shall be required to contain a fence or wall having a height of not less than 4 feet or more than 6 feet around their perimeter. In addition, they must be secured by either a self closing door or self locking gate.
- (d) all in ground and above ground swimming pools shall be located at least 15 feet, as measured from the water's edge, from all side and rear yard lot lines. Furthermore, they shall be located well away from any overhead electrical power lines.
- (e) any fixed lighting which is used to illuminate a swimming pool shall be installed, screened, and shielded so that no adjacent residential property is negatively impacted.

#### SECTION 4.19 – COMMUNITY OR CLUB SWIMMING POOLS

Community or club swimming pools shall be permitted within all residential zoning districts, but only in compliance with the following conditions and requirements:

- (a) the swimming pool is intended solely for the use of the members, and families and guests of members of an owner's association or club under whose ownership or jurisdiction the pool is operated.
- (b) the swimming pool and any and all accessory structures shall be located a minimum of 100 feet from any property line.
- (c) the additional requirements identified in (b), (c), and (e) above shall also apply.

#### SECTION 4.20 – ONE PRINCIPAL BUILDING ON A LOT

No more than one principal building or structure may be constructed upon any lot.

#### SECTION 4.21 – HILLSIDE DEVELOPMENT

In order to minimize damage and/or the destruction of hillsides (areas with slopes of 20% or more) the following development guidelines shall apply:

- (a) new development should, wherever possible, be clustered
- (b) surrounding tree cover should be maximized, not minimized
- (c) buildings should fit into the hillside, as opposed to altering the hillside to fit individual buildings
- (d) cut and fill should be minimized
- (e) streams, ridge lines, and wildlife habitat should be respected
- (f) narrow, split level, meandering roads should be built as an alternative to excessive earth moving
- (g) public overlooks and view corridors should be provided in one or more locations
- (h) emphasis should be placed on erosion control both during and after grading
- (i) emphasis should be placed on establishing storm water runoff systems that can minimize not only the velocity but the amount of on site water flow

- (j) results of soil borings and geological analysis should accompany all development requests
- (k) lesser densities than would otherwise be allowed on flat or gently rolling ground should be reflected in all site plans

#### SECTION 4.22 – EQUINE ANIMALS IN RESIDENTIAL DISTRICTS

Equine animals shall be permitted on an accessory use basis in all single family zoning districts. The minimum area of any lot on which a horse is kept shall be 3 acres. In no instance, however, shall more than 3 horses be kept. Furthermore, the owner of such property shall be required to provide adequate fencing as well as a barn (or stable). All horse related structures shall be required to maintain a 50 foot setback from any lot line or street right-of-way.

#### SECTION 4.23 – PARKING AND STORING OF CERTAIN VEHICLES

The outdoor parking and storage of any trailer, camper, recreational vehicle, boat, or similar motorized vehicle in excess of 72 hours within a residential area shall be restricted to the rear yard of a lot. In instances where, due to unique conditions such as topography, a rear yard cannot be used for such purposes, the Board of Zoning Appeals may approve an alternative location.

In making its decision, the Board may impose screening requirements which would serve to visually buffer a vehicle from the view of adjoining property. In no instance, however, shall more than one vehicle be allowed to be stored outdoors.

#### SECTION 4.24 – BUFFER AREAS

Buffer areas shall be provided as a means of obscuring views from adjacent property, maximizing privacy, and minimizing land use incompatibility. All buffer areas shall meet the following requirements:

- (a) have an opaqueness of 80% or more
- (b) emphasize the planting of evergreen trees and bushes
- (c) trees and bushes need to have minimum planting heights of 5 feet
- (c) allowing for growth, trees and bushes need to be maintained at a minimum height of 6 feet
- (d) be provided along all property lines separating residential from non residential uses
- (e) include an area having a minimum width of 6 feet
- (f) be protected by a suitable concrete, asphalt, or bumper block barrier when located adjacent to any parking area or driveway
- (g) prevent the obstruction of clear views when placed close to any public right-of-way
- (h) if consisting of landscape materials, be regularly maintained in both a healthy and attractive state
- (i) if consisting of fencing, all materials will need to be periodically painted or stained, kept looking attractive, and, be maintained in order to insure structural safety

- (j) if consisting of a wall, all materials will need to be periodically maintained in order to insure structural safety
- (k) as a means of providing visual enhancement, landscaping needs to be incorporated into the design of all buffer areas consisting of fencing or walls, or any combination thereof

#### SECTION 4.25 – GARAGE, PORCH, YARD AND OTHER SALES

Garage sales, porch sales, yard sales and other types of temporary sales of tangible personal property items, excluding those sold at public auction by a licensed auctioneer, shall be permitted in all residential zoning districts.

- (a) a permit must be obtained from the Zoning Administrator a minimum of 24 hours prior to any garage, porch, yard, or other kind of sale
- (b) said permit shall be displayed in a conspicuous place upon the premises where the sale will be conducted
- (c) during any 12 month period, a maximum of 2 sales shall be permitted to be held at the same location
- (d) during any 12 month period, no person, firm, partnership, association, or corporation shall be permitted to conduct more than 2 sales
- (e) no sale shall be permitted to extend for more than 3 consecutive calendar days
- (f) authorized sales hours shall be between 9:00 am and 8:00 pm
- (g) in order to promote customer traffic, a maximum of 2 off premise signs and one on premise sign shall be permitted to be displayed only on the day(s) of a garage, porch, yard or temporary sale
- (h) no signing shall be permitted to be displayed within a public-right-of way
- (i) all signs shall be removed within 24 hours of the conclusion of a sale
- (j) any person, firm, partnership, association or corporation choosing to hold a sale without first obtaining a permit shall be prohibited from conducting any garage, porch, yard, or other temporary sale for a period of 5 years
- (k) any community wide sale(s) which are authorized by Village Council shall be exempt from the provisions of this ordinance

#### SECTION 4.26 – EXCAVATION OF SOIL AND TREE REMOVAL

Except for normal excavation or grading incidental to the construction or alteration of a building or structure on property for which a building permit has been issued, no business, person, entity, or governmental agency shall strip, excavate, fill, or otherwise move soil, or, remove trees or significant vegetative cover from an area exceeding one acre without the prior approval of the Village Planning Commission. Afterwards, a permit from the Zoning Administrator shall be secured prior to the initiation of any site work.

#### SECTION 4.27 – EROSION AND SEDIMENTATION CONTROL

The following controls shall be required in order to minimize soil erosion.

- (a) The smallest practical area of land shall be exposed at any one time during development
- (b) When soil is exposed during development, the exposure shall be kept to the

- shortest practical period of time
- (c) Mulching, fencing, and/or berming, or any combination thereof, shall be utilized to minimize soil erosion during development
  - (d) Sediment basins or silt traps shall be installed and maintained in order to remove sediment from runoff water
  - (e) Adequate on site provisions shall be made to accommodate site runoff due to grading
  - (f) Vegetative cover, trees, and structures shall be installed and built as soon as practical after grading
  - (g) Wherever possible, natural vegetation and trees shall be protected and retained

## ARTICLE V – RR RURAL RESIDENTIAL DISTRICT

### SECTION 5.01 – PURPOSE

The purpose of the RR zoning district is to encourage the development of single family dwellings on large lots.

### SECTION 5.02 – PRINCIPAL PERMITTED USES

- a. Single family detached dwelling units

### SECTION 5.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls, and retaining walls
- b. Gazebos and greenhouses
- c. Home occupations
- d. Non commercial gardening
- e. Private garages and carports
- f. Stables for equine pets
- g. Swimming pools, hot tubs, and saunas
- h. Tool and garden sheds
- i. Accessory structures as regulated by Section 4.09

### SECTION 5.04 – CONDITIONAL USES

- a. Cemeteries
- b. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- c. Day care and nursery schools, provided they are located on or adjacent to an arterial street
- d. Fire and police stations, and government and professional offices, provided they are located on or adjacent to an arterial street
- e. Funeral homes
- f. Home day care for up to 6 children
- g. Parks, playgrounds, community recreation centers and clubhouses
- h. Public and parochial schools, provided they are located on or adjacent to an arterial street

### SECTION 5.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 5 acres
- b. Minimum Lot Width at building setback line: 100 feet
- c. Minimum Yard Requirements:
  - Front: 50 feet
  - Rear: 30 feet
  - Side: 30 feet combined, each side – 15 feet
- d. Maximum Building Height: 35 feet

## SECTION 5.06 – OTHER DEVELOPMENT CONTROLS

- a. When considering the approval of a Conditional Use Permit, Planning Commission require installation of a buffer in order to mitigate potential negative impacts.
- b. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the RR zoning district.

## ARTICLE VI – R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

### SECTION 6.01 – PURPOSE

The purpose of the R-1 zoning district is to designate land for low density single family development.

### SECTION 6.02 – PRINCIPAL PERMITTED USES

- a. Single family detached dwellings

### SECTION 6.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls, and retaining walls
- b. Gazebos and greenhouses
- c. Home occupations
- d. Non commercial gardening
- e. Private garages and carports
- f. Swimming pools, hot tubs, and saunas
- g. Tool and garden sheds
- h. Accessory structures as regulated by Section 4.09

### SECTION 6.04 – CONDITIONAL USES

- a. Cemeteries
- b. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- c. Day care and nursery schools, provided they are located on or adjacent to an arterial street
- c. Fire and police stations, and government and professional offices, provided they are located on or adjacent to an arterial street
- d. Funeral homes
- e. Home day care for up to 6 children
- f. Parks, playgrounds, community recreation centers and clubhouses Public and parochial schools, provided they are located on or adjacent to an arterial street

### SECTION 6.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 22,500 square feet
- b. Minimum Lot Width at building setback line: 100 feet  
Lots located on a cul-de-sac shall be required to have a minimum street frontage of 35 feet
- c. Minimum Yard Requirements
  - Front: 40 feet
  - Rear: 25 feet
  - Side: 25 feet combined, one side – 10 feet
- d. Maximum Building Height: 35 feet

## SECTION 6.06 – OTHER DEVELOPMENT CONTROLS

- a. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off street parking, it is determined that the best interests of the Village will be better served.
- b. When considering the approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- c. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the R-1 zoning district.

## ARTICLE VII – R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

### SECTION 7.01 – PURPOSE

The purpose of the R-2 zoning district is to encourage the development of moderate density single family housing.

### SECTION 7.02 – PRINCIPAL PERMITTED USES

- a. Single family detached dwelling units

### SECTION 7.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls, and retaining walls
- b. Gazebos and greenhouses
- c. Home occupations
- d. Non commercial gardening
- e. Private garages and carports
- f. Swimming pools, hot tubs, and saunas
- g. Tool and garden sheds
- h. Accessory structures as regulated by Section 4.09

### SECTION 7.04 – CONDITIONAL USES

- a. Cemeteries
- b. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- c. Day care and nursery schools, provided they are located on or adjacent to an arterial street
- d. Fire and police stations, and government and professional offices, provided they are located on or adjacent to an arterial street
- e. Funeral homes
- f. Home day care for up to 6 children
- g. Parks, playgrounds, community recreation centers and clubhouses
- h. Public and parochial schools, provided they are located on or adjacent to an arterial street

### SECTION 7.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 12,500 square feet
- b. Minimum Lot Width at building setback line: 80 feet  
Lots located on a cul-de-sac shall be required to have a minimum street frontage of 30 feet
- c. Minimum Yard Requirements:
  - Front: 35 feet
  - Rear: 25 feet
  - Side: 20 feet combined, one side – 7 feet
- d. Maximum Building Height: 35 feet

#### SECTION 7.06 – OTHER DEVELOPMENT CONTROLS

- a. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off street parking, it is determined that the best interests of the Village will be better served.
- b. When considering the approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- c. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the R-2 zoning district.

## ARTICLE VIII – R-3 RESIDENTIAL DISTRICT

### SECTION 8.01 – PURPOSE

The purpose of the R-3 zoning district is to permit the development of both single family and two family dwelling units.

### SECTION 8.02 – PRINCIPAL PERMITTED USES

- a. Single family detached dwelling units
- b. Single family attached dwelling units
- c. Two family dwelling units

### SECTION 8.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls, and retaining walls
- b. Gazebos and greenhouses
- c. Home occupations
- d. Private garages and carports
- e. Swimming pools, hot tubs, and saunas
- f. Tool and garden sheds
- g. Accessory structures as regulated by Section 4.09

### SECTION 8.04 – CONDITIONAL USES

- a. Cemeteries
- b. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- c. Fire and police stations, and government and professional offices, provided they are located on or adjacent to an arterial street
- d. Funeral homes
- e. Home day care for up to 6 children
- f. Parks, playgrounds, community recreation centers and clubhouses
- g. Public and parochial schools, provided they are located on or adjacent to an arterial street

### SECTION 8.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area:
  - 8,400 square feet for single family dwellings
  - 10,000 square feet for two family dwellings
- b. Minimum Lot Width at building setback line:
  - 70 feet for single family dwellings
  - 80 feet for two family dwellings
- c. Minimum Yard Requirements:
  - Front: 30 feet
  - Rear: 25 feet
  - Side: 18 feet combined, one side – 6 feet

- d. Maximum Building Height: 35 feet

#### SECTION 8.06 – OTHER DEVELOPMENT CONTROLS

- a. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off street parking, it is determined that the best interests of the Village will be better served.
- b. When considering the approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- c. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the R- 3 zoning district.

## ARTICLE IX – R-4 RESIDENTIAL DISTRICT

### SECTION 9.01 – PURPOSE

The purpose of the R-4 zoning district is to designate land for multi-family development.

### SECTION 9.02 – PRINCIPAL PERMITTED USES

- a. Multi-family dwelling units
- b. Two family dwelling units
- c. Single family attached dwelling units

### SECTION 9.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls, and retaining walls
- b. Gazebos and greenhouses
- c. Home occupations
- d. Non commercial gardening
- e. Private garages and carports
- f. Swimming pools, hot tubs, and saunas
- g. Tool and garden sheds
- h. Accessory structures as regulated by Section 4.09

### SECTION 9.04 – CONDITIONAL USES

- a. Cemeteries
- b. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- c. Fire and police stations, and government and professional offices, provided they are located on or adjacent to an arterial street
- d. Funeral homes
- e. Home day care for up to 6 children
- f. Parks, playgrounds, community recreation centers and clubhouses
- g. Public and parochial schools, provided they are located on or adjacent to an arterial street

### SECTION 9.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 20,000 square feet
- b. Minimum Lot Width at building setback line: 100 feet
- c. Minimum Yard Requirements:
  - Front: 40 feet
  - Rear: 30 feet
  - Side: 30 feet, 15 feet each side
- d. Maximum Building Height: 40 feet
- e. Maximum Density: 8 dwelling units per net acre

### SECTION 9.06 – OTHER DEVELOPMENT CONTROLS

- a. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off street parking, it is determined that the best interests of the Village will be better served.
- b. When considering the approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- c. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the R-4 zoning district.

## ARTICLE X – C-COMMERCIAL DISTRICT

### SECTION 10.01 – PURPOSE

The purpose of the C zoning district is to recognize those areas of the Village where commercial uses currently exist and where new development should be promoted.

### SECTION 10.02 – PRINCIPAL PERMITTED USES

- a. Accounting, auditing, and bookkeeping services
- b. Advertising and public relations agencies
- c. Antiques and used merchandise
- d. Appliance, carpet, furniture, and home furnishings stores
- e. Arts, crafts, and hobby supplies and products
- f. Automobile parts and accessories
- g. Bakeries, candy stores, and ice cream shops
- h. Banks, savings and loans, credit unions, and other financial service businesses
- i. Barber, beauty, nail, and tanning shops
- j. Book, card, gift, and stationery stores
- k. Clinics, medical and dental
- l. Clothing, accessories, consignment, shoe, and sporting goods stores
- m. Clubs, lodges, and social organizations
- n. Coffee shops
- o. Community and senior citizen centers
- p. Day care centers, nursery schools, and early education centers
- q. Delicatessens and sandwich shops
- r. Drugstores and pharmacies
- s. Drycleaners and laundromats
- t. Farm, garden, landscape, pet, and tractor supply stores
- u. Fire and police stations
- v. Florist shops and flower stores
- w. Food and grocery stores
- x. Funeral homes
- y. Glass, hardware, paint, wallpaper, and window covering stores
- z. Health, physical fitness, and weight loss studios
- aa. Jewelry and watch stores
- bb. Lumber yards and building material stores
- cc. Office supply and office furniture stores
- dd. Opticians and eyeglass stores
- ee. Photography, dance, and music studios
- ff. Post offices
- gg. Professional, medical, dental, and chiropractic offices
- hh. Printing and copying shops
- ii. Rental equipment stores
- jj. Restaurants

- kk. Shopping centers
- ll. Travel agencies
- mm. Video, CD, DVD, and music stores
- nn. Uses determined to be similar to the above

SECTION 10.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls and retaining walls
- b. Storage facilities
- c. Off street parking
- d. Signs

SECTION 10.04 – CONDITIONAL USES

- a. Automatic teller machines
- b. Automotive and vehicle repair and service, provided all business activities are conducted within a completely enclosed building
- c. Automobile and motor vehicle sales, new and used
- d. Bars, pubs, and taverns
- e. Billiard and pool halls
- f. Businesses with drive thrus
- g. Car and truck rentals
- h. Car washes
- h. Convenience stores
- i. Dwelling units above a business
- j. Gasoline filling and service station
- k. Liquor, wine, and cigarette stores
- l. Self storage facilities
- m. Tire, muffler, automotive accessories, and oil change stores
- n. Veterinarian offices, but not including boarding facilities

SECTION 10.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 10,000 square feet
- b. Minimum Lot Width at building setback line: 70 feet
- c. Minimum Yard Requirements:
  - Front: 50 feet
  - Rear: 15 feet
  - Side: none, unless situated adjacent to a street, road, highway, or other right of way when the required width shall be 50 feet
  - Maximum Building Height: 40 feet

SECTION 10.06 – OTHER DEVELOPMENT CONTROLS

- a. The Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic

and off street parking, it is determined that the best interests of the Village will be better served

- b. When considering the approval of a Conditional Use Permit, Planning Commission shall require installation of a buffer whenever any commercial use abuts a residential use in order to mitigate potential negative impacts
- c. No outdoor storage of any material, whether useable or waste, shall be permitted unless contained within a dumpster which is placed within an approved enclosure
- d. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the C zone

## ARTICLE XI – CBD CENTRAL BUSINESS DISTRICT

### SECTION 11.01 – PURPOSE

The purpose of the CBD zoning district is to accommodate and encourage the expansion, as well as preservation of, the historical business area within the Village. Encouraging a variety of businesses, institutional, public, quasi-public, cultural, residential and other related uses in order to provide the mix of activities necessary to sustain a vital downtown area is a high priority.

### SECTION 11.02 – PRINCIPAL PERMITTED USES

- a. Accounting, auditing, and bookkeeping services
- b. Advertising and public relations agencies
- c. Antiques and used merchandise
- d. Appliance, carpet, furniture, and home furnishings stores
- e. Arts, crafts, and hobby supplies and products
- f. Automobile parts and accessories
- g. Bakeries, candy stores, and ice cream shops
- h. Banks, savings and loans, credit unions, and other financial service businesses
- i. Barber, beauty, nail, and tanning shops
- j. Bed and breakfast accommodations
- k. Bicycle sales and repair stores
- l. Book, card, gift, and stationery stores
- m. Camera stores and photographic supplies
- n. Churches and other places of worship
- o. Clinics, medical and dental
- p. Clothing, accessories, consignment, shoe, and sporting goods stores
- q. Clubs, lodges, and social organizations
- r. Coffee shops
- s. Community and senior citizen centers
- t. Day care, nursery schools, and early education centers
- u. Delicatessens and sandwich shops
- v. Drugstores and pharmacies
- w. Drycleaners and laundromats
- x. Fire and police stations
- y. Florist shops and flower stores
- z. Food and grocery stores
- aa. Funeral homes
- bb. Galleries and museums
- cc. Glass, hardware, paint, wallpaper, and window covering stores
- dd. Health, physical fitness, and weight loss studios
- ee. Insurance agencies
- ff. Interior decorating studios
- gg. Jewelry and watch stores

- hh. Movie theatres
- ii. Office supply and office furniture stores
- jj. Opticians and eyeglass stores
- kk. Parks, plazas, and squares
- ll. Photography, dance, and music studios
- mm. Post offices
- nn. Professional, medical, dental, and chiropractic offices
- oo. Printing and copying shops
- pp. Residential dwellings – 1, 2, and 3 families
- qq. Restaurants
- rr. Travel agencies
- ss. Video, CD, DVD, and music stores
- tt. Uses determined to be similar to the above

#### SECTION 11.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls and retaining walls
- b. Storage facilities
- c. Off street parking
- d. Signs

#### SECTION 11.04 – CONDITIONAL USES

- a. Automatic teller machines
- b. Automotive and vehicle repair, provided all business activities are conducted within a completely enclosed building
- c. Bars, pubs, and taverns
- d. Billiard and pool halls
- e. Businesses with drive thrus
- f. Car washes
- g. Dwelling units above a business
- h. Liquor, wine, and cigarette stores
- i. Multi-family dwellings
- j. Public parking lots
- k. Tattoo parlors, branding, and body piercing

#### SECTION 11.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: none
- b. Minimum Lot Width at building setback line: none
- c. Minimum Yard Requirements
  - Front: none
  - Rear: none
  - Side: none
- c. Minimum Building Height: 35 feet

#### SECTION 11.06 – OTHER DEVELOPMENT CONTROLS

- a. When considering the approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts
- b. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the CBD zone.

## ARTICLE XII – I HEAVY INDUSTRIAL DISTRICT

### SECTION 12.01 – PURPOSE

The purpose of the I zoning district is to provide areas where manufacturing, processing, packaging, storage, treatment, and assembling of a wide variety of goods and products can take place.

### SECTION 12.02 – PRINCIPAL PERMITTED USES

- a. Assembly
- b. Building materials sales and storage
- c. Cleaning
- d. Foundries which do not produce noxious fumes or odors
- e. Freight terminals
- f. Manufacturing
- g. Mini warehouses
- h. Motor vehicle maintenance and repair
- i. Packaging and shipping
- j. Printing and engraving
- k. Processing and treatment facilities
- l. Research and development
- m. Storage structures and yards
- n. Warehousing and wholesaling
- o. Uses similar to the above

### SECTION 12.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Cafeterias
- b. Fences, decorative walls and retaining walls
- c. Off street parking
- d. Signs

### SECTION 12.04 – CONDITIONAL USES

- a. Public utility facilities
- b. Sexually oriented businesses, only in accordance with the provisions of Ordinance 818-00
- c. Storage of chemicals, explosives and fireworks

### SECTION 12.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 1 acre
- b. Minimum Lot Width at building setback line: 150 feet
- c. Minimum Yard Requirements:
  - Front: 75 feet
  - Rear: 50 feet
  - Side: 50 feet

- d. Maximum Building Height: 60 feet

#### SECTION 12.06 – OTHER DEVELOPMENT CONTROLS

- a. All outside storage areas shall contain a visual barrier which screens such areas from the view of adjoining properties as well as all public right-of-ways, and, shall be setback a minimum distance of 50 feet from any residential structure
- b. Where any yard or any use permitted in this zone abuts land in a residential zoning district, it shall be required to contain a minimum 10 foot wide buffer
- c. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the I zone

#### SECTION 12.07 – PERFORMANCE STANDARDS

- a. All principal and conditionally permitted uses shall be in full compliance with the performance standards identified in Article 17 of these zoning regulations

## ARTICLE XIII – I A LIGHT INDUSTRIAL DISTRICT

### SECTION 13.01 – PURPOSE

The purpose of the I A zoning district is to provide areas where manufacturing, processing, packaging, storage, treatment, and assembling of a wide variety of goods and products can take place in close proximity to residential uses.

### SECTION 13.02 – PRINCIPAL PERMITTED USES

- a. Assembly
- b. Building materials sales and storage
- c. Cleaning
- d. Manufacturing
- e. Mini warehouses
- f. Motor vehicle maintenance and repair
- g. Packaging and shipping
- h. Printing and engraving
- i. Processing and treatment facilities
- j. Research and development
- k. Storage structures
- l. Warehousing and wholesaling
- m. Uses similar to the above

### SECTION 13.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Cafeterias
- b. Fences, decorative walls and retaining walls
- c. Off street parking
- d. Signs

### SECTION 13.04 – CONDITIONAL USES

- a. Public utility facilities
- b. Sexually oriented businesses, only in accordance with the provisions of Ordinance 818-00

### SECTION 13.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: none
- b. Minimum Lot Width at building setback line: none
- c. Minimum Yard Requirements:
  - Front: 35 feet
  - Rear: 20 feet
  - Side: 50 feet combined, one side 20 feet
- d. Maximum Building Height: 35 feet

### SECTION 13.06 – OTHER DEVELOPMENT CONTROLS

- a. All outside storage areas shall contain a visual barrier which screens such areas from the view of adjoining properties as well as all public right-of-ways, and, shall be setback a minimum distance of 50 feet from any residential structure
- b. Where any yard or any use permitted in this zone abuts land in a residential zoning district, it shall be required to contain a minimum 10 foot wide buffer.
- c. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the I A zone

SECTION 13.07 – PERFORMANCE STANDARDS

- a. All principal and conditionally permitted uses shall be in full compliance with the performance standards identified in Article 17 of these zoning regulations

## **ARTICLE XIV – PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

### **SECTION 14.01 – PURPOSE**

The purpose of the PUD overlay district is to encourage innovation and flexibility in the design, building, and siting of commercial and residential developments, with a special emphasis placed on protecting existing environmental and natural site features and, the provision of both active and passive open space.

### **SECTION 14.02 – GENERAL**

A PUD overlay zone may be superimposed over any of the Village’s zoning districts provided that all conditions and requirements contained in these zoning regulations are satisfied. Unless waived or modified, all applicable subdivision requirements shall be met. In such instances, a public hearing for the purpose of soliciting input and comment shall be held by the Planning Commission prior to making any recommendation(s). After receiving the recommendation(s) of Planning Commission, Village Council shall also hold a public hearing prior to reaching a decision to either waive or modify applicable subdivision requirements.

### **SECTION 14.03 – OBJECTIVES**

In order to help guide proposed planned unit developments, each of the following elements is required to be addressed in not only concept and development plans, but in accompanying narrative:

- a. community character and compatibility with neighboring as well as nearby land uses
- b. proposed pedestrian and vehicular connectivity and circulation
- c. slopes of 20% or more, tree clusters, and open space
- d. utilities, including potential impact on system capacities
- e. proposed architecture and development amenities
- f. establishment of a sense of place
- g. likely traffic generation
- h. proposed streetscape
- i. scenic views
- j. clustering

### **SECTION 14.04 – APPLICATION AND PROCESSING**

Applications for the establishment of a PUD Overlay zoning district shall be processed in 2 stages once a pre-application conference has been jointly held with the Zoning Administrator and one or more local appointed or elected officials.

- a. Stage One – Development Plan and Zoning Map Amendment. An application for amendment to a PUD Overlay Zone shall include a Stage One site plan in accordance with Section 19.06. Upon approval of a PUD Overlay district classification by Village Council, the Official Zoning Map shall be amended by

adding the prefix PUD to existing zone for the area which is identified on the Stage One approved plan.

- b. Stage Two – Development Plan and Final Subdivision Plat. A Stage Two development plan and final plat shall be developed in substantial conformance with the Stage One approved plan and reflect all of the additional requirements contained in Section 19.07. It shall be reviewed and commented upon by Planning Commission prior to being forwarded to Village Council for final action.

Should any plan or plat changes be authorized by the Planning Commission or Village Council, they shall not be permitted to: (1) affect the spatial relationship of structures, (2) change land use(s), (3) increase density, (4) substantially alter connectivity and circulation patterns, (5) decrease the amount of open space, and (6) substantially affect any other applicable requirements of this ordinance.

Upon Village Council approval of a Stage Two development plan and final subdivision plat, a copy of said plan shall be expeditiously forwarded to the Zoning Administrator. Any and all permits subsequently authorized by the Zoning Administrator shall be in full compliance with both the approved development plan and final plat.

Upon Village Council approval of a final subdivision plat, said plat, as certified by the Mayor or Clerk of Council, shall be forwarded to the Office of the County Recorder for the purpose of being recorded.

#### SECTION 14.05 – TYPES OF HOUSING, DENSITY, AND AMENITIES

Both attached and detached housing may be permitted within a PUD Overlay zoning district. In addition to single family housing, two and three family and multi-family dwelling units may be permitted. Provisions of the Commercial Zone are also allowable with a PUD Overlay zoning district. Overall density shall not exceed that of the underlying zoning district unless a series of development amenities, as described below, are approved by the Planning Commission. Density shall be exclusive of all public and private street right-of-way areas.

All of the following shall be considered to be development amenities by the Planning Commission:

- (1) a variety of architectural styles
- (2) the widespread use of brick, stone, wood, stucco, and hardiplank
- (3) landscaped medians and boulevards
- (4) a mix of front and side entry garages
- (5) the widespread use of recessed garages
- (6) the use of elements which reduce repetitive appearance such as
  - arches, eaves, shutters, dormers and columns
  - dimensional shingles
  - porches
- (7) the provision of distinctive gateways into a neighborhood

- (8) the provision of both interconnecting streets and cul-de-sacs

A density bonus of up to 10% may be authorized by the Planning Commission when 2 or more development amenities become prominent features of a development plan. A density bonus of as much as 15% may be authorized by the Planning Commission when 4 or more development amenities become prominent features of a development plan. Whenever a development plan features 6 or more development amenities as prominent features, a density bonus of up to 20% may be granted by the Planning Commission.

#### SECTION 14.06 – AREA REQUIREMENTS

There shall be no minimum area requirement for PUD Overlay zones.

#### SECTION 14.07 – OTHER PROPERTY DEVELOPMENT STANDARDS

- (a) Building height may not exceed 35 feet
- (b) No minimum setbacks shall be required
- (c) A variety of lot sizes is encouraged

#### SECTION 14.08 – COMMON OPEN SPACE

At least 20% of the total acreage of a proposed planned unit development shall be retained as common open space. Of this total, 75% or more must be classified as useable open space. Accordingly, not more than 25% of land devoted to common open space will be permitted to contain slopes of more than 20%. All common open space shall be readily accessible, available, and useable by all residents of the PUD. Common open space shall be exclusive of dwellings, streets, parking areas, commercial and other non open space uses. Provisions of this requirement may be amended by the Planning Commission, subject to approval by the Village Council, if deemed appropriate and necessary for the proposed development.

#### SECTION 14.09 – EXPIRATION

All approved PUD Overlay zones shall be subject to the time constraints listed below. Upon expiration of the following time periods and any extensions thereto, either the Village Council or Planning Commission may initiate a public hearing for the purpose of determining whether said PUD Overlay zone should revert to its original zoning designation.

A public hearing may be initiated if either of the following conditions apply:

- (a) A Stage Two site plan has not been approved by Village Council within a period of 12 consecutive months from the date of its approval of a Stage One plan, provided that Council may decide to grant an extension if it can be demonstrated that prevailing market conditions have not changed appreciably to render the approved Stage One Plan obsolete.
- (b) Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Stage two site plan by the Village Council, provided that an extension may be authorized by Village Council if sufficient proof can be provided that conclusively demonstrates that construction was delayed due to circumstances beyond the applicant's control, and, that prevailing conditions have not changed appreciably which would

render the approved Stage Two site plan obsolete. The amount of construction constituting “initiating substantial construction” shall be as approved in the Stage Two site plan.

#### SECTION 14.10 –CONSULTANT ASSISTANCE

The Zoning Administrator shall be authorized to determine if it would be in the best interest of the Village to utilize the services of a development consultant in the pre-application conference, and/or after the submission of a Stage One and/or Stage Two development plan. The entire cost for having a consultant attend and participate in a pre-application conference shall be the responsibility of the Village of Williamsburg. The expense for having a consultant become involved in reviewing Stage One and/or Stage Two plans shall be shared, with the applicant paying 80% of the cost and the Village paying the remaining 20%.

Similarly, should the Zoning Administrator require the assistance of a person who is qualified by experience to complete site inspections, the cost of retaining the services of such a resource person shall be shared, with the Village paying 80% of overall costs, and the developer, builder, or contractor paying the remaining 20%. Such costs shall be in addition to the fees collected by the Village for such inspections, and shall be paid in accordance with a time schedule authorized by Village Council.

***Amended March 10, 2005 ~ Ordinance 940-05***

## ARTICLE XV – PO PROFESSIONAL OFFICE DISTRICT

### SECTION 15.01 – PURPOSE

The purpose of the PO district is to establish an area which emphasizes offices and related businesses which are located in close proximity to and are compatible with nearby residential uses.

### SECTION 15.02 – PRINCIPAL PERMITTED USES

- a. Accounting, auditing, and bookkeeping services
- b. Advertising and public relations agencies
- b. Banks, savings and loans, credit unions, and other financial service businesses
- c. Barber, beauty, nail, and tanning shops
- d. Churches and other places of worship
- e. Clinics, medical and dental
- f. Drugstores and pharmacies
- g. Fire and police stations
- h. Insurance agencies
- i. Nursing homes
- j. Post offices
- k. Professional, medical, dental, and chiropractic offices
- l. Travel agencies
- m. Uses determined to be similar to the above

### SECTION 15.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls and retaining walls
- b. Storage facilities
- c. Off street parking
- d. Signs
- e. Uses such as coffee shops and newsstands, and medical and dental laboratories which are located inside a building and do not exceed 10% of the gross floor area of the permitted use, and, contain no exterior advertising or signing

### SECTION 15.04 – CONDITIONAL USES

- a. Automatic teller machines
- b. Businesses with drive-thrus
- c. Public parking lots
- d. Schools

### SECTION 15.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: 12,500 square feet
- b. Minimum Lot Width at building setback line: 100 feet
- c. Minimum Yard Requirements
  - Front: 10 feet

- Rear: 25 feet
- Side: 15 feet
- d. Minimum Building Height: 40 feet

SECTION 15.06 – OTHER DEVELOPMENT CONTROLS

- a. When considering the approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts
- b. Submission of a site plan, in accordance with the provisions of Article 19 shall be required for all uses in the PO zone

## **ARTICLE XVI – OFF STREET PARKING, LOADING, AND ACCESS CONTROL REGULATIONS**

### **SECTION 16.01 – PURPOSE**

The purpose of these regulations is to provide a series of standards which will ensure that all developments have adequate capacity and circulation for the movement of vehicles without negatively impacting surrounding areas.

### **SECTION 16.02 – GENERAL PROVISIONS**

- (a) The provisions of this chapter, except where there is a change in land use, shall not apply to any existing building, structure, or land use.
- (b) Whenever a building, structure, or land use is established, enlarged in floor area, number of dwelling units, seating capacity, number of employees, or, requires the need for additional off street parking spaces, the provisions of this chapter shall apply.
- (c) Off street parking and loading areas shall not be used for the repair, servicing, or storage of vehicles, except that off street parking areas for residential uses may be used for customary and periodic maintenance of vehicles which are owned and operated by the residential occupant(s).
- (d) No off street parking or loading facility may be reduced in capacity unless all zoning requirements are fully satisfied.
- (e) Requirements for types of buildings or uses not specifically identified herein shall be determined by the Zoning Administrator, or referred to the Planning Commission, based upon the requirements for similar land uses, and upon the particular characteristics of the building or use.
- (f) Access to any off street parking and loading area shall not be permitted to occur through the use of a continuous curb cut.
- (g) No entrance or exit, including driveways, to off street parking and loading areas shall be situated closer than 5 feet from a side yard property line.
- (h) Off street parking facilities for one commercial use may be considered as providing required off street parking for another commercial use or mixed use development only if the hours of principal use are substantially different, or, if excess parking capacity exists. The Zoning Administrator shall determine and the Planning Commission shall affirm where off street parking facilities may be shared.
- (i) All off street parking lots and loading areas shall be graded and drained so as to dispose of all surface water accumulated in the required parking area. In no instance shall storm water be permitted to flow onto an adjoining property.
- (j) No off street parking area shall be used for the parking of a business or service vehicle or truck which larger than a passenger vehicle unless said vehicle is parked within a garage, or, is fully screened from public view in an area which is located no closer than 10 feet from either a side or rear yard property line.
- (k) No motor vehicle shall be displayed for sale in any off street parking area unless

said area is either a part of an authorized sales facility, or, is owned or rented by the vehicle's owner.

#### SECTION 16.03 – PARKING AND LOADING PLANS REQUIRED

A parking plan, and, where applicable, a loading plan shall be required for all developments requiring site plan review and approval. Such plans shall be required for all new developments, as well as for individual pieces of property. All such plans shall clearly identify individual parking spaces.

#### SECTION 16.04 – SIZE OF OFF STREET PARKING SPACES

All off street parking spaces shall meet the following minimum rectangular dimensional requirements:

- (a) for 90 degree (perpendicular) parking, not less than 9 feet in width and 19 feet in length
- (b) for 60 degree (angled) parking, not less than 10 feet in width and 19 feet in length
- (c) for 45 degree (angled) parking, not less than 12 feet in width and 19 feet in length
- (d) for parallel parking, not less than 9 feet in width and 23 feet in length

All required dimensions shall be exclusive of driveways, aisles, and other circulation areas. Where handicap parking spaces are provided, they shall Conform to the requirements of the Ohio Basic Building Code.

#### SECTION 16.05 – REQUIRED AISLE WIDTHS AND ACCESS DRIVES

- (a) for 90 degree (perpendicular) parking, 24 feet for both one way and 2 way circulation
- (b) for 60 degree (angled) parking, 18 feet for one way circulation
- (c) for 45 degree (angled) parking, 13 feet for one way circulation
- (d) for parallel parking, 12 feet for one way circulation

All driveways providing access to off street parking shall be a minimum of 24 feet wide. In addition, all vehicles entering or leaving a parking area from or into a public or private street shall be traveling in a forward motion.

#### SECTION 16.06 – BUFFERING OF OFF STREET PARKING AND LOADING AREAS

All off street parking areas within multi-family, commercial, and industrial zoning districts which adjoin single family residential development shall be required to provide a buffer as described in Section 4.24. Off street loading areas shall be subject to the same requirement.

#### SECTION 16.07 – PARKING LOT LIGHTING AND STRIPING

All parking area and loading areas which are to be used during non daylight hours shall be properly illuminated in order to help prevent accidents. All lighting used to illuminate such parking areas shall concentrate lighting on nearby parking and loading spaces and shall not reflect light onto adjoining property or onto any street. With the exception of one, two and three family residential areas, all off street parking spaces shall be required to be striped.

## SECTION 16.08 – PAVING AND MAINTENANCE OF OFF STREET PARKING AND LOADING AREAS

All new off street parking and loading areas, as well as those associated with a change in use, shall be paved with a durable dustless surface consisting of either asphalt or concrete, or, if approved, a similar paving material. Gravel parking areas shall not be permitted regardless of land use. The owner of any property used for off street parking and/or loading shall be responsible for periodic maintenance.

## SECTION 16.09 – LOCATION OF OFF STREET PARKING

- (a) In single family and two family residential zones, front yard parking shall be permitted as long as the ratio of unpaved area to paved area (parking and driveway areas) is maintained at a ratio of at least 3:1.
- (b) In multi-family zoning districts, off street parking shall be required to be setback a minimum of 10 feet from front and rear yard property lines, and at least 5 feet from side yard property lines.
- (c) In commercial zones, off street parking shall be setback a minimum of 5 feet from side and rear property lines. In front yards, a minimum setback of 15 feet from the street right-of-way line shall be required for off street parking.
- (d) In industrial zones, off street parking shall be setback a minimum of 10 feet from the rear yard property line, and, shall not be permitted in the minimum required side yard. Where parking occurs in a front yard, it shall not be permitted within the required setback.

## SECTION 16.10 – JOINT USE OF PARKING FACILITIES

Two or more uses may share off street parking facilities in accordance with the following:

- (a) A use may have the number of required parking spaces reduced when a joint use parking facilities plan has been reviewed and approved by the Planning Commission. In granting its approval, the Planning Commission may impose one or more conditions in order to insure that adequate off street parking will be provided for all uses. Any violations shall nullify the approved joint use parking facilities plan.
- (b) The applicant must clearly demonstrate that the hours of operation and/or scheduling of facility usage are such that each use meets its parking requirement.
- (c) Joint use parking facilities shall be located no more than 150 feet from each use served by said facility unless other-wise approved by Planning Commission.
- (d) Any change in the type of uses or activities served by the joint use parking facility shall be deemed an amendment to the approved plan, and will require Planning Commission review and approval.

## SECTION 16.11 – PARKING LOT GRADE

No area of any parking lot shall have a slope in excess of 5%. No access drive shall be permitted to have a slope which exceeds 8%.

## SECTION 16.12 – PROTECTION OF BUFFER AND LANDSCAPE AREAS

All buffer and landscaped areas adjacent to off street parking areas shall be protected from vehicular damage by either a raised concrete curb or wheel stop concrete barrier. The wheel stops need not be continuous.

**SECTION 16.13 – MAINTAINING CLEAR SIGHT DISTANCE**

In accordance with Section 4.03, in order to prevent an interrupted street level view to each motorist, no obstruction shall be permitted to be placed, planted, or constructed near where a driveway, alley, and/or street intersect. The Planning Commission shall determine what constitutes a safe distance. In doing so, it may ask for assistance from the Village’s police or public works department. In no instance however, shall a potential obstruction having a height of 3 or more feet be permitted to be situated closer than 15 feet from the edge of an intersection of a driveway, alley, and/or street.

**SECTION 16.14 –HANDICAPPED PARKING REQUIREMENTS**

With the exception of residential districts allowing single family and two family housing, parking spaces for disabled persons shall be provided in all other zoning districts as follows:

Total Required	Disabled Spaces Required
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6

- (a) All handicap accessible parking shall be at least 8 feet wide and 19 feet long, and, shall have an adjacent access aisle which is a minimum of 5 feet wide.
- (b) Two handicap parking spaces may share a common access aisle.
- (c) Whenever handicap parking is provided, a curb ramp shall also be provided in order to facilitate building access.
- (d) Handicap parking shall be provided in the area closest to the entrance(s) of a building(s).
- (e) Parking for disabled persons shall be designated as reserved for handicapped parking by a sign showing the international symbol of accessibility.

**SECTION 16.15 – OFF STREET PARKING REQUIREMENTS**

Land Use	Parking Requirement
<u>Residential:</u>	
- Detached single family, including manufactured homes	2 garage spaces per dwelling
- Duplex and triplex	1.5 garage spaces per dwelling

- Attached single family owner occupied housing parking 1 garage space per dwelling, plus 1 space for every 4 units for guest
- Multifamily, 600 or fewer square foot dwelling units 1 space per unit
- Multifamily, 900 or fewer square foot dwelling units 1.5 spaces per unit
- Multifamily, more than 900 square foot dwelling units 2 spaces per unit
- Nursing & extended care facilities 2 spaces for every 3 beds
- Bed & breakfast housing 1 space per guest bedroom, plus 1 space per resident
- Dwellings above the first floor of a business 1 space per unit  
1 space

Civic, Cultural, Public  
and Educational Facilities:

- Community centers 10 spaces, plus 1 for each 300 square feet of floor area in excess of 1,000 square feet
- Day care and early education centers 10 spaces, plus 1 for each employee
- Libraries 1 space per 200 square feet of floor area
- Elementary and junior high schools 1 space per school employee, plus 1 per classroom
- High schools 1 space per school employee, plus 1 for every 5 auditorium seats
- Governmental offices 1 space per 200 square feet, plus 1 space per 100 square feet of assembly area
- Police and fire stations 1 space per employee on the largest shift
- Post offices 1 space per 200 square feet of floor area

Religious:

- Churches and other places of worship 1 space 4 fixed seats

Offices:

- Medical, dental and chiropractic offices and clinics 1 space per employee, plus 1 space for each doctor, plus 1 space per exam room, plus 1 space for every 4 seats in the reception/waiting area
- Professional offices 1 space per 200 square feet of floor area

Commercial:

- Appliance, carpet, furniture, and home furnishings 1 space per 500 square feet of floor area
- Auto parts and accessories (not including automotive and vehicle repair and service) 1 space per 350 square feet of floor area
- Automotive and vehicle repair and service 1 space per employee, plus 1 space per 3 service bays
- Auto and motor vehicle sales 1 space for each 300 square feet of floor area, plus 1 space for each 3,000 square feet of open lot sales area
- Bakeries, candy stores and ice cream shops 1 space per 250 square feet of floor area
- Banks, savings and loans, credit unions and other financial service businesses 1 space per 200 square feet
- Barber, beauty, nail, and tanning shops 1 space per 100 square feet of floor area, plus 1 for each shift employee
- Billiard and pool halls 1 space per 150 square feet of floor area
- Book, card, gift, and stationery stores 1 space per 200 square feet of floor area
- Car washes 5 spaces per wash bay
- Carryout and delivery businesses 1 space per 150 square feet
- Clothing, accessories, consignment, shoe, and sporting good stores 1 space per 250 square feet
- Coffee shops 1 space per 100 square feet of floor area
- Convenience stores 1 space per 250 square feet of floor area
- Delicatessens and sandwich shops 1 space per 3 seats

- Drugstores and pharmacies 1 space per 300 square feet of floor area
- Drycleaners 1 space per 350 square feet of floor area
- Food and grocery stores 1 space per 500 square feet
- Glass, hardware, paint, wall-paper, and window covering stores 1 space per 350 square feet of floor area
- Health, physical fitness, and 1 space per 150 square feet of floor area
- Jewelry and watch stores 1 space per 350 square feet of floor area
- Laundromats 1 space per 2 washing machines
- Liquor, wine, and cigarette 1 space per 350 square feet of floor area
- Photography, dance, and music studios 1 space per 350 square feet of floor area
- Printing and copying shops 1 space per 250 square feet of floor area
- Restaurants, bars, pubs, and taverns 1 space per 2 seats
- Shopping centers 1 space per 250 square feet, plus 1 space for each 200 square feet of floor area used for eating and drinking purposes having seating for 15 or more
- Tire, muffler, automotive 1 space per service bay, plus 1 per shift employee
- Veterinarian offices 1 space per 400 square feet of floor area
- Video stores 1 space per 200 square feet of floor area

**INDUSTRIAL:**

- Building materials sales and storage 1 space per 500 square feet of floor area
- Freight terminals 1 per shift employee
- Manufacturing 5 plus 1 per shift employee
- Mini-warehouses 1 space for the manager, plus 1 for every 25 storage units
- Processing 5 plus 1 per shift employee
- Research and development 5 plus 1 per shift employee
- Warehousing 5 plus 1 per shift employee

OTHER:

- |                             |   |
|-----------------------------|---|
| - Clubs, lodges, and social | 1 space per 4 seats   |
| - Funeral homes             | 10 plus 1 space per 50 square feet of visitation/viewing area |
| - Retail uses not listed    | 1 space per 250 square feet of floor area                     |

SECTION 16.16 – LOADING AND UNLOADING REQUIREMENTS

- (a) Location
- All off street loading and unloading spaces shall be located on the same lot as the building or structure to which they are accessory, except that, within industrial zones, trucks waiting to be loaded or unloaded within 300 feet from the lot being served shall be permitted.
  - No loading space shall be located in a required front yard, be closer than 50 feet to any lot in a residential zoning district, or be closer than 10 feet to a rear yard property line.
- (b) Space size:
- An off street parking space shall measure 14 feet in width and 35 feet or more in length, depending upon the size of trucks used for loading and unloading.
- (c) Screening:
- When bordered by a residential zone, each off street loading space shall be screened from view through the use of a dense evergreen planting, decorative fence, masonry wall, or berm.
- (d) Hindering movement:
- Off street loading or unloading vehicles shall not, at any time, hinder the movement of pedestrian and/or vehicular traffic.
- (e) Number of required spaces:
- non residential uses of 20,000 or fewer square feet, 1 space
  - non residential uses of 20,001 – 49,999 square feet, 2 spaces
  - 1 space for each additional 50,000 square feet of floor area

## **ARTICLE XVII – PERFORMANCE STANDARDS FOR INDUSTRIAL ZONING DISTRICTS**

### **SECTION 17.01 – PURPOSE AND SCOPE**

The purpose of these regulations is to establish performance standards which can help to prevent objectionable land use impacts. As of the effective date of this Ordinance, all uses which are established or changed, as well as any building, structure, or tract of land which is developed, constructed, extend-ed, enlarged, or reconstructed, or, used for any principally permitted, accessory, or conditional use within the Light and Heavy Industrial zoning districts shall not be permitted to create any dangerous, injurious, noxious, harmful, or otherwise objectionable conditions, and, shall comply with all of the performance standards herein set forth.

### **SECTION 17.02 – TIME SCHEDULE FOR COMPLIANCE**

- (a) All new installations shall comply at the initiation of their operation.
- (b) All existing businesses not in compliance upon the adoption of this ordinance shall be in full compliance within one (1) calendar year of the effective date of this ordinance unless the owner or person responsible for the operation of the business has submitted a written compliance program and schedule to the Planning Commission indicating when full compliance will be achieved. The Planning Commission shall determine the reasonableness of the request, and, shall decide to either approve, modify, or deny the extension request. Prior to reaching a decision, the Planning Commission may elect to seek input from the local Fire Chief.

### **SECTION 17.03 – SPECIFIC PERFORMANCE STANDARDS**

- (a) Air pollution, radioactivity, and hazardous wastes shall all be subject to the regulations established by the Ohio Environmental Protection Agency.
- (b) All uses shall be operated either within a building, or within an area which is completely buffered from all non industrial property which either directly abuts or is located across the street from the subject business.
- (c) No use shall be permitted to operate where the noise produced by any machine, equipment, or mechanical device which has a frequent or constant noise level which, when measured at the lot line of the property affected exceeds 70 decibels. Noise which is produced by the operation of motor vehicles shall be exempted from this requirement, as shall warning sirens.
- (d) Any activity producing humidity in the form of steam or moist air, or, producing heat or glare shall be carried on in such a manner that the steam, moist air, heat or glare is not perceptible from any street or property located outside of an industrial zone. Welding which is required for the exterior construction of a building shall be exempt from these regulations. Furthermore, no exterior building, signing, or parking lot lighting shall be positioned or placed such that it would extend glare onto an adjacent property or public right-of-way.
- (e) No activities shall be permitted which emit electrical disturbance affecting the

operation of any equipment other than that of the creator of such disturbance. Any generated electrical disturbance shall comply with all applicable regulations of the Federal Communications Commission.

- (f) No erosion, by either wind or water, shall be permitted which would carry objectionable substances onto any neighboring property.
- (g) Adequate safety devices shall be provided where there are activities involving any burning or storage of flammable or explosive materials. Adequate fire fighting and suppression measures and controls shall be provided. In no instance shall the burning of waste materials in an open fire be permitted.
- (h) No discharge into any public sewer, private sewage disposal system, stream, or into the ground of any materials of such nature and temperature capable of contaminating any water supply, interfere with bacterial processes required in sewage treatment, or otherwise cause the emission of dangerous or unsafe elements shall be permitted. In addition, the use of dumpsters or other types of waste containers for the disposal of potentially dangerous liquid and solid waste materials shall be prohibited.
- (i) Every industrial use shall be operated in a manner which prevents ground vibration from being perceptible, without the use of instruments, beyond any lot line which adjoins the subject business.
- (j) Provisions for storm water drainage, including the need for either on site retention or detention, shall be taken into consideration, with particular reference to adjoining and nearby properties.

## **ARTICLE XVIII – ADMINISTRATION AND ENFORCEMENT**

### **SECTION 18.01 – PURPOSE**

The purpose of these regulations is to establish both a functional and meaningful system of zoning administration and enforcement.

### **SECTION 18.02 – ZONING ADMINISTRATOR RESPONSIBILITIES**

Unless otherwise decided by the Mayor, the Zoning Administrator shall be the Village Manager. He or she shall have direct responsibility for (a) receiving and processing applications, (b) helping interpret as well as enforce the provisions of this Ordinance, (c) maintaining the Zoning Ordinance, the Zoning Map, and all records of zoning proceedings, (d) providing guidance and assistance to local elected and appointed officials, and (e) hearing and deciding upon certain applications.

### **SECTION 18.03 – ENFORCEMENT AND PENALTIES**

- (a). The Zoning Administrator, acting as the zoning enforcement officer shall, upon exhibiting proper credentials, have the right to enter, at any reasonable hour, upon any premises or any building under construction or alteration.
- (b) It shall be unlawful for any person or entity to interfere with the Zoning Administrator's performance of any of the duties and responsibilities identified herein.
- (c) The Zoning Administrator shall have the authority to order the discontinuance of any illegal use of land, buildings, structures, additions, alterations, or structural changes thereto, and to order the discontinuance of any illegal work being done. The Zoning Administrator is also authorized to order the removal of any illegal buildings, structures, additions, or alterations.
- (d) The Zoning Administrator shall further be authorized to take any action to ensure full compliance with, or to prevent violations of this Ordinance, including the issuance of zoning permits.

### **SECTION 18.04 – ZONING PERMITS**

Unless a conditional use permit or variance application has been approved in accordance with the provisions of this Ordinance, no owner of property in the Village of Williamsburg shall use, or permit the use of any structure, building, land, or part thereof, hereafter created, erected, changed, converted, or enlarged wholly or partly, until a Zoning Permit application has been issued by the Zoning Administrator. All applications for a Zoning Permit shall be accompanied by:

- (a) an application completed on a form provided by the Zoning Administrator
- (b) the required application fee
- (c) a development plan and accompanying scaled building and elevation drawings required by this Ordinance
- (d) any additional or supplemental information which the Zoning Administrator deems necessary in order to further insure that the proposed activity fully

conforms with all zoning requirements

#### SECTION 18.05 – EXPIRATION OF ZONING PERMIT

When no construction activity, such as the setting of building forms or the start of excavation, has been started within one (1) year of the issuance of a Zoning Permit, a renewal of the original permit shall be required prior to the start of any work or activity.

#### SECTION 18.06 – CERTIFICATE OF ZONING COMPLIANCE

Prior to the occupancy of, or use of, any newly erected building or structure, and, prerequisite to the continued occupancy of a newly altered, reconstruct-ed, or enlarged building or structure, a Certificate of Zoning Compliance shall be issued by the Zoning Administrator. Prior to issuing said certificate, the Zoning Administrator shall be responsible for determining that full conformance with the information contained in an approved zoning permit application, conditional use permit application, or variance application.

#### SECTION 18.07 – VIOLATIONS

The Zoning Administrator shall be responsible for making a field investigation prior to issuing a notice of violation. Where technical complexity, non-availability of equipment, or extraordinary expenses makes it unreasonable, in the opinion of the Zoning Administrator, to make a determination, then procedures shall be established for:

- (a) causing corrections in apparent violations of performance standards
- (b) protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standards, and
- (c) protecting the general public from unnecessary costs for administration and enforcement

If the Zoning Administrator finds, after site investigations have been made by qualified experts, that there is a violation of the adopted performance standards, then he or she shall take or cause to be taken such lawful action which would result in compliance with required performance standards.

#### SECTION 18.08 – COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or, is alleged to have occur-red, any person may file a written complaint with the Zoning Administrator.

The Zoning Administrator shall properly record such a complaint, promptly investigate, promptly decide, and, subsequently provide the complainant, in writing, with the basis for the decision which has been made.

#### SECTION 18.09 – FAILURE TO COMPLY

Failure to obtain a Zoning Permit or Certificate of Zoning Compliance shall be a violation of this Ordinance. Any person or entity who violates any of the provisions of this Ordinance shall, upon conviction, be fined not more than \$50.00 for the first violation and \$100.00 for each additional violation, with the overall fine not to exceed \$500.00. Each day of violation shall constitute a separate offense.

## SECTION 18.10 – CIVIL PROCEEDINGS

Whenever the Zoning Administrator is satisfied that one or more provisions of this Ordinance have been violated, and, have not been remedied as required by the provisions of this Ordinance, the Zoning Administrator shall con-tact the Village Solicitor. The Village Solicitor shall, after reviewing the in-formation provided by the Zoning Administrator, make a decision whether or not to institute civil proceedings.

All civil proceedings or appeals shall be filed in the name of the Village. Nothing in this section and no action taken thereunder shall be held to exclude such criminal proceedings as may be authorized by this Ordinance or any of the laws or resolutions in force in the Village, nor shall they exempt anyone violating this Ordinance or any part thereof from any penalty which may be subsequently incurred.

## SECTION 18.11 – PROCEDURES REGARDING PERFORMANCE STANDARDS

Whenever the Zoning Administrator determines that a probable violation of adopted performance standards exists, the following procedures shall be followed:

- (a) Written notice from the Zoning Administrator shall be provided by certified mail to the person(s) or business responsible for the alleged violation. The notice shall provide a detailed description of the alleged violation(s), and, request that an answer or correction be provided within 30 calendar days of receipt. Said notice shall specifically state that failure to reply or correct the alleged violation to the satisfaction of the Zoning Administrator within 30 calendar days of the receipt of said notice shall constitute an admission of violation of the terms of this Ordinance.
- (b) The notice from the Zoning Administrator shall also state that, upon request of the person(s) notified, a technical investigation will be made by a qualified expert(s), and, that should any violations be documented, all investigative costs will become the financial responsibility of those responsible for the violation. Furthermore, said notice shall state that other penalties may be appropriate. Should an investigation determine that no violation exists, the full cost for conducting an investigation shall be paid by the Village.
- (c) If there is no reply within 30 calendar days of receipt of said notice, but, the alleged violation has been corrected to the satisfaction of the Zoning Administrator, it shall be noted that the violation has been corrected on the official copy of said notice.
- (d) If there is no reply within 30 calendar days of receipt of said notice, and, the violation has not been corrected, the Zoning Administrator shall proceed to take or cause to be taken, such action as is warranted by this Ordinance.
- (e) If a written reply is received by the Zoning Administrator within 30 calendar days of receipt of said notice indicating that the alleged violation is in the process of being corrected but requests more time, the Zoning Administrator may choose to grant an extension if it is determined that no imminent peril to life, health, or property exists.
- (f) When a written request for technical determination has been received within 30

calendar days of receipt of said notice, the Zoning Administrator shall proceed to call in properly qualified experts to conduct an investigation.

#### SECTION 18.12 – PUBLIC HEARINGS

Should a public hearing be required by this Ordinance, the following shall apply:

- (a) Notice of public hearing shall be published in a newspaper of general circulation within the Village of Williamsburg at least once. For public hearings held by the Board of Zoning Appeals, publication shall occur at least 10 days but not more than 21 days prior to the date of the hearing. For all other public hearings, publication shall occur at least 15 days but not more than 30 days before said hearing.
- (b) Notice shall be sent to every property owner within 200 feet of any part of the subject property. In addition, said notice shall set forth the time and place of the hearing, and identify the nature of the issue to be heard.

#### SECTION 18.13 – PLANNING COMMISSION

- (a) The Planning Commission for the Village shall consist of 5 members comprised of the Mayor, or his or her appointee, one (1) member of Village Council who shall serve for the remainder of his or her elected term, and 3 citizens of the Village. The terms of all members shall be staggered in order to allow the term of one member to expire each year. All members shall serve without compensation.
- (b) The Planning Commission shall annually select from its membership a Chairman and Vice Chairman. It shall also adopt bylaws, keep minutes and written records of all proceedings, and, show how each member voted on each agenda item.
- (c) The Zoning Administrator shall annually serve as the Secretary to the Planning Commission, and, shall also act in an advisory capacity.
- (d) The City Planning Commission shall be required to meet on a monthly basis. In addition to zoning matters, Planning Commission shall be responsible for discussing and taking action on a variety of land use and comprehensive planning matters.

Specific responsibilities of the Commission shall include:

1. Initiating proposed amendments to the Zoning Ordinance and Zoning Map
  2. Making recommendations to Village Council
  3. Reviewing and approving or denying Conditional Use Permit applications
  4. Conducting site plan reviews
  5. Administering the Village's adopted Subdivision Regulations
  6. Making zoning interpretations and determinations
  7. Establishing a schedule of fees and charges
  8. Delegating responsibilities to the Zoning Administrator
- (e) Members of the Planning Commission may be removed from office by Village Council when attendance drops below 75% of regularly scheduled and special meetings, for misconduct, conflict of interest, malfeasance, or non performance of duty.

(f) Whenever budget funds allow, members of the Planning Commission shall, either individually or collectively, attend workshops, conferences, lectures, and/or continuing education sessions in order to become more knowledgeable and effective in carrying out the above described planning, zoning, and subdivision responsibilities.

#### SECTION 18.14 – BOARD OF ZONING APPEALS

(a) The Board of Zoning Appeals shall consist of 3 members, not more than 2 of whom are members of the Planning Commission.

(b) The Mayor shall appoint members of the Board of Zoning Appeals subject to approval of Village Council.

(c) The terms of office for the Board of Zoning Appeals shall be staggered to allow the term of one member to expire each year. All members shall serve without compensation.

(d) The Board of Zoning Appeals shall annually select from its membership a Chairman, Vice Chairman, and Secretary. It shall also adopt bylaws, keep minutes and written records of all proceedings, and, show how each member voted on each agenda item.

(e) The Zoning Administrator shall act as an advisor to the Board of Zoning Appeals.

(f) The Board of Zoning Appeals shall meet as required. Specific responsibilities of the Board shall include:

1. Hearing and deciding appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant, or refusal made by the Zoning Administrator.

2. Authorizing dimensional variances where, by reason of exceptional narrowness, shallowness, unusual shape, or extraordinary condition of a site, the literal enforcement of the dimensional requirements of this Ordinance would result in a hardship which would result in depriving an applicant of the reasonable use of the land. When granting such a variance, the Board of Zoning Appeals shall determine that doing so will not adversely impact the public health, safety, comfort, convenience, prosperity, character, and general welfare of either the neighborhood or the Village of Williamsburg.

3. When authorizing a dimensional variance, the Board of Zoning Appeals shall conclude that it is not conferring upon the applicant any special privilege that is not conferred by this Ordinance to other property, structures, or buildings in the same zoning district, and, may prescribe appropriate conditions and safeguards to insure compliance. All dimensional variances apply to the property, not the applicant, and are legally transferable to a future owner of the land.

4. Authorizing an area variance whenever a property owner can demonstrate that practical difficulties will occur in the future use of the property. In making its decision, the Board of Zoning Appeals shall determine whether there can be any beneficial use of the property without a variance, whether the variance is substantial, whether the character of the neighborhood would be

substantially altered, if any adjoining property would suffer a substantial detriment, and, whether the delivery of essential public services would be negatively impacted.

5. Changing one nonconforming use to another nonconforming use whenever it is determined that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. Required findings shall include all of the following: that the new nonconforming use will not generate an increase in traffic, noise levels, or air pollution, and, will be equal or more in character with the existing neighborhood than the prior nonconforming use. In making its decision, the Board may prescribe appropriate conditions and safeguards to insure compliance. Changes authorized for nonconforming uses shall apply to the property, not the applicant, and therefore cannot be transferred by the applicant to another property. If no change in nonconforming use has occurred within one (1) year of authorization, the change of nonconforming use shall become null and void.

(g) The Board of Zoning Appeals shall not be authorized to grant a variance which would permit a use of land, building, or structure which is not permitted, nor shall it be authorized to alter any density requirements. In addition, no nonconforming use of neighboring property and structures located within the same zoning district shall be considered grounds for granting a variance.

(h) The Board of Zoning Appeals shall be authorized to issue subpoenas to compel a witness to attend one or more of its meetings, and, provide testimony and present evidence bearing upon the questions before it. In such instances, the Chairman of the Board shall have the power to administer an oath to a witness prior to any testimony before the Board on any issue.

(i) The Board of Zoning Appeals shall, within 60 days after approval of a dimensional or use variance, change from one nonconforming use to another, or administrative appeal, furnish or cause to be furnished, a copy of its written findings to Village Council.

(j) Members of the Board of Zoning Appeals may be removed from office by Village Council when attendance drops 75% of regularly scheduled and special meetings, for misconduct, conflict of interest, malfeasance, or non performance of duties.

## **ARTICLE XIX – SITE PLAN REVIEW**

### **SECTION 19.01 – PURPOSE**

The purpose of site plan review is to introduce a standardized procedure for reviewing proposed development plans, and, determining their compliance with the multiple requirements of this Zoning Ordinance.

### **SECTION 19.02 – SCOPE OF**

No building shall be erected or expanded, nor shall any grading take place or other site improvements be made except in conformance with the provisions of this Article. All approved site plans shall be binding upon the applicant, property owner, developer and their successors, and, shall limit the development or project to the construction work as shown on the approved site plan as well as any and all limitations and conditions which have been required.

### **SECTION 19.03 – PROCESS**

Prior to filing an application for site plan review it is recommended, but not required, that an applicant and/or or his/her consultant meet with the Zoning Administrator. The purpose of such a meeting is to (a) review the approval process and submission requirements and (b) permit the Zoning Administrator an opportunity to discuss any initial concerns.

### **SECTION 19.04 – REQUIRED COPIES AND REQUIRED FEE**

An applicant shall be required to submit a total of 7 copies of the proposed site plan to the Zoning Administrator. At the time an application and plans are submitted, a fee, as set forth by Village Council, shall also be paid.

### **SECTION 19.05 – REVIEW AND APPROVAL PROCESS**

All site plan applications shall be reviewed by the Zoning Administrator. Those site plans which involve no new utilities, no grading, the addition of 10 or fewer parking spaces, an increase in building square footage of 20% or less, or, no new curb cuts shall, within 10 days of the filing of a completed application, be approved by the Zoning Administrator after it has been determined that all applicable zoning requirements have been satisfied. All other site plan applications shall require the approval of the Village Planning Commission.

In instances where Planning Commission approval is required, the Zoning Administrator shall be responsible for preparing a written report within 14 days after the submission of all of the required site plan application information. The Zoning Administrator shall subsequently request that the Planning Commission review the proposed site plan, and, make a decision to either approve, approve with conditions, or deny the proposed site plan at either its next regularly scheduled meeting, or, at a specially convened meeting. Such action shall be taken no longer than 45 days after all required site plan application information has been submitted.

Prior to any Planning Commission meeting, the Zoning Administrator shall, in consultation with the chairperson of the Planning Commission, determine if it would be advantageous for the Village to obtain professional engineering, planning, or other specialized advice. Should consulting assistance be requested, the Zoning Administrator is hereby authorized to charge the applicant an additional fee, up to a maximum of \$500, in order to help offset the cost of retaining the services of a consultant.

All site planning decisions reached by the Planning Commission shall be in writing, and, shall be made available to the applicant after the minutes of the subject Planning Commission meeting have been approved.

#### SECTION 19.06 – STAGE ONE SITE PLAN APPLICATION CONTENTS

In addition to the submission of a site plan application, the contents of which are hereafter identified, an site plan, drawn at a scale of not less than 1 inch equals 100 feet (1" = 100'), shall be submitted for all pro-posed development. It shall include a project name, be dated, show a north arrow, provide a vicinity map, be stamped or sealed by a professional engineer, architect, landscape architect, or land surveyor, and, include all of following:

- (a) The legal description, dimensions, and acreage of the land identified in the site plan drawing
- (b) Existing and finished topography identified by 2 foot contour intervals
- (c) The location of every existing and/or proposed building or structure, including dimensions and height
- (d) The location and width of all existing and proposed public and private streets, driveways, and other vehicular circulation areas
- (e) The location of all existing and proposed water, sanitary sewer, storm sewers, electric and cable lines, easements and poles
- (f) The location and size of any proposed off street parking, loading and/or unloading areas, and access points
- (g) The present zoning of the subject property and all adjacent properties
- (h) The proposed use(s) of the property
- (i) The dimensions of each lot
- (j) Where applicable, the number, dimensions, height, and net density of proposed dwelling units and accessory structures
- (k) Lot width at the building setback line
- (l) Minimum front, rear, and side yard depths
- (m) The location of all common open space and recreation facilities, including the overall amount of land which is considered to be useable open space
- (n) The location of any proposed sidewalks and walkways
- (o) The location, type, and height of all fences, walls, and buffer areas
- (p) The location, type, and height of all street, parking lot, and walkway lighting
- (q) The location, orientation, lighting, materials, size and height of all signing
- (r) An access management plan, including any proposed connection to adjoining property
- (s) Estimates of the amounts of traffic generated, including peak hour counts

- (t) Provisions for the control of erosion, hillside slippage, and sedimentation
- (u) Certification from appropriate water and sewer agencies that adequate capacities exist to enable the provision of required services
- (v) Architectural elevations and renderings, including type of materials and colors, which emphasize variety as opposed to sameness
- (w) A drainage plan for the property, including its relationship to adjoining properties
- (x) The finished grade(s) of all proposed structures
- (y) The limits and elevations of existing flood hazard areas

#### SECTION 19.07 – STAGE TWO SITE PLAN APPLICATION CONTENTS

Whenever a proposed Planned Unit Development Overlay District, or, any residential subdivision has been granted Stage One approval, a Stage Two site plan shall be required to be submitted to the Planning Commission. The Stage Two site plan shall be based upon and developed in substantial conformance with the Stage One site plan, and, shall provide the following additional items of information:

- (a) a detailed landscaping plan identifying planting areas and showing the height, type and spacing of all landscaping
- (b) water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances
- (c) sanitary sewer systems, including pipe sizes, width of easements, gradients, type of pipe, invert elevations, location of manholes, the location, type, and size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances
- (d) storm sewer and natural drainage systems, including pipe and culvert sizes, gradients, location of any open drainage course, width of easements, location and sizing of retention and detention basins, and data indicating the quantity of storm water entering the subject property from areas outside the subject property, the quantity of flow at each pickup point generated by development of the subject area, and, the quantity of storm water to be discharged at various points to areas outside the subject property.
- (e) pedestrian and vehicular circulation systems, including alignment, grades, type of surfacing, and widths, as well as typical cross sections.

#### SECTION 19.08 – FINAL PLAT REQUIREMENTS

All approved subdivision developments shall meet the requirements of the Clermont County Subdivision Regulations. Unless otherwise agreed to by Village Council, all Planned Unit Developments shall also be required to satisfy the requirements of the Clermont County Subdivision Regulations.

#### SECTION 19.09 – SCHEDULE OF DEVELOPMENT

Each site plan application shall be required to identify a proposed schedule of development for each of the following improvements: (a) streets, (b) utilities, and (c) open space.

#### SECTION 19.09 – INFORMATION WAIVER

If a proposed improvement involves only an addition to an existing single or two family residence, or, the construction or erection of an accessory structure, the Zoning Administrator is hereby granted the authority to waive all site plan application informational requirements which are determined to be unnecessary.

#### SECTION 19.10 – EXPIRATION OF APPROVAL PERIOD

Upon approval, a site plan shall only be valid for a one year period of time. If no grading work or building construction has begun during this period of time, the approved site plan shall be void. However, should a written request describing the reason(s) why an extension is necessary be submitted to the Planning Commission prior to the conclusion of the expiration period an extension for a maximum one year period of time may be authorized.

#### SECTION 19.11 – MINOR ADJUSTMENTS

Upon approval by the Planning Commission, the Zoning Administrator may authorize one or more minor site plan adjustments provided that no adjustment shall: change land uses, increase density, alter circulation patterns, reduce required standards, or, decrease open space or recreation areas. In such instances, the applicant shall submit revised plans showing both the nature and extent of the proposed modification(s), and, shall be required to pay a processing fee as established by Village Council. If, after reviewing a revised site plan, the Zoning Administrator determines that the proposed changes are not minor, the proposed modifications shall be referred to the Planning Commission.

#### SECTION 19.12 – INSPECTIONS

It shall be the responsibility of the Zoning Administrator or his or her designee to ensure, either through making site inspections or by contracting for site inspection services, to ensure that all development occurs in accordance with approved site plans. Where development is proceeding in violation of an approved site plan, the Zoning Administrator, or his or her representative, shall be authorized to issue a Stop Work order. It shall then be incumbent upon the contractor, builder, or developer to correct those items that are in violation before construction is permitted to resume. All action required to ensure compliance with an approved site plan shall be the financial responsibility of the contractor, builder, or developer.

#### SECTION 19.13 – ESCROW REQUIREMENTS

In order to guarantee that a developer completes all of his or her approved site plan obligations in a timely manner, the Village of Williamsburg shall require the establishment of an escrow account. Nonetheless, should it be determined that Clermont County has a similar mechanism in place, Village Council may choose to waive this requirement.

## ARTICLE XX – ZONING AMENDMENTS

### SECTION 20.01 – PURPOSE

The purpose of this section is to enable amendments to boundaries and designations for individual zoning districts, as well as authorize changes to the standards and regulations contained in these zoning regulations.

### SECTION 20.02 – INITIATION OF ZONING AMENDMENTS

A proposed amendment may originate with Staff, Planning Commission, Village Council, or, by application from one or more owners of property. Regardless of origin, the proposed amendment shall first be acted upon by Planning Commission, which shall then be responsible for making a written recommendation to Village Council.

### SECTION 20.03 – FILING OF APPLICATION

All applications for a zoning amendment shall be filed in writing on forms furnished by the Village. The fee required for applying for such amendment shall be identified in the fee schedule established by Village Council. Upon submission, the Zoning Administrator shall be responsible for making a thorough investigation and analysis, and, for preparing a detailed written report, including recommendations.

### SECTION 20.04 – REQUIRED ACTIONS

- (a) Within 45 days of the receipt of an application for a zoning amendment, the Planning Commission shall conduct a public hearing.
- (b) Prior to holding a public hearing, notice of such hearing shall be published in a newspaper of general circulation within the Village not less than 15 days but not more than 30 days before the scheduled public hearing. The notice shall set forth the time and place of the public hearing, and shall describe the specific item to be considered.
- (c) If the amendment intends to rezone property shown on the Official Zoning Map, written notice shall be mailed by first class postage at least 15 days prior to the public hearing to all property owners contiguous to and directly across the street from the area subject to amendment. Such notices shall be sent to the addresses of such owners appearing on the Clermont County Auditor's current tax list. Whenever an application has been submitted by one or more property owners, the mailing list shall be furnished to the Zoning Administrator by the applicant(s). Said notice shall contain the same information as required in (b) above.
- (d) Unless Planning Commission decides to continue a public hearing, it shall have 30 days after the public hearing in which to make its decision. Afterwards, Planning Commission shall make one of the following recommendations to Village Council: approval, approval subject to specified modifications, or denial. Said recommendation shall be in writing and shall include: (1) a list of the persons who testified at the public hearing(s), (2) a summary of the facts

resulting from the public hearing(s), (3) a resolution setting forth the findings of the Commission, and (4) copies of any maps or text language which identifies the nature of any change.

- (e) Upon receipt of a written recommendation from Planning Commission, Village Council shall schedule a public hearing as described in (a), (b), and (c) above. Within 60 days after beginning the public hearing process, Village Council shall decide to grant as requested, modify, or deny the proposed amendment. In doing so, Council shall be required to make appropriate findings.

#### SECTION 20.05 – ZONING AMENDMENT RESUBMISSION REQUESTS

An application by a property owner requesting that a zoning amendment be reconsidered by Planning Commission and Village Council shall not be permitted to be filed for a period of at least 12 months following Council's action.

## **ARTICLE XXI – APPEALS AND INTERPRETATIONS**

### **SECTION 21.01 – PURPOSE**

The purpose of this article is to identify the procedures for the granting of appeals, as well as identify how interpretation decisions are made.

### **Section 21.02 – APPEALS**

An appeal to the Board of Zoning Appeals may be made by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator or Zoning Inspector. All appeals shall be made within 30 days after an administrative decision on forms provided by the Zoning Administrator, and shall be accompanied by an application fee established by Village Council.

Within 10 days of the receipt of an appeal, the Zoning Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record. The Zoning Administrator shall also be responsible for scheduling a public hearing for the next regularly scheduled meeting of the Board, and, for providing the appellant with written notice of said meeting. Notice of public hearing shall be published in a newspaper of general circulation within the Village at least 10 days but not more than 21 days prior to the date of the hearing. Upon conclusion of the public hearing, the Board shall affirm, reverse, or modify the decision of the Zoning Administrator or Zoning Inspector provided such action is in conformity with all of the provisions of this Ordinance.

An affirmative vote of each member of the Board of Zoning Appeals shall be necessary to reverse an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator or Zoning Inspector.

### **SECTION 21.03 – STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Administrator, by reason of facts stated in the application, certifies to the Board of Zoning Appeals that, by reason of the facts stated in the application a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by a court of record.

### **SECTION 21.04 – APPEALS FROM ACTIONS OF THE BOARD OF ZONING APPEALS**

Any person or entity, including the Village of Williamsburg, claiming to be injured or aggrieved by any final action of the Board of Zoning Appeals, may appeal the Board's action to the Court of Common Pleas. Such appeal shall be filed within 30 consecutive calendar days after a decision has been made by the Board of Zoning Appeals.

When an appeal has been filed, the Clerk of the Court of Common Pleas shall issue a summons to all parties, and, shall cause it to be delivered to said parties.

All Board of Zoning Appeals actions which have not been appealed within 30 consecutive calendar days shall become final.

#### SECTION 21.05 – INTERPRETATIONS

The Planning Commission shall be responsible for (a) determining if the nature of a use not specifically mentioned in this Ordinance is similar to a use which is permitted within a particular zoning district, and (b) interpreting the provisions of this Ordinance whenever any ambiguity arises.

When making a determination of similarity, Planning Commission shall:

- (a) require the Zoning Administrator to make a thorough investigation and analysis of the similarity request
- (b) require the Zoning Administrator to prepare both a written report of findings and a written recommendation
- (c) hold a meeting to determine the similarity of the proposed use to either a principal or conditional use which is already permitted within the same zoning district

Whenever Planning Commission determines that the proposed use will not be detrimental to the public health, safety, comfort, convenience, prosperity, and general welfare of the Village, and, that it is similar in nature to an already permitted principal or conditional use within the same zoning district, it shall either authorize the Zoning Administrator to proceed with the processing of a zoning permit application, or, require the filing of a conditional use permit application.

When making a decision regarding ambiguity, the Planning Commission shall:

- (a) require the Zoning Administrator to make a thorough investigation and analysis regarding the nature of the ambiguity
- (b) ask the Zoning Administrator to contact the Village Solicitor regarding the nature of the ambiguity, and, request that a written recommendation be provided, and
- (c) hold a meeting to determine how the matter of ambiguity will be addressed, including whether an amendment to the Zoning Ordinance is, in fact, necessary

#### SECTION 21.06 – FEES

No fee shall be required for making an interpretation related to either similarity of use or ambiguity.

## ARTICLE XXII – CONDITIONAL USES

### SECTION 22.01 – PURPOSE

The purpose of this Article is to insure the proper integration of uses which, because of their special nature, may be suitable only in certain locations and be sited or operated in a particular manner.

### SECTION 22.02 – PROCESS FOR GRANTING CONDITIONAL USE PERMITS

- (a) The Planning Commission shall be responsible for determining the merits of an application for a Conditional Use Permit.
- (b) Application for a Conditional Use Permit shall be made in writing only upon consent of the owners. The fee for filing such an application shall be as established by Village Council.
- (c) Upon receipt of an application for a Conditional Use Permit, the Zoning Administrator shall make a thorough investigation and analysis, and shall afterwards prepare a written report, including recommendations, for consideration by the Planning Commission.
- (d) Within 45 days of the receipt of a Conditional Use Permit application, the Planning Commission shall hold a public hearing. Notice of public hearing shall be published in a newspaper of general circulation within the Village not less than 15 days but not more than 30 days before said hearing. The notice shall set forth the time and place of the public hearing, and shall describe the conditional use being requested.
- (e) The Zoning Administrator shall be responsible for notifying by mail, at least 10 days in advance of the public hearing, all property owners contiguous to and directly across the street from the property in question, of the conditional use permit application.
- (f) The Planning Commission shall approve or conditionally approve a Conditional Use Permit request only when it has determined that the proposed use will not constitute a nuisance, or be detrimental.

### SECTION 22.03 – FAILURE TO COMPLY

Upon failure to comply with the conditions imposed by the Planning Commission, a certified letter shall be sent to the grantee stating that full compliance shall occur within 30 calendar days, and that failure to remedy the violation shall result in revocation of the Conditional Use Permit.

### SECTION 22.04 – TIME LIMITATION AND VALIDITY

Unless extended by the Planning Commission, all Conditional Use Permits shall be implemented within a one year period of time. All Conditional Use Permits shall run with the land, and shall be valid for any and all successors in interest of the original grantee.

### SECTION 22.05 – STANDARDS GOVERNING APPROVAL

- (a) The site for the intended use is adequate in size and shape to accommodate the

proposed use or building and all related activities

- (b) The type and quantity of traffic generated by the intended use will not have an adverse impact on the immediate and surrounding areas
- (c) The intended use will not create the need for major public improvements, facilities and/or services
- (d) No destruction, loss, or damage to a natural, scenic, or historic feature of local value will occur

#### SECTION 22.06 – SCOPE OF CONDITIONS

In order to better promote the public health, safety, comfort, convenience, prosperity, and general welfare, the Planning Commission may require any of the following:

- (a) Additional setbacks
- (b) Fences and/or walls
- (c) Buffers and screening
- (d) Limits on lighting and signing
- (e) Regulation of hours of operation
- (f) Regulation of vehicular points of ingress and egress
- (g) Regulation of displays, noise, vibration, and/or odors
- (h) Provision of public improvements, easements, and/or dedications
- (i) Any other conditions which are capable of facilitating orderly and efficient development in conformity with the intent and purposes set forth in this Ordinance

## ARTICLE XXIII – NONCONFORMITIES

### SECTION 23.01 – PURPOSE

The purpose of this Article is to regulate, reduce, and eliminate conflicts arising from the presence in any zoning district of land, uses, or structures which do not currently conform to the requirements of this Ordinance.

### SECTION 23.02 – AVOIDANCE OF UNDUE HARDSHIP

In order to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

### SECTION 23.03 – CONTINUANCE OF NONCONFORMITY

- (a) Any use, building, or structure existing at the time of the enactment of this Ordinance which does not conform with the requirements of the zoning district in which it is located shall be deemed to be legally nonconforming, and, shall be permitted to be maintained and repaired.
- (b) A nonconforming use or structure shall not be enlarged, extended, or moved, except that a nonconforming structure may be reconstructed in such a manner as to make it conforming.
- (c) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (d) Whenever a nonconforming use of a structure, or, structure and use in combination, is discontinued for a period of 2 years, such a use shall not thereafter be reestablished except in conformance with the regulations of the zoning district in which it is located.
- (e) A nonconforming structure which is damaged by fire, flood, or act of God to an extent exceeding 50% of its value, as determined by the Clermont County Assessor, shall not be restored or reconstructed except in such a manner and for such a use as will conform to the regulations of the zoning district in which it is located.
- (f) Alterations or repairs of a structural nature shall be permitted to be made to a nonconforming structure only when such improvements will not exceed 25% of the building's current value, as determined by the Clermont County Assessor.
- (g) In any zoning district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any lot of record existing at the effective date of this Ordinance. This provision shall apply

even though such a lot fails to meet the requirements for area or lot frontage, or both, that are applicable in the zoning district where such a lot is located, provided that all other requirements of the underlying zoning district are satisfied.

- (h) Ordinary nonstructural repairs, alterations, or maintenance shall be permitted to be made to a nonconforming structure in order to keep said structure in sound condition.
- (i) Subdivisions which have been granted preliminary plan approval prior to the adoption of this Ordinance may be developed in conformance with the preceding regulations.
- (j) This section shall not apply to any use, building, or structure established in violation of the previously adopted zoning regulations unless such use, building, or structure presently conforms to the requirements of this Ordinance.

## ARTICLE XXIV: FENCES, WALLS, AND HEDGES

### SECTION 24.01 - REQUIREMENTS

The placement of fences, walls, and hedges are permitted in accordance with the following requirements:

- (a) Wrought iron, chain link, vinyl, and wood are all authorized fencing materials.
- (b) Barbed wire shall not be permitted in any residential zoning district.
- (c) Electrically charged fencing shall not be permitted in any zoning district.
- (d) Brick, concrete block, and stone are all authorized wall materials.
- (e) In residential zoning districts, fences not exceeding 36 inches in height shall be permitted within front yards.
- (f) Fences in residential front yards shall not be solid. At a minimum, they shall be 10% or more open.
- (g) Walls which are made from stone, painted concrete block, or brick, do not exceed 36 inches in height, and, do not form any type of enclosure, shall be permitted in front yards in residential zoning districts.
- (h) All fences and walls in all zoning districts may be located up to and not to exceed the boundaries of the subject property. All hedges in residential zoning districts shall be planted 2 or more feet off of a property line. Furthermore, hedges shall be setback 3 or more feet from any sidewalk.
- (i) Fences, including solid fences, as well as walls and hedges having heights of 6 feet or less, shall be permitted along all side and rear yard property lines within a residential zoning district.
- (j) Fences shall be constructed so that all structural members are located on the inside of the fence. The inside shall be the side which faces the property owned by the person responsible for constructing the fence.
- (k) In accordance with Section 4.03 of this ordinance, in order to enhance both visibility and traffic safety, no fence, wall, or hedge shall be permitted to be placed, planted, or retained at a height of more than 3 feet within a triangular area which extends a distance of 30 feet from a corner.
- (l) In non residential zoning districts, front yard fencing which does not exceed 6 feet in height may, where deemed appropriate, be approved by the Planning Commission.
- (m) In non residential zoning districts, side and rear yard fencing which does not exceed 8 feet in height may, where deemed appropriate, be approved by the Planning Commission.
- (n) A combination of fencing and retaining wall having an overall height of 6 or more feet may, where deemed appropriate, be approved by the Planning Commission in all zoning districts.
- (o) The placement of fences and walls on top of berms shall be discouraged. Hedges may, however, be planted on top of a berm.
- (p) The Planning Commission may approve fences which exceed 6 feet in height for public and private recreational facilities such as tennis courts, football, soccer,

and baseball and/or softball fields. Such fencing, however, shall be 50% or more open.

- (q) Whenever the storage of supplies, equipment, materials, or merchandise occurs outdoors in a non residential zoning district, appropriate wall or fence screening, or a combination thereof, shall be approved by the Planning Commission.
- (r) No fence or wall shall be constructed so as to alter the natural drainage of a property.

#### SECTION 24.02 - PERMITS

Prior to the erection, construction, or placement of any fence or wall, a property owner shall be required to obtain a permit from the Village of Williamsburg. Unless otherwise specified by this ordinance, it shall be the responsibility of the Zoning Administrator to review and issue all fence and/or wall permits. In instances where uncertainty or confusion exists after the Zoning Administrator has made a site visit, the property owner may be asked to provide a survey which clearly identifies one or more property lines.

#### SECTION 24.03 – WAIVER OF LIABILITY

The Village of Williamsburg shall be exempt from any liability for illegal or improper placement resulting from the submission of any misleading or incorrect information.

## ARTICLE XXV: SIGN REGULATIONS

### SECTION 25.01 – PURPOSE

The multiple purposes of this section are to: regulate and control all signs placed for exterior observation; coordinate the type, placement, and physical dimensions of signs; encourage the reasonable, orderly, and effective display of signs; enhance the physical appearance of the Village; protect property values; prevent visual clutter; and, authorize the use of signs which are compatible with their surroundings.

### SECTION 25.02 – GOVERNMENT SIGNS EXCLUDED

Signs which are erected and maintained as a result of any law, order, or government regulation, including traffic control signs, shall not be subject to the requirements of this ordinance.

### SECTION 25.03 – GENERAL PROVISIONS

- (a) Compliance: No sign shall be erected, displayed, relocated or altered unless it is in full compliance with the regulations for the zone in which it is located, and, meets all applicable provisions and regulations of this ordinance.
- (b) Sign Permit: Unless otherwise specified, an application for a sign permit shall be filed and approved by the Zoning Administrator prior to the placement of any and all signs.
- (c) Enforcement: The Zoning Administrator shall have the duty and authority to remove, or cause to be removed, any sign which is not in full compliance with the requirements of this ordinance. In such instances, the owner of the sign in violation shall bear the full costs of such removal, along with any penalty which has been assessed.
- (d) Maintenance: All signs and component parts thereof, as well as braces, cables, poles, uprights, and other supporting structures, shall be maintained in a safe, clean, and attractive condition.
- (e) Code Standards: All signs shall be designed and constructed to be in conformance with both the National Electric Code and the Ohio Basic Building Code.
- (f) Nonconforming Signs: Signs which legally existed prior to the enactment of these regulations are entitled to be kept, repaired, or replaced in a manner which maintains their preexisting nonconforming condition. However, whenever a nonconforming sign has been damaged to more than one half of its replacement value, it shall not be permitted to be repaired or replaced. In addition, any nonconforming sign which has been structurally altered, relocated, or replaced shall immediately be made to conform to the provisions of these regulations.
- (g) Traffic Hazards: No sign shall be erected within the public right-of-way in such a manner which obstructs free and clear vision, or, at any location where by reason of position, shape, motion, or color it may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device which makes use of the words “stop,” “look,” “danger,” or, misleads and/or confuses traffic.

- (h) Illuminated Signs. Illuminated signs shall be designed and constructed so as to concentrate the illumination upon the sign and prevent glare upon any street or adjacent property.

#### SECTION 25.04 – MEASUREMENT OF SIGN AREA

The entire area within the outermost perimeter on which written or graphic information is displayed shall constitute sign area. Where double faced signs exist, each sign face shall be included when computing allowable sign area. Frames and structural members, unless used for advertising purposes, shall be excluded from the computation of surface area.

#### SECTION 25.05 – RELOCATING SIGNS

If any legally permitted sign is moved from one location to another, a new sign permit shall first be obtained.

#### SECTION 25.06 – ALTERATION OR ENLARGEMENT OF SIGNS

Alteration or enlargement of any legally existing sign shall first require the issuance of a new sign permit.

#### SECTION 25.07 – PROHIBITED SIGN LOCATIONS

Unless otherwise permitted, signs shall not be located in or project into any right-of-way. In addition, no person shall fasten, place, paint, or attach any sign, handbill, advertisement, poster, or notice of any kind, whether political or otherwise, or cause the same to be located on any curb, lamp post, utility pole, trash receptacle, bench, fire hydrant, or bus shelter.

#### SECTION 25.08 – PROHIBITED SIGNS

Signs placed on vehicles and trailers which are parked or located for the primary purpose of either supplementing or replacing on site signage shall be prohibited. This prohibition shall not, however, apply to either signing or lettering which is affixed, attached, or painted onto vehicles used to conduct everyday business. Roof, animated, off premise signs measuring 6 or more square feet in area, and portable signs mounted on a chassis shall also not be permitted.

#### SECTION 25.09 – DANGEROUS SIGNS

Should any sign be abandoned, found unsafe, or be in danger of falling, the owner of such signing shall, upon receipt of written notice from the Zoning Administrator, proceed within 21 days from the date of notification to do one of the following: remove said sign, cause it to be repaired, or, have it replaced.

#### SECTION 25.10 – PROMOTIONAL ADVERTISING DISPLAYS

Upon issuance of a temporary sign permit, the following types of advertising displays shall be permitted, but, only for a maximum period of 14 days and not more than 2 times during any one calendar year.

- (a) Beacon, search and spot lights
- (b) Hot air balloons

- (c) Banners, pennants, posters, ribbons, flags, streamers, spinners, strings of lights, and other similar moving devices

#### SECTION 25.11 – SIGNS NOT REQUIRING A PERMIT

- (a) Real estate for sale and for rent signs not exceeding a total of 12 square feet in residential zoning districts, and 24 square feet in all other districts
- (b) Real estate open house signs displayed a maximum of 72 hours before an open house and removed the day of the open house
- (c) Circulation and directional signs which individually do not exceed 10 square feet in area
- (c) Professional name plates not exceeding 4 square feet in area
- (d) Political signs not exceeding 6 square feet which are placed outside a street right of way and removed not more than 3 days after an election
- (e) Sandwich board/A frame signs located in the Central Business District which are placed in front of a business and contain a sign area of 16 or fewer square feet
- (f) Subdivision, neighborhood, and community entry/gateway signing which does not exceed 8 feet in height
- (g) Signs for churches, schools, government buildings, libraries, civic and social clubs, museums, parks, and recreation facilities which are not taller than 8 feet and are 40 square feet or less in area
- (h) Auction signs not exceeding 32 square feet in area which are posted not more than 21 days prior to a sale and removed within 3 days after the conclusion of an auction
- (i) Construction signs associated with new development, remodeling, and redevelopment which do not exceed 32 square feet in sign area, have a maximum height of 8 feet above grade, are setback a minimum distance of 10 feet from the edge of any public right-of-way or road, and, are not illuminated.
- (j) Temporary decorations, displays, and signs celebrating the occasion of traditionally accepted patriotic, religious holidays, or community events
- (k) No trespassing and other similar posted signs on private property
- (l) Signs identifying historical structures, sites, or landmarks
- (m) Signs inside a building which are not intended to be seen from the exterior

#### SECTION 25.12 – NONCONFORMING SIGNS

Any sign which legally existed at the time of the adoption of this ordinance but which no longer conforms to these provisions shall be deemed a legal nonconforming sign. Such a sign, if properly maintained, may be continued. However, whenever a nonconforming sign has been damaged to more than one-half of its replacement value it shall not be repaired or replaced. If a nonconforming sign is structurally altered, relocated, or replaced, it shall immediately conform to the requirements of this ordinance.

#### SECTION 25.13 – MISREPRESENTATION OF INFORMATION

Any sign not constructed as represented on an approved sign permit application shall be construed as a misrepresentation of facts and a violation of this ordinance. In such instances,

the sign in violation shall be promptly removed or the error in violation corrected within a period of time specified by the Zoning Administrator.

#### SECTION 25.14 – CLASSES OF SIGNS

Two classes of signs, structural and functional, shall be permitted to be displayed within individual zoning districts in the Village of Williamsburg. These are:

- (a) Structural signs include freestanding pole/pylon, monument, projecting, wall, and window signs as defined herein.
- (b) Functional signs include auction, awning, canopy, circulation, construction, courtesy, directional, electronic message board, government, identification, name plate, political, real estate, traditional message boards, and temporary signs as defined herein.

#### SECTION 25.15 – SIGNAGE DEFINITIONS BY CLASS

- (a) Individual structural signing definitions are as follows:
  - Freestanding pole/pylon signs include any ground mounted sign which is suspended or supported by one or more poles, columns, or braces. Such signs shall have a clearance of 8 or more feet above ground level, and, shall not exceed 20 feet in height.
  - Monument signs include any ground mounted sign whose foundation or base sits directly on the ground. Such signs shall have a maximum height of 8 feet above ground level.
  - Projecting signs include any sign which is suspended from or supported by a building or structure and which extends more than 8 inches but less than 5 feet beyond the surface of such building or structure.
  - Wall signs include any sign which is directly attached to or painted on to the exterior surface of a building or structure, and does not extend more than 8 inches beyond the surface of such building or structure.
  - Window signs include any sign, picture, symbol, or combination thereof which is painted, glued, taped, or otherwise affixed to a window. Such signs shall not be limited in number, but, shall not be permitted to exceed 50% of total window area.
- (b) Individual functional signing definitions are as follows:
  - Auction signs include any sign which directs the attention of the general public to the sale of personal or real property.
  - Awning signs include any sign which is affixed, attached, or painted onto a surface covering either a window or a door of a business.
  - Canopy signs include any unenclosed roof structure supported by poles or columns which provide a fascia area for the purpose of providing limited signing in conjunction with the placement of gasoline pumps.
  - Circulation signs include any sign which is intended to promote orderly vehicular movement directly onto or within a premises.
  - Construction signs include any sign which identifies the name, address, telephone number, or email address of a development, or, one or more of the

following: a builder, an architect, an engineer, a contractor, a developer, a landscape architect, a plumber, an electrician, or other business firm providing a specialized skill.

- Courtesy signs include any non illuminated sign which is used for the purpose of advertising the price of one or more products or services offered on the premises of a gasoline station or convenience store.
- Directional signs include any sign off premise sign which directs traffic to a particular location.
- Electronic message board includes any sign which incorporates the use of lights, neon, liquid crystal display, or other device in order to display a message or pattern that informs people of information items such as, but not limited to, time and temperature.
- Government signs include any sign which is displayed and maintained in the public interest by a municipal, county, state, or federal entity.
- Identification signs include items such as the name, address, telephone number, occupation, and/or service being provided at a particular address.
- Name plate includes any sign which displays only the name and address, or, the name, address, and occupation of a person providing services from an office located within a building.
- Political signs include any sign which identifies a candidate or an issue in an election.
- Real estate signs include any sign which announce the sale, rental, lease, or selling of a building, land, or a structure.
- Traditional message boards include any sign which displays the name of a religious, educational, community, or other public or semi-public institutional building for the announcement of related activities, events, or services
- Temporary signs include any display constructed of canvas, cardboard, cloth, paper, plastic, plywood, or other material which is intended to be used only for a limited period of time.

#### SECTION 25.16 – SIGNS PERMITTED IN RESIDENTIAL DISTRICTS AND IN THE PLANNED UNIT DEVELOPMENT OVERLAY ZONE

Monument, projecting, wall, and window signs shall be permitted in all residential zoning districts, as well as in the Planned Unit Development Overlay Zone. In no instance, however, shall freestanding pole/pylon signing be permitted.

#### SECTION 25.17 – SIGNS PERMITTED IN COMMERCIAL, CENTRAL BUSINESS DISTRICT, AND INDUSTRIAL DISTRICTS, AND IN THE PROFESSIONAL OFFICE OVERLAY ZONE

Freestanding pole/pylon, monument, projecting, wall, and window signs shall be permitted.

#### SECTION 25.18 – CUMULATIVE SIZES OF SIGNS PERMITTED

Two factors, the amount of building frontage and building setback, shall be the basis for determining the maximum allowable sign area permitted for any business choosing to utilize

any combination of freestanding pole/pylon, monument, projecting, wall, and/or window signs. More specifically:

- (a) 2 square feet of sign area for every one lineal front foot of horizontal building facing the principal street where a business address is identified up to a maximum of 150 square feet
- (b) one square foot of sign area per one foot of building setback up to a maximum of 50 feet from the edge of the public right-of-way
- (c) with the exception of the Central Business District, where a building is located on a corner lot it shall be entitled to an automatic bonus of 15% of the total allowable sign area
- (d) businesses choosing to display monument signs instead of freestanding pole/pylon signs shall be entitled to a bonus of 25% of the total allowable sign area
- (e) where no building setback is required, such as in the Central Business District, a bonus of 10% of the sign area permitted shall be available
- (f) monument and freestanding pole/pylon signs which are placed in a landscape planter area shall be entitled to a bonus based upon the following:
  - 10% for landscape planter areas of 50-75 square feet
  - 15% for landscape planter areas of 76-125 square feet
  - 20% for landscape planter areas of more than 125 square feet

#### SECTION 25.19 – ADDITIONAL SIGN STANDARDS

- (a) every building which has a permitted sign area of 199 square feet or less shall be entitled to one freestanding pole/pylon sign
- (b) every building which has a permitted sign area of 200 or more square feet shall be entitled to one freestanding pole/pylon sign and one monument sign
- (c) buildings situated on corner lots shall be entitled to have 2 freestanding pole/pylon signs only when each street frontage is 300 or more feet in length with the exception of freestanding pole/pylon signs, there shall be no limit to the number or type of signs displayed as long as the amount of square footage is not exceeded
- (d) for each one foot of sign placement beyond the required setback, a freestanding pole/pylon sign may be increased a maximum of 2 square feet up to a maximum of 50 square feet
- (e) no freestanding pole/pylon or monument sign shall be located closer than 5 feet from any property line

#### SECTION 25.20 – REQUIRED SIGN SETBACKS

The following setback requirements shall govern the placement of all signs:

- (a) signs located in the Central Business District and temporary signs shall have no setback requirement
- (b) monument signs shall be setback a minimum of 10 feet from the edge of the future right of way

- (c) freestanding pole/pylon signs shall be setback a minimum of 20 feet from the edge of the future right-of-way

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*(excludes reference to definitions)*

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