

**PLEASANTVILLE ZONING ORDINANCE
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ARTICLE I

GENERAL PROVISIONS

Section 1.1 Title.

This document shall be known and referred to as the Village of Pleasantville Zoning Code, and may be cited and referred to as the “Code,” “Zoning Ordinance,” or “Zoning Code.”

Section 1.2 Purpose.

This Zoning Ordinance is enacted to promote and protect the public health, safety, comfort, prosperity and general welfare of the residents of Pleasantville; by regulating and restricting the location of buildings and other structures and of premises to be used for residential, business, industrial or other specified uses; by regulating and limiting the height of buildings and other structures hereafter erected or altered, the percentage of land occupancy, setbacks, and the area of yards, courts or other open spaces. It is further the purpose of this Zoning Ordinance to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads and highways; to provide for the orderly development of lands within the Village; to protect the character of existing areas; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

Section 1.3 Applicability.

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and land of any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the Village of Pleasantville. No structure shall be located, erected, constructed, reconstructed, occupied, moved, altered, converted, enlarged or used without being in full compliance with this Code. No parcel of land shall be used and no use shall be changed or expanded without being in full compliance with all provisions of this Code and the issuance of all necessary permits and/or certificates required by this Code.

Section 1.4 Interpretation and Conflict.

The provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed by other provisions of law, or by other rules or regulations or Ordinances, the provisions of this Ordinance shall control.

It is not intended by this Ordinance to interfere with abrogate, or annul any easements, covenants or other agreements between parties which do not violate this Ordinance. Where any specific provisions of this Ordinance conflict or conflicts with any other lawfully adopted rules, regulations, or Ordinances, the most restrictive or those imposing a higher standard shall apply.

Section 1.5 Severability.

Each article, section, subsection, paragraph, sentence, clause, or other devisable part of this Zoning Ordinance is hereby declared to be severable, and if any such article, section, subsection, paragraph, sentence, clause or other devisable part of this Zoning Ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect the remaining articles, sections, subsections, paragraphs, sentences, clauses or other devisable parts of this Zoning Ordinance.

Section 1.6 Adoption.

The Zoning Ordinance of the Village of Pleasantville of ____, any amendments thereto, and any other related Zoning Ordinances previously adopted by the Village of Pleasantville Council are hereby repealed. This Zoning Ordinance is adopted in whole and is a replacement of the Zoning Ordinance of the Village of Pleasantville of _____, any amendments thereto, or any other related Zoning Ordinance previously adopted by the Village of Pleasantville Council.

Section 1.7 Effective Date.

This Zoning Ordinance shall become effective on June 17, 2007.

This Zoning Ordinance was passed and adopted by the Village Council of Pleasantville, Ohio on the 17th day of May, 2007.

Mayor

ATTEST:

Clerk of the Village Council

ARTICLE II

ADMINISTRATIVE BODIES – DUTIES AND RESPONSIBILITIES

Section 2.1 Zoning Inspector.

A. Zoning Inspector Established.

A Zoning Inspector shall be designated by Village Council to administer and enforce this Ordinance. All Village employees and officials shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations of this Ordinance.

Per Section 1.6 of the Village of Pleasantville Subdivision Regulations, the Zoning Inspector is also appointed as the designee for processing exempt lot splits and minor subdivisions within the Village.

B. Duties of the Zoning Inspector. The duties of the Zoning Inspector shall be as follows:

1. Issue Zoning Permits and Certificates of Zoning Compliance when the procedures and standards of this Ordinance have been met.
2. Upon finding that any of the provisions of this Ordinance are being violated, the Zoning Inspector shall notify in writing the person responsible for such violation(s) and order such action necessary to correct such violation(s).
3. Order the discontinuance of illegal zoning, uses of land, buildings, or structures.
4. Order the removal of illegal buildings or structures or illegal additions or structural alterations.
5. Order the discontinuance of any illegal work being done.
6. Process exempt lot splits per the Village of Pleasantville Subdivision Regulations.
7. Review and approve minor subdivisions per the Village of Pleasantville Subdivision Regulations.
8. Take any other action authorized by this Ordinance or the Village of Pleasantville Subdivision Regulations to ensure compliance with or to prevent violation(s) of either of these Ordinances. This includes the issuance of any permits; making and keeping records necessary and appropriate to the office including records of issuance and denial of zoning permits; collecting designated fees for zoning

permits, appeals, variances, conditional uses and minor subdivisions/exempt lot splits; and such similar administrative duties as are permissible under the law.

Section 2.2 Village Planning and Zoning Commission.

A. Village Planning and Zoning Commission Established.

A Village Planning and Zoning Commission is hereby created consisting of five (5) members. Per Ohio Revised Code (ORC) Section 713.01, the Village Planning and Zoning Commission shall consist of the Mayor, one member of the Village Council, and three citizens of the Village to be appointed by the Mayor. The Mayor and Village Council member shall serve for the remainder of their terms as such elected officials. The three citizens who are appointed to the Village Planning Commission by the Mayor shall serve a six year term each, except the term for one member of the first Commission shall be for four (4) years and one for two (2) years. All such members shall serve without compensation. The Planning and Zoning Commission shall also serve as the platting authority for the Village per Section 1.6 of the Village of Pleasantville Subdivision Regulations.

B. Removal of Members.

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

C. Quorum.

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

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

1. Organize and adopt rules in accordance necessary for carrying out its duties as specified in this Ordinance, including the election of a chair person and a vice-chairperson.
2. Hold meetings of the Planning and Zoning Commission at the call of the chairperson, and at such other times the Commission determines.
3. Open all meeting of the Planning and Zoning Commission to the public.

4. Subpoena witnesses, administer oaths, and require the production of documents under such regulations as it may establish.
5. Keep minutes of the Planning and Zoning Commission proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Such minutes shall be public record.

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

1. Review all proposed amendments to this Ordinance in accordance with Section 4.1 and make recommendations to the Village Council.
2. Review all Planned Unit Developments and make recommendations to Village Council.
3. Review all preliminary and final plats as set forth in the Village of Pleasantville Subdivision Regulations.
4. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Ordinance.
5. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship, in accordance with the provisions of Article IV of this Ordinance.
6. Grant zoning permits for conditional uses as specified in the district regulations and establish such additional safeguards as will uphold the intent of this Ordinance.
7. Authorize the substitution or extension of nonconforming uses, as specified in Article V of this Ordinance.
8. Such other powers and duties as specified in this Zoning Ordinance or the Ordinance establishing the Subdivision Regulations for the Village of Pleasantville.

Section 2.3 Duties of the Zoning Inspector, Planning and Zoning Commission, Legislative Authority and Courts on Matters of Appeal.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Inspector and that recourse from the decision of the Planning and Zoning Commission shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Ordinance. Under this Ordinance, the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 3.5 of this Ordinance.

ARTICLE III

ENFORCEMENT AND PENALTY

Section 3.1 Enforcement.

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

Section 3.2 Zoning Permit.

A. Zoning Permit Required.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore issued by the Zoning Inspector. The Zoning Inspector shall not issue a permit that does not conform with the provisions of this Ordinance unless he receives a written order from the Planning and Zoning Commission deciding an appeal, conditional use, planned unit development, or variance as provided by this Ordinance.

B. Application for Zoning Permit.

Three copies of an application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two (2) years. At a minimum, the application shall contain the following information:

1. Name, address and telephone number of the applicant.
2. The legal description for the property as recorded in the Fairfield County Recorder's Office.
3. Existing and proposed uses.
4. Plans and/or drawings drawn to scale, showing the dimensions and shape of the lot and the dimensions and locations of existing and/or proposed buildings or alterations.

5. Height of proposed buildings or alterations.
6. Number and dimensions of existing and proposed off-street parking or loading spaces, if applicable.
7. Number of dwelling units.
8. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an approval by the Fairfield Department of Health of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
9. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

C. Approval of Zoning Permit.

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, unless the provisions of Section 3.2D, or other specific sections of this Ordinance apply. All zoning permits shall, however, be conditional upon the commencement of work, as defined in Article X, within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent, on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Zoning Compliance along with one (1) copy of the application. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alternation is in conformance with the provisions of this Ordinance.

D. Submission to the Director of the Department of Transportation.

Before a zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public street or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation, and a zoning permit shall not be issued for one hundred twenty (120) days from the date the notice is received by the office. If notified that the State is proceeding to acquire the land needed, then a zoning permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or

any agreed upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this Ordinance. ORC Section 5511.01

E. Record of Zoning Permit.

The Zoning Inspector shall maintain a record of all zoning permits. Copies of a zoning permit shall be furnished upon the request to any persons having interest in the building or land affected.

F. Expiration of Zoning Permits.

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, or has not been substantially completed, as defined in Article X, within two (2) years from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension has been granted by the Planning and Zoning Commission.

Section 3.3 Certificate of Zoning Compliance.

A. Certificate of Zoning Compliance Required.

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued therefore by the Zoning Inspector stating that the work authorized in the zoning permit has been completed and conforms to the requirements of this Ordinance.
2. Certificates of Zoning Compliance shall be applied for simultaneously with the application for a zoning permit and shall be issued within ten (10) days after notice by the applicant that the work authorized in the zoning permit has been completed and conforms to the requirements of this Ordinance.
3. A temporary certificate of zoning compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

B. Approval of Health Department Required.

If the property in question is not served by public water and sewer, a certificate of zoning compliance shall not be issued by the Zoning Inspector until approval of the water and sewer

disposal systems have been given by the Fairfield Department of Health or Ohio Environmental Protection Agency, when applicable.

C. Record of Certificate of Zoning Compliance.

The Zoning Inspector shall maintain a record of all certificates of zoning compliance and a copy of any individual certificate shall be furnished upon request to any occupant or his legally authorized representative.

Section 3.4 Violation.

A. Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance.

Failure to obtain a zoning permit or certificate of zoning compliance shall be a violation of this Ordinance and punishable under Section 3.4D of this Ordinance.

B. Construction and Use to be as Provided in Application, Plans, Permits, Certificates.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction shall be permitted. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable under Section 3.4D of this Ordinance.

C. Complaints Regarding Violations.

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

D. Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing

herein contained shall prevent the Village from such other lawful action as is necessary to prevent or remedy any violations.

Section 3.5 Schedule of Fees, Charges, and Expenses.

The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

ARTICLE IV

ADMINISTRATIVE PROCEDURES

Section 4.1 Amendments.

A. Intent.

Whenever the public necessity, general welfare, or good zoning practice require, the Village Council may by Ordinance after receipt of recommendation thereof from the Planning and Zoning Commission, and subject to the procedures provided by law, amend, supplement, or change the regulations, restrictions, and boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

B. Initiation of Zoning Amendments. Amendments to this Ordinance may be initiated in one of the following ways:

1. By referral of a proposed amendment to the Planning and Zoning Commission by the Village Council.
2. By adoption of a motion by the Village Planning and Zoning Commission.
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed or affected by said amendment.

C. Contents of Application. The application for a zoning amendment shall at a minimum contain the following information:

1. Name, address, and phone number of the applicant. The application shall include the signature of at least one of the owners of the property in question contesting the information contained in the application is true and correct to the best of his/her knowledge.
2. Proposed amendment to the text or legal description of the property affected.
3. Present use and existing zoning district.
4. Proposed use and proposed zoning district.

5. A map or drawing to a scale approved by the Zoning Inspector showing the property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
6. A list of all property owners, within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
7. A statement on how the proposed amendment relates to the neighboring properties.
8. A fee as established by the Village Council.

D. Transmittal to the Planning and Zoning Commission.

Immediately after the referral of the proposed Ordinance by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said referral or application shall be transmitted to the Planning and Zoning Commission.

E. Public Hearing by Planning and Zoning Commission.

1. Within 30 days of receiving a referral or application for a zoning amendment, the Planning and Zoning Commission shall hold a public hearing. Nothing in this section shall prevent the Planning and Zoning Commission from granting a continuance of the public hearing.
2. At least one (1) notice shall be given at least ten (10) days prior to the public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include the time and location of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of the public hearing the matter will be referred to the Village Council for further determination.
3. The Village shall also send written notice of the public hearing by first class mail at least ten (10) days prior to the scheduled date of a public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned. The notice shall contain the same information as the notice required in Section 4.1E2. The failure of delivery of such notice to the affected property owners does not invalidate the Ordinance. This requirement shall be waived if more than ten (10) parcels are proposed to be rezoned.

4. Within 30 days after the public hearing, the Planning and Zoning Commission shall make one of the following recommendations to the Village Council on the proposed amendment:
 - a. Recommend approval as presented.
 - b. Recommend modification of the amendment.
 - c. Recommend that the amendment not be granted.

F. Public Hearing by Village Council.

1. Upon receiving a recommendation on a proposed zoning amendment from the Planning and Zoning Commission, the Village Council shall schedule a public hearing on the proposed amendment. Nothing in this section shall prohibit the Council from granting a continuance of this public hearing.
2. At least one (1) notice of the public hearing shall be given at least 30 days prior to the scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include the time and location of the public hearing, the nature of the proposed amendment, and a summary of the Planning and Zoning Commission's recommendation.
3. The Village shall also send written notice of the public hearing by first class mail at least 20 days prior to the scheduled date of a public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned. The notice shall contain the same information as the notice required in Section 4.1F2. The failure of delivery of such notice to the affected property owners does not invalidate the Ordinance. This requirement shall be waived if more than ten (10) parcels are proposed to be rezoned.
4. The text, maps, or plans, as well as any reports from the Planning and Zoning Commission on the proposed zoning amendment shall be on display in the Village's Administrative Offices for at least a 30 day period prior to the scheduled public hearing by Village Council.
5. The Village Council shall either adopt or deny the recommendation of the Planning and Zoning Commission, or adopt some modification thereof. To adopt the recommendation of the Planning and Zoning Commission, a majority vote of the membership of the Village Council is required. In the event the Village Council denies or modifies the recommendation of the Planning and Zoning Commission, it must do so by not less than three-fourths ($\frac{3}{4}$) of the membership of the Village Council.

G. Effective Date and Referendum.

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

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

Section 4.2 Appeals and Variances.

A. Appeals.

Appeals concerning interpretation or administration of this Ordinance may be taken by any owner of property or any other party with a substantial interest in the matter who is adversely affected. Such appeal shall be taken within 30 days after the date of the decision, by filing with the Zoning Inspector or with the Planning and Zoning Commission a notice of appeal specifying the decision of the Zoning Inspector from which the appeal is being taken.

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

B. Variances.

The Planning and Zoning Commission shall have the power to authorize, upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of the Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from the strict application of any provision of this Ordinance shall be granted by the Commission unless it finds that all the following facts and conditions exist:

1. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located nor have not been created by the applicant.
2. That due to such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and such variance is necessary to enable the reasonable use of the property.
3. That the variance, if granted, will be in harmony with the general purpose and intent of this Ordinance, will not alter the essential character of the neighborhood or district in which the property is located, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. That the variance, if granted by the Planning and Zoning Commission, will be the minimum variance necessary to allow the reasonable use of the subject land or building.

C. Application for Appeals and Variances.

Any person owning or having interest in property may file an application to obtain a variance or appeal a decision of the Zoning Inspector. Three copies of the application shall be filed with the Zoning Inspector who shall forward a one copy of the application to the Planning and Zoning Commission. The application for an appeal or a variance shall contain the following information:

1. Name, address, and phone number of the applicant.
2. The legal description of the property as recorded in the Fairfield County Recorder's Office.
3. A map or drawing to scale, showing the dimensions of the lot and any existing or proposed buildings.
4. A list of all property owners, within, contiguous to, and directly across the street from the parcel(s) in question and their address as appearing on the County Auditor's current tax list.
5. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance from which the variance or appeal is sought.

6. A statement indicating the use of the property in question.
7. A statement detailing the variance or appeal being sought and grounds on which it is claimed that the variance or appeal should be granted.
8. The application for a variance must also indicate the reasons that applicant believes the provisions of Section 4.2B1-4 have been met.

D. Public Hearing by the Planning and Zoning Commission.

1. The Planning and Zoning Commission shall hold a public hearing within 30 days of receiving an appeal or variance application.
2. Notice of the public hearing shall be placed in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the day of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed appeal or variance.
3. At least ten (10) days before the public hearing, notices shall also sent by first class mail to all parties of interest. Parties of interest shall include the surrounding property owners as listed in the application pursuant to Section 4.2C4. The notice shall contain the same information as required for the noticed published in the newspaper as specified in Section 4.2D2. Failure of delivery of such notice shall not invalidate the findings of the Commission.

E. Supplementary Conditions and Safeguards.

In granting any appeal or variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.4D of this Ordinance.

F. Action by the Planning and Zoning Commission.

Within 30 days of the public hearing required in Section 4.2D, the Planning and Zoning Commission shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance. If the application is approved or approved with supplementary conditions, the Planning and Zoning Commission shall make a finding that the reasons set forth in the application justifying the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request for appeal or variance is denied, the reasons for such denial shall be noted in writing. The Planning and Zoning Commission shall transmit a

written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant by first class mail. If the request for the appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

Section 4.3 Conditional Uses.

A. Intent.

Specifically listed conditional uses are provided within this Zoning Ordinance in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the principally permitted uses of said zoning district. The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use to ensure such uses will not negatively impact the surrounding area in which it is located.

B. Application for Conditional Use.

Any person owning or having interest in a property may file an application for one (1) or more conditional uses listed within the zoning district in which the property is located. An application for a conditional use shall be filed with the Zoning Inspector who shall forward a copy of the application to the Planning and Zoning Commission. The application for a conditional use shall include:

1. Name, address, and phone number of the applicant.
2. The legal description of the property where such use will be located (as recorded in the Fairfield County Recorder's Office).
3. The proposed use of the property.
4. A statement of the desirability and compatibility of the proposed use to the surrounding neighborhood or community.
5. A site plan for the proposed development showing the location of proposed buildings, parking, etc.; traffic circulation; open spaces; landscaping; refuse and service areas; utilities; signs; architectural renderings; and such other information required by the Planning and Zoning Commission.
6. A list of all property owners, within, contiguous to, and directly across the street from the parcel(s) in question and their address as appearing on the County Auditor's current tax list.
7. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the Planning and Zoning Commission.

C. Public Hearing by the Planning and Zoning Commission.

1. The Planning and Zoning Commission shall hold a public hearing within 30 days of receiving a conditional use application.
2. Notice of the public hearing shall be placed in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the day of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed conditional use.
3. At least ten (10) days before the public hearing, notices shall also be sent by first class mail to all parties of interest. Parties of interest shall include the surrounding property owners as listed in the application pursuant to Section 4.3B6. The notice shall contain the same information as required for the noticed published in the newspaper as specified in Section 4.3C2. Failure of delivery of such notice shall not invalidate the findings of the Commission.

D. Standards for Conditional Uses.

1. In order for the Planning and Zoning Commission to grant approval of conditional use, the proposed use must meet the following general standards:
 - a. The proposed use will be harmonious with the existing or intended character of the surrounding area and such use will not adversely affect the public health, safety, and welfare.
 - b. The proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - c. The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with the proposed use; the size of the site in relationship to the proposed use; and the location of the site with respect to streets giving access to the proposed use, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - d. The location, nature, and height of buildings, structures, walls, fences, etc. on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage

the appropriate development, use, and enjoyment of adjacent land, buildings or structures.

- e. The proposed use is in accordance with the general objectives and purposes of this Ordinance.
2. In addition to the general standards listed above in Section 4.3D1, additional conditions that are specific to a particular listed conditional use may also apply to ensure such use is compatible with its surrounding areas. Such conditions are listed in Article IX. The Planning and Zoning Commission shall not grant approval of a conditional use unless it finds that the proposed use complies with both the general standards in Section 4.3D1 and the applicable conditions in Article IX.

E. Supplementary Conditions and Safeguards.

In granting approval of any conditional use, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.4D of this Ordinance.

F. Action by the Planning and Zoning Commission.

Within 30 days after the public hearing required in Section 4.3C1, the Planning and Zoning Commission shall either approve, approve with supplementary conditions pursuant to Section 4.3E, or disapprove the conditional use application as presented. If the application is approved or approved with supplementary conditions, the Planning and Zoning Commission shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions specified by the Commission for approval. If the application is disapproved by the Planning and Zoning Commission, the reasons for such disapproval shall be noted in writing, a copy of which is transmitted to the applicant by the Zoning Inspector. If the application is disapproved by the Planning and Zoning Commission, the applicant may seek relief through the Court of Common Pleas.

G. Expiration of Zoning Permit Issued Under Conditional Use Procedures.

The approval of a zoning permit issued in accordance with Section 4.3 shall become null and void if such use is not commenced within one (1) year of the date of the zoning permit approval. If conditional use is voluntarily ceased, the zoning permit for the conditional use shall automatically become null and void.

ARTICLE V

NON – CONFORMING USES

Section 5.1 Intent.

Within the districts established by this Zoning Code or amendments hereinafter adopted there exists lots, structures, uses of land and structures, which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Zoning Code or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

Section 5.2 Grace Period.

Any property purchased or acquired in good faith for any non-conforming use prior to the adoption of this Ordinance, upon which property the work of changing or remodeling or construction of such non-conforming use has been legally commenced at the time of adoption of this Ordinance, may be used for the non-conforming use for which such changing, remodeling, or construction was undertaken provided that such work is completed within two (2) years of the date of adoption of this Ordinance or amendment thereto making said use non-conforming.

Section 5.3 Conformance 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, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 5.4 Non – Conforming Lots.

The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any single legal non-conforming lot of record on the effective date of this Ordinance which has an area, lot width, and/or frontage less than that required for such structure or permitted use in the zoning district in which the lot is located. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. If the lot has less than the required public road frontage, prior to the Zoning Inspector issuing a zoning permit, the Planning and Zoning Commission shall determine that adequate access can be provided. The Planning and Zoning Commission may require a shared access agreement or other similar arrangements to be made to ensure adequate access can be provided. Yard setback requirements shall conform to the regulations for the district in which such lot is located. Variances from the

required yard setback standards shall be obtained only through action of the Planning and Zoning Commission.

If two or more lots, combination of lots, or portion of lots with continuous frontage in single ownership are of record at the time of adoption of this Ordinance or amendments of this Ordinance, and if all or part of the lots without buildings do not meet the requirements established for frontage, lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with the frontage, lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a frontage, width or area below the requirements stated in this Ordinance.

Section 5.5 Non – Conforming Structures.

A. Continuation.

Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot sizes requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of 5.5B, 5.5C, and 5.7.

B. Enlargement, Repair, Alterations.

Any such structure described in Section 5.5A may be enlarged, maintained, repaired or structurally altered; provided however that no such enlargement, maintenance, repair or structural alteration shall either create any additional non-conformity or increase/extend the degree of existing non-conformity of all or any part of such structures.

C. Moving.

No structure described in Section 5.5A shall be moved in whole or in part for any distance whatever to any other location on the same or any lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it will be located after being moved.

Section 5.6 Non-Conforming Uses.

A. Continuation.

Any lawfully existing non-conforming use of part or all of a structure or any lawfully existing non-conforming use of land, not involving a structure, may be continued, so long as otherwise lawful, subject to the restrictions of Sections 5.6B – 5.6F and Section 5.7.

B. Substitution.

A non-conforming use may be changed to another non-conforming use only by the Planning and Zoning Commission, provided that the Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions and safeguards, which if violated are punishable under Section 3.4D of this Ordinance.

C. Extension.

Except as hereinafter specifically provided, no building containing a non-conforming use, except when required to by law, shall be enlarged or extended.

1. The Planning and Zoning Commission may permit, on a once-only basis, a building containing a non-conforming use to be enlarged to an extend not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a non-conforming use at the time of enactment of this Ordinance or at the time of its amendment making a use non-conforming. The Commission shall not authorize any enlargement which would result in a violation of the provisions of this Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Ordinance. Any building or portion of a building being used for a permitted use may be expanded provided it meets all applicable regulations provided in this Ordinance and the non-conforming use is not conducted within this expanded area.
2. The Planning and Zoning Commission may authorize the expansion of non-conforming uses of open spaces being conducted upon the land at the effective date of this Ordinance or the date of any amendment making such use non-conforming, provided such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.

D. Moving.

No structure devoted in whole or in part to a non-conforming use shall be moved to any other location on the same lot or any other lot unless the entire structure and the use thereof shall thereafter conform to the regulations of the district in which it will be located after being so moved. Moreover, no non-conforming land use shall be relocated, in whole or in part, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

E. Repairs and Maintenance.

Any structure devoted to a non-conforming use may be maintained, repaired, or structurally altered, provided, however, that no such maintenance, repair, or structural alteration shall either create any additional non-conformity or increase/extend the degree of the existing non-conforming use.

F. Discontinuance.

A non-conforming use which has been discontinued or abandoned shall not thereafter be returned to a non-conforming use. A non-conforming use shall be considered abandoned whenever any one of the following conditions exists:

1. When the use has been discontinued for a period of two (2) years.
2. When the non-conforming use has been replaced by a conforming use.
3. When the existing non-conforming use has been changed to another non-conforming use under permit from the Planning and Zoning Commission per Section 5.6B of this Ordinance.

Section 5.7 Damage and Destruction.

In the event that any non-conforming building or other structure or any building or structure devoted in whole or in part to a non-conforming use is damaged or destroyed by any means, to the extent of more than fifty (50) percent of its fair market value at the time of the damage, such building or other structure shall not be restored unless such building or other structure and the use thereof conform to the regulations of the district in which it is located. If such damage is fifty (50) percent or less of its current fair market value, it may be reconstructed with the previous dimensional characteristics and the previous use may be permitted, if a building permit is obtained and restoration actually begins within one year of the date of such partial destruction.

ARTICLE VI

ZONING DISTRICTS, ZONING MAP, USES, AND DEVELOPMENT STANDARDS

Section 6.1 Zoning Districts Established.

For the purposes of this Ordinance, the Village of Pleasantville is hereby divided into the following zoning districts:

SR	Suburban Residential District
VR	Village Residential District
MR	Multi – Family Residential District
MHP	Manufactured Home Park District
VB	Village Business District
GB	General Business District
LI	Limited Industrial District
PUD	Planned Unit Development District

Section 6.2 Zoning Map.

The boundaries of the districts established in Section 6.1 are shown on the Zoning Map for the Village of Pleasantville. Said Zoning Map and all notations and references and other matters shown hereon shall be and are hereby made a part of this Ordinance. Said Zoning Map shall be and remain on file in the Village Administrative office.

Section 6.3 District Boundaries.

Except where referenced and noted on the Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Ordinance. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Planning and Zoning Commission.

Section 6.4 Newly Annexed Areas.

Territory which is annexed into the Village of Pleasantville after the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the SR – Suburban Residential District. Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article IV of this Ordinance.

Section 6.5 District Uses.

Regulations pertaining to the use of land within each zoning district as established in Article VII are hereby established. Land uses are either listed as permitted or conditional uses within the zoning districts in Article VII. Any unlisted use shall be prohibited within the applicable district, unless otherwise determined by the Planning and Zoning Commission to be a similar use in accordance with the provisions of Section 6.6 of this Ordinance.

Section 6.6 Similar Uses.

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

Section 6.7 Development Standards.

Lot area, setback, lot coverage and height requirements for each district are listed in Article VII and are hereby established. The General Development Standards as listed in Article VIII are hereby established and shall apply to development within the districts as specified in this Ordinance.

ARTICLE VII

USE DISTRICTS

Section 7.1 SR – Suburban Residential District.

A. Intent.

It is the intent of the SR – Suburban Residential District to provide for low density single family dwellings typically located at the edge of the Village. These areas shall be served by central water and sanitary sewer systems.

B. Permitted Uses.

1. One (1) single family detached dwelling per lot, including permanently sited manufactured homes, subject to the building size requirements in Section 8.6G.
2. Agriculture.
3. Adult Family Homes.
4. Residential Facilities – Type A.
5. Type B – Family Day Care Home.

C. Conditional Uses.

1. Type A – Family Day Care Home and Child Day Care Centers, subject to the conditions in Section 9.3.
2. Churches or other places of worship, including Sunday school buildings and parish homes, subject to the conditions in Section 9.4.
3. Public and parochial schools, subject to the conditions in Section 9.4.
4. Parks, recreation fields (i.e. ball fields, tennis courts, etc.), recreational and community center buildings, golf courses, country clubs, and commercial swimming pools, subject to the conditions in Section 9.4.
5. Libraries, museums, and art galleries, subject to the conditions in Section 9.4.
6. Cemeteries, including mausoleums and crematories, subject to the conditions in Section 9.2.

7. Free – Standing Telecommunication Towers, subject to the conditions in Section 9.6.
8. Bed and Breakfast Establishments, subject to the conditions in Section 9.5.

D. Accessory Uses.

1. Accessory Structures, as defined in Article X and regulated in Section 8.1.
2. Home Occupations, as permitted and regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
4. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 8.12.

E. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot area required shall be 10,000 square feet.
2. The minimum lot width shall be 80 feet.
3. The minimum front setback shall be 30 feet.
4. The minimum side yard setback shall be 10 feet.
5. The minimum rear yard setback shall be 30 feet.
6. The maximum lot coverage shall be 30 percent.
7. The maximum height of a building shall be 35 feet.

Section 7.2 VR – Village Residential District

A. Intent.

The intent of this district is to provide for the development and redevelopment of single family residential uses within the Village. It is further the intent of this district to create development standards that mimic traditional Village development patterns so that the Village character may be maintained throughout these residential areas. These areas shall be served by central water and sanitary sewer systems.

B. Permitted Uses.

1. One (1) single family detached dwelling per lot, including permanently sited manufactured homes, subject to the building size requirements in Section 8.6G.
2. Adult Family Homes.
3. Residential Facilities – Type A.
4. Type B – Family Day Care Home.

C. Conditional Uses.

1. Type A – Family Day Care Home and Child Day Care Centers, subject to the conditions in Section 9.3.
2. Churches or other places of worship, including Sunday school buildings and parish homes, subject to the conditions in Section 9.4.
3. Public and parochial schools, subject to the conditions in Section 9.4.
4. Parks, recreation fields (i.e. ball fields, tennis courts, etc.), recreational and community center buildings, golf courses, country clubs, and commercial swimming pools, subject to the conditions in Section 9.4.
5. Libraries, museums, and art galleries, subject to the conditions in Section 9.4.
6. Free – Standing Telecommunication Towers, subject to the conditions in Section 9.6.
7. Bed and Breakfast Establishments, subject to the conditions in Section 9.5.

D. Accessory Uses.

1. Accessory Structures, as defined in Article X and regulated in Section 8.1.
2. Home Occupations, as permitted and regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
4. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provisions of Section 8.12.

E. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot area required shall be 6,000 square feet.
2. The minimum lot width shall be 50 feet.
3. The minimum front setback shall be 15 feet.
4. The minimum side yard setback shall be 5 feet.
5. The minimum rear yard setback shall be 15 feet.
6. The maximum lot coverage shall be 35 percent.
7. The maximum height of a building shall be 35 feet.

Section 7.3 MR – Multi – Family Residential District

A. Intent.

The intent of this district is to provide an area for multi – family dwellings such as apartments or condominiums with appropriate off-street parking, open spaces, and development standards. These areas shall be served by central water and sewer systems.

B. Permitted Uses.

1. One (1) single family detached dwelling per lot, including permanently sited manufactured homes, subject to the building size requirements in Section 8.6G.
2. Two – family dwellings.
3. Multi – family dwellings (including apartments and condominiums) up to six dwelling units per acre.
4. Adult Family Homes.
5. Residential Facilities – Type A.
6. Type B – Family Day Care Home.

C. Conditional Uses.

1. Type A – Family Day Care Home and Child Daycare Centers, subject to the conditions in Section 9.3.
2. Churches or other places of worship, including Sunday school buildings and parish homes, subject to the conditions in Section 9.4.
3. Public or parochial schools, subject to the conditions in Section 9.4.
4. Parks, recreation fields (i.e. ball fields, tennis courts, etc.) recreational and community center buildings, golf courses, country clubs, and commercial swimming pools, subject to the conditions in Section 9.4.
5. Libraries, museums, and art galleries, subject to the conditions in Section 9.4.
6. Free – Standing Telecommunication Towers, subject to the conditions in Section 9.6.
7. Bed and Breakfast Establishments, subject to the conditions in Section 9.5.

8. Adult Group Homes, Residential Facilities Type – B, Nursing Homes, Residential Care Facilities – Types A and B, and Homes for the Aging, subject to the conditions in Section 9.1.

D. Accessory Uses.

1. Accessory structures, as defined in Article X and regulated in Section 8.1.
2. Home Occupations, as permitted and regulated in Section 8.4.
3. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
4. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principal use of the property on which it is located and subject to the provision of Section 8.12.

E. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot area required shall be 6,000 square feet per unit.
2. The minimum lot width shall be 50 feet for a lot with a single family house and 80 feet for lots utilized for any other permitted use.
3. The minimum front setback shall be 15 feet.
4. The minimum side yard setback shall be 5 feet for single family structures and 10 feet for multi – family structures.
5. The minimum rear yard setback shall be 15 feet for single family structures and 25 feet for multi – family structures.
6. The maximum lot coverage shall be 35 percent for single family lots and 80 percent for lots with multi – family structures.
7. The maximum height of a building shall be 35 feet.
8. There shall be a minimum of 20 feet between multi – family structures located on the same lot.

Section 7.4 MHP – Manufactured Home Park District

A. Intent.

The intent of this district to provide an area for planned manufactured home parks in accordance with Ohio Administrative Code 3701 and the Ohio Revised Code Section 3733.

B. Principal Permitted Uses.

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

C. Accessory Uses.

1. Accessory uses, buildings, or other structure customarily incidental to manufactured homes, including Home Occupations as regulated by Section 8.4.

D. Approval Procedures.

Manufactured home parks shall be developed according to the standards and regulations stated and referenced in Section 7.4 E. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Section 4.1.

E. Development Standards.

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

1. The proposed manufactured home park will be adequately served by essential public facilities and services such as highways, streets, drainage, water, sewage disposal, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.
2. The vehicular approaches to the proposed manufactured park will be so designed as not to create traffic interference or congestion on surrounding public streets or roads.
3. The proposed manufactured home park will not result in the damage, destruction, or loss of any natural, scenic or historic features of major importance.

4. The establishment of the proposed park shall not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhoods.
5. All manufactured home parks shall have a twenty (20) foot landscape buffer along all public rights – of – way and adjacent parcels and shall comply with all the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

Section 7.5 VB – Village Business District.

A. Intent.

The intent of this district is to provide for business opportunities within the Village center. It is further the intent of this district to maintain the historic character that currently exists within the downtown area of the Village of Pleasantville by promoting the re-use of existing buildings. The development standards for this district, however, have been designed to mimic traditional downtown land use patterns should new development be proposed.

B. Permitted Uses.

1. Administrative, business and professional offices.
2. Medical and dental offices.
3. Banks or other financial institutions (without drive – through facilities).
4. Churches and assembly/meeting halls.
5. Bars and taverns.
6. Bed and breakfast establishments.
7. Restaurants (without drive – through facilities).
8. Retail establishments (without any outdoor service facilities).
9. Services, personal, business, or repair, excluding automobile and machine repair shops (i.e. jewelry repair, dry cleaning pick – up stations, tailor, beauty shop etc.) (without drive – through facilities).
10. Government facilities, administrative offices, and services.
11. Parks and recreation facilities.
12. Veterinary and animal clinics, provided all business is conducted within a fully enclosed building.

C. Conditional Uses.

1. Residential uses, subject to the conditions in Section 9.7.
2. Outdoor service facilities, subject to the conditions in Section 9.12.

3. Free – Standing Telecommunication Towers, subject to the conditions in Section 9.6.

D. Accessory Uses.

1. Accessory uses, buildings, or other structures customarily incidental to any permitted use, subject to the standards in Section 8.1.
2. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
3. Outdoor Seasonal Businesses, subject to the restrictions in Section 8.7.

E, Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot width shall be 50 feet.
2. The minimum front setback shall be 10 feet.
3. There is no minimum side or rear yard setback requirements. However, any new structure shall not straddle an existing lot line.
3. The maximum lot coverage shall be 80 percent of the lot area.
4. Individual uses within the VB district shall have a floor area of 5,000 square feet or less.
5. The maximum height of a structure shall not exceed 45 feet.

Section 7.6 GB – General Business District

A. Intent.

The intent of this district is to provide for areas where a broader range of commercial uses will be permitted than those typically found within a Village center. Such commercial areas should be located along major thoroughfares along the Village periphery and in locations that are easily accessible to the population served.

B. Permitted Uses.

1. Administrative, business and professional offices.
2. Medical and dental offices.
3. Banks or other financial institutions (without drive – through facilities).
4. Churches and assembly/meeting halls.
5. Bars and taverns.
7. Restaurants (without drive – through facilities).
8. Retail establishments (without any outdoor service facilities).
9. Services, personal, business, or repair, excluding automobile and machine repair shops (i.e. jewelry repair, dry cleaning pick – up stations, tailor, beauty shop etc.) (without drive – through facilities).
10. Institutions providing social, cultural, educational, and health services to member agencies, organizations, and individuals or to the general public.
11. Funeral homes or mortuaries.
12. Private clubs, lodges, and meeting places for similar organizations.
13. Government facilities, administrative offices, and services.
14. Parks and recreation facilities.
15. Hotels and motels.
16. Automobile sales (new or used).
17. Hospital, nursing homes, assisted living facilities, and homes for the aging.

C. Conditional Uses.

1. Automobile service stations, automobile repair shops, automobile oil changing facilities, subject to the conditions in Section 9.9.
2. Commercial parking lots, subject to the conditions in Section 9.9.
3. Kennels and boarding of dogs or other small animals, subject to the conditions in Section 9.8.
4. Bars, night clubs, billiard parlors, bowling alleys, dance halls, skating rinks, or other similar enterprises, subject to the conditions in Section 9.10.
5. Drive – through facilities, developed independently or in association with a permitted use, subject to the conditions in Section 9.9.
6. Airports, subject to the conditions in Section 9.11.
7. Outdoor service facilities, subject to the conditions in Section 9.12.
8. Free – Standing Telecommunication Towers, subject to the conditions in Section 9.6.

D. Accessory Uses.

1. Accessory uses, buildings, or other structures customarily incidental to any permitted use, subject to the standards in Section 8.1.
2. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
3. Outdoor Seasonal Businesses, subject to the restrictions in Section 8.7.

E. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot width shall be 80 feet.
2. The minimum front setback shall be 25 feet.
3. The minimum side yard setback shall be 15 feet.

4. The minimum rear yard setback shall be 30 feet.
5. The maximum lot coverage shall be 80 percent.
6. The maximum height for a structure shall not exceed 45 feet.

Section 7.7 LI – Limited Industrial District

A. Intent.

It is the intent of this district to provide for an area where limited industrial uses may be permitted in close proximity to residential or other similar land uses. It is further the purpose of this district to allow for more intense industrial land uses through the conditional use process where adequate design standards may be applied to help reduce the affects of noise, odor, dust, smoke, glare, or other hazards on the adjacent community.

B. Permitted Uses.

1. Any retail use.
2. Warehousing and distribution centers.
3. Assembling and/or packaging of goods, materials or products.
4. Administrative, professional, or business offices.
5. Self storage units.

C. Conditional Uses.

1. Any manufacturing, compounding, processing, cleaning, servicing, testing, or repairs of materials, goods or products, subject to the conditions in Section 9.13.
2. Printing, publishing, or allied professions, subject to the conditions in Section 9.13.
3. Laboratories, subject to the conditions in Section 9.13.
4. Storage yards for contractor's equipment, heavy machinery, repair equipment, motor vehicles, trucks, and other similar pieces of equipment or machinery, subject to the conditions in Section 9.14.
5. Salvage yards, junk yards, scrap yards, and automobile wrecking yards, subject to the conditions in Section 9.15.
6. Free – Standing Telecommunication Towers, subject to the conditions in Section 9.6.

D. Accessory Uses.

1. Accessory uses, buildings, or other structures customarily incidental to any permitted use, subject to the standards in Section 8.1.
2. Attached Telecommunication Towers, provided the attached structure does not extend more than twenty (20) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.

E. Lot Area, Setback, Lot Coverage, and Height Requirements.

1. The minimum lot width shall be 100 feet.
2. The minimum front setback shall be 25 feet.
3. The minimum side yard setback shall be 25 feet, unless located adjacent to a residential district, than a 50-foot setback shall be required.
4. The minimum rear yard setback shall be 50 feet.
5. The maximum lot coverage shall be 80 percent.
6. The maximum height for a structure shall not exceed 50 feet.

Section 7.8 PUD – Planned Unit Development District

A. Intent.

The intent of this district is to create flexible design criteria that may not be included within traditional zoning districts. It is further the purpose of the PUD District to encourage a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features and providing for a variety of building styles, types, and uses through the use of mixed – use, cluster, or alternative land designs.

B. Conflict.

Wherever there is a conflict or difference between Section 7.8 and other Sections or Articles within the Village of Pleasantville Zoning Code, the provisions of Section 7.8 shall prevail for the development of land within the PUD district. Subjects not addressed within Section 7.8 shall be governed by the respective provisions found elsewhere in this Ordinance.

C. Development Plan Required.

Planned Unit Development (PUD) Districts shall be approved as a district on the Zoning Map in accordance with the procedures set forth in Article IV. It is the intent of this Section 7.8 to incorporate the review and approval of a development plan with the amendment process. In addition to the items required in Section 4.1, the applicant shall submit a written statement from the property owners setting forth the reasons why, in the applicant’s opinion, the Planned Unit Development would be in the public interest and would be consistent with the stated intent of these Planned Unit Development standards. The application shall also be accompanied by a development plan for the entire tract to be rezoned drawn to scale showing:

1. Layout of proposed lots and building lines, indicating dwelling unit types and the total number of dwelling units proposed in the development plan.
2. Layout, dimensions, and names of existing and proposed streets and rights-of-way.
3. Existing topography at two (2) – foot or five (5) – foot intervals.
4. Location, type, and size of commercial uses.
5. Utility easements.
6. Any existing features on the tract of land to be rezoned to PUD, including, but not limited to existing water bodies, buildings, utilities, rights-of-way or streets, wetlands, parks, wooded areas, and other significant topographic or natural features.

7. Proposed parks, community spaces, and open spaces and any proposed amenities included within these areas.
8. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
9. Any proposed landscaping.
10. Any proposed signage.
11. The proposed schedule of site development.
12. Name, address(es), and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the development plan.

D. Development Plan Review.

The development plan shall be made available for viewing at the public hearings required in the rezoning process. Prior to the Planning and Zoning Commission making its recommendation to the Village Council, the Commission shall determine if the facts submitted with the application/development plan and presented establish that:

1. The site has been designed in the most efficient manner possible.
2. The proposed roads will be able to carry the traffic generated by the development.
3. The proposed development will not be detrimental to the existing road networks outside of the proposed district.
4. The land has been designed in a manner that protects existing critical resources and creates new, usable open space.

The Ordinance passed by the Village Council approving the rezoning application shall incorporate the development plan, including any conditions that may be imposed by the Village Council. Any violation of such conditions when made part of the terms under which the development plan is approved, shall be deemed a violation of this Ordinance and subject to the provisions of Section 3.4D.

E. Permitted Uses.

Single – family; multi – family; commercial including retail uses, neighborhood commercial uses, and personal services; public and semi – public uses, open space, recreational uses, and accessory structures shall be permitted within the PUD district, provided that the proposed

locations of commercial uses do not adversely impact adjacent property or the public health and safety, and that the location of commercial uses are limited to the specific locations approved by the Village Council on the development plan required in Section 7.8C.

F. Minimum Project Area and Ownership.

No tract of land shall be rezoned to the PUD district unless it is a minimum of ten acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD district. A development plan approved under the procedures of Section 7.8C shall be binding upon the applicant(s), successors, and assigns.

G. Development Standards.

The following standards shall apply to development within the PUD district in addition to any requirements included in an approved development plan.

1. Arrangement of Areas.

The location and arrangement of various densities within the PUD shall be distributed so that the more intense uses are balanced with open space and less intense uses. Less intense uses and open spaces should be placed around critical resource area, such as existing water bodies, drainage patterns, wetlands, wooded areas, etc.

2. Open Space.

A minimum of twenty (20) percent of the gross acreage of the tract of land shall be set aside as common open space. Yard space on individual lots shall not count towards the open space requirements. Open space shall be placed within a reserve or protected by deed, easements, or covenants. Open space shall be maintained by a Homeowners' or Property Owners' Association for the development, unless other arrangements for maintenance are made with the Village Council during the rezoning process.

3. Lot Area.

No minimum lot area shall be required for an individual unit.

4. Setbacks.

Minimum front, side and rear setbacks for individual lots within the PUD shall be determined by the approved development plan.

5. Height.

No structure within a PUD shall exceed thirty – five (35) feet in height.

6. Utilities.

Potable water and adequate sewage facilities shall be provided to accommodate the development.

7. Signs.

Only those signs approved within the development plan shall be permitted within the PUD, except for temporary signs, which shall be regulated by Section 8.9C5.

8. Parking.

Parking, unless otherwise approved with a development plan, shall be provided in accordance with Section 8.8

9. Landscaping.

The Village Council, upon recommendation from the Planning and Zoning Commission, may require landscaping for non single – family developments within the PUD. The required landscaping shall be as approved by the development plan.

H. Zoning Permit.

The Zoning Inspector shall not issue a zoning permit for any structure in any portion of a PUD for which a plat is required by the Village of Pleasantville Subdivision Regulations until the plat has been approved by the Village Planning and Zoning Commission, certified by the Village Council, and is recorded. All structures shall also comply with the approved development plan. Any modifications to a development plan approved by the Village Council must be approved by the Village Council in accordance with Section 7.8I.

I. Modifications to an Approved Development Plan.

The Village Council may approve minor modifications to an approved development plan without a public hearing. If major modifications are proposed, such as a substantial change in use, density, open space, layout of roads, access points, etc., the Village Council shall require the modification to be considered through the public hearing process followed in the original application for rezoning.

J. Expiration.

If construction has not commenced within two (2) years of development plan approval, the development plan shall be void and a new development plan shall be approved through the process followed in the original application for rezoning, unless an extension is granted by the Village Council.

ARTICLE VIII

GENERAL DEVELOPMENT STANDARDS

Section 8.1 Accessory Structures.

A. Applicability.

These standards shall apply to all accessory structures, except private swimming pools, which are regulated by Section 8.12.

B. Location.

1. All accessory structures shall be located to the side or rear of the principal structure. In no case, shall an accessory structure be located nearer to the front lot line than the principal building.
2. Accessory structures may encroach a required side or rear yard setback, but in no case, shall an accessory structure be located closer than 5 feet from a lot line.
3. An accessory structure shall not be located closer than 5 feet from the principal building or any other accessory structure.

C. Height. Accessory structures shall not exceed 25 feet in height, measured in accordance with Section 8.6E2.

D. Size.

1. The cumulative area of accessory structures shall not exceed 1,000 square feet or 10 percent of the lot area, whichever is smaller.
2. If 10 percent of the lot size is less than 580 square feet, a lot shall be permitted to have one accessory structure up to 580 square feet in area.

Section 8.2 Buffering Requirements.

A. Applicability. These standards shall apply to any parcel zoned LI – Limited Industrial District or GB – General Business District when such parcel abuts a lot where a residential use is permitted by this zoning code (regardless if such residential use exists at the time the business or industrial use is developed).

B. Buffer Requirements.

1. Within the required side yard setback abutting the district where a residential use is permitted, a minimum continuous 6 foot tall wall, fence, planting, hedge, fence, or earth mound shall be provided.

2. If landscaping is utilized to meet these buffer requirements, year round plantings such as pine or evergreen trees shall be utilized. Existing deciduous trees and shrubs may be utilized either separately or in conjunction with the year round plantings, provided the requirements of Section 8.2C are met.
3. Buffer materials must have at least 75% opacity at all times to comply with the requirements of this section.

C. Maintenance.

All unhealthy or dead plant material shall be replaced by the next planting season. All other defective buffer material (i.e. fences, etc.) shall be replaced within three months.

Section 8.3 Fence Requirements.

A. Applicability.

No fence shall be erected within the Village of Pleasantville, unless such fence complies with the following regulations.

B. Fences Regulations.

1. Any fence located to the side or rear of a principal structure shall not exceed 8 feet in height. Such fence cannot extend in front of the primary structure.
2. A picket or wrought iron fence may extend in front of the primary structure provided such fence does not exceed 4 feet in height.
3. No fence shall be permitted to encroach upon a public right-of-way. No fence shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.

Section 8.4 Home Occupation Standards.

A. Applicability.

If a home occupation complies with the following criteria, it shall be permitted as an accessory use in residential districts.

B. Location.

A home occupation shall be conducted entirely within a dwelling unit and shall be clearly subordinate to the use of the dwelling unit. Home occupations shall not be conducted within accessory structures, such as garages or sheds, on the lot.

C. Standards.

All home occupations shall comply with the additional standards below:

1. The appearance of the dwelling unit in which a home occupation is conducted shall not be altered or the occupation within the dwelling shall be not be conducted in a manner which would cause the premises to differ from its residential character either by colors, materials, construction, lighting, or signs.
2. The home occupation shall not generate traffic greater in volume than normal for a residential neighborhood.
3. The home occupation shall not include wholesale or retail sales.
4. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on the lot. No equipment or processes shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.
5. The home occupation shall not occupy more than 20 percent of the livable floor area of the dwelling unit.
6. No person shall operate or be employed by the home occupation unless the person is a resident of the dwelling unit in which the home occupation is conducted.
7. No more than three vehicles, used by customers of the home occupation, may be parked at the location of the home occupation at one time.
8. There shall be no outside storage of any kind related to a home occupation, including the storage of vehicles used for the home occupation. Accessory structures shall not be used for storage of materials related to the home occupation.

Section 8.5 Landscaping.

A. Applicability. These standards shall apply to any parcel zoned LI – Limited Industrial District or GB – General Business District.

B. Landscaping Requirements.

1. Within the GB District, one tree (minimum of 2 inch caliper) shall be planted on site per every 500 square feet of floor area for proposed building(s).
2. Within the LI District, one tree (minimum of 2 inch caliper) shall be planted on site per every 1,000 square feet of floor area for proposed building(s).
3. If existing trees are preserved during construction, they may be counted toward the total number of trees required to be planted within this section.

C. Maintenance.

All unhealthy or dead plant material shall be replaced by the next planting season. All other defective buffer material (i.e. fences, etc.) shall be replaced within three months.

Section 8.6 Lot, Yard, and Density Measurements/Standards and Building Size Requirements.

A. Lot Width and Frontage.

1. Lot Width:
 - a. The lot width shall be measured at the building line.
 - b. All lots shall comply with the lot width requirements within the applicable zoning district.
2. Lot Frontage:
 - a. Lot frontage shall be measured along the right-of-way line for a publicly dedicated and improved street or thoroughfare. Frontage along private or unimproved rights-of-way shall not be utilized in calculating lot frontage.
 - b. All lots shall have a minimum of 50 feet of lot frontage, regardless of the district in which they are located.

B. Front Setback.

1. All lots shall comply with the front setback requirements for applicable zoning district.
2. The front setback is the distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal building.
3. Lots fronting on two publicly dedicated rights-of-way shall provide a front setback along both rights-of-way.

C. Side Yard Setback.

1. All lots shall comply with the side yard setback requirements for the applicable zoning district.
2. The side yard setback is measured from the nearest side lot line to the nearest foundation or structural appurtenance of the principal building.
3. In a residential district, open and uncovered porches may extend into the required side yard setback, but in no case shall such porches be located closer than 5 feet from a lot line. Cornices, canopies, eaves, pilasters, sills and other architectural features may extend up to three feet into any required side yard setback.
4. Accessory structures are permitted within a side yard setback provided such structures comply with all other requirements in Section 8.1.

D. Rear Yard Setback.

1. All lots shall comply with the rear yard setback requirements for the applicable zoning district.
2. The rear yard setback shall be measured from the rear lot line to the nearest foundation or structural appurtenance of the principal building.
3. Accessory structures are permitted within a rear yard setback provided such structures comply with all other requirements in Section 8.1.

E. Height.

1. All buildings shall comply with the height requirements for the applicable zoning district.
2. The height of building will be measured from the average grade of the building to the highest point of the roof.

3. The height requirements shall not apply to chimneys, cupolas, domes, spires, or other similar architectural features.

F. Maximum Lot Coverage.

1. All lots shall comply with the maximum lot coverage requirements for the applicable zoning district.
2. Lot coverage shall be calculated by dividing the cumulative area of all buildings and impervious surfaces by the total lot area.

G. Building Size.

Any single-family dwelling or permanently sited manufactured home shall contain a minimum of 1,150 square feet on the first floor. However, when a single-family dwelling is designed with a total living area of at least one thousand two-hundred (1,200) square feet or more on two levels (separated by a seven (7) feet six (6) inches or more), the first floor area may be reduced to not less than seven hundred (700) square feet.

Section 8.7 Outdoor Seasonal Businesses.

A. Applicability.

If an outdoor seasonal business complies with the following standards, then it shall be permitted an accessory use in the VB and GB districts.

B. Standards.

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

calendar days between any two outdoor seasonal businesses conducted on the same premises.

Section 8.8 Parking and Loading Standards.

A. General Requirements. Unless otherwise noted, the following requirements apply to all off-street parking spaces and areas, regardless of the district in which they are located.

1. No structure or land shall be utilized and no structure or part thereof shall be erected, constructed, or enlarged unless permanently maintained off-street parking is provided as required by this section.
2. All off-street parking areas including parking spaces, driveways, maneuvering aisles and circulation drives shall be graded and maintained with proper drainage so that water does not unreasonably accumulate on such areas or drain onto adjacent public or private property.
3. All off-street parking areas shall be constructed with a hard, durable, and dust-free surface.
4. All off-street parking areas shall have access to a publicly dedicated street. If an off-street parking area will require a shared driveway with an adjacent lot, in order to provide access to a publicly dedicated road, then evidence of a shared driveway easement and maintenance agreement shall be provided.
5. All off-street parking spaces, except those required for single-family dwelling units, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street shall be traveling in a forward motion.
6. Off-street parking areas may encroach a required side or rear yard setback. Except for open and uncovered off-street parking spaces for single and two family dwellings, off-street parking areas shall not encroach a required front setback.
7. In all districts, except the VB district, the required off-street parking spaces shall be provided on the same lot as the use for which the spaces serve. The location of off-street parking spaces within the VB district shall be as regulated by Section 8.8D.

B. Dimensional Requirements.

All off-street parking spaces shall be a minimum of 9 feet in width and 18 feet in length. Maneuvering aisles shall be a minimum of 24 feet in width.

C. Parking Lot Lighting.

1. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.
2. Any lighting provided in off-street parking areas, except for single or two family dwellings, shall comply with the following requirements:
 - a. Parking lot lights shall be of a cut-off fixture and shall be no more than 28 feet in height.
 - b. Parking lot lights must be placed within a landscape island or on a 36” high pole base to protect both the lights and vehicles from damage.
 - c. Parking lot lighting shall also comply with the general site lighting standards in Section 8.11.

D. Parking in the VB District.

Due to the size of the lots within the Village’s downtown area and in order to protect the character of this Village center, uses within the VB district may establish off-site parking areas for 50 percent or less of their required spaces, if such spaces are located within 300 feet of the use for which the spaces serve.

E. Required Number of Off-Street Parking Spaces.

1. The required number of off-street parking spaces shall be determined by the following table.
2. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.

REQUIRED OFF- STREET PARKING SPACES

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

<u>Use</u>	<u>Number of Off-Street Parking Spaces</u>
Hotels, motels, and bed and breakfast establishments	1 space for each rental unit, plus 1 space per employee on the largest shift
Libraries, museums and galleries	1 space per 600 sq. ft. of floor area, plus 1 space for each employee on the largest shift
Manufacturing plants, laboratories, assembly plants	1 space for each employee on the largest shift
Medical and dental offices	1 space per 200 sq. ft. of floor area
Restaurants, bars and night clubs	1 space per 100 sq. ft. or floor area
Retail Uses	1 space per 200 sq. ft. of floor area
Schools (Elementary & Middle)	2 spaces for each classroom

<u>Use</u>	<u>Number of Off-Street Parking Spaces</u>
Schools (High)	1 space for every 5 students permitted by capacity or 1 space for every 5 seats in an auditorium or spectator gymnasium, whichever is greater
Self Storage Facility	1 space per 5,000 sq. ft.
Sports or Recreational Fields or Facilities	20 spaces per field
Commercial Swimming Pool or Skating Rink	1 space per 100 sq. ft. of pool/rink area, plus 1 space for each employee on the largest shift, plus required spaces for affiliated uses such as bars, restaurants, etc.
Warehousing	1 space per business vehicle stored on site, plus 1 space per employee on the largest shift

Section 8.9 Sign Regulations.

A. Compliance and Permit Required.

1. All signs located on property currently within or annexed into the Village of Pleasantville shall comply with the standards within Section 8.9 of this Ordinance.
2. No sign, permanent or temporary, unless otherwise exempted by Section 8.9B, shall be located, constructed, or maintained on a lot without first obtaining a sign permit. Such permit is separate from a zoning permit. A separate sign permit fee shall be required. Such permit fees shall be established by a separate Ordinance adopted by the Village Council.
3. Any person, firm, corporation, partnership or association violating any provision of this Section or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Section 3.4D.
4. The contents of the sign permit application shall include the following minimum information:
 - a. The name, address, and contact information for the applicant.
 - b. A scaled drawing or drawings showing the size and type of the sign; the materials, lettering, symbols and colors to be utilized on the sign; and the location of the sign in relationship to the building and property lines.
 - c. Detailed specifications regarding the construction, erection, and attachment of the sign and the method of illumination.

B. Signs Not Requiring a Permit.

1. One sign plate face 2 square feet or less in area affixed to the structure of the property to identify the address and the name of the occupants of the property.
2. Signs clearly in the nature of decorations customarily associated with any local, state, national, or religious holiday. Such signs may be animated and illuminated provided they do not create safety hazards.
3. Temporary signs that do not exceed sixteen (16) square feet in area or four (4) feet in height, provided such signs are not displayed more than 60 calendar days within any 180 day period. Such signs shall be prohibited within the right-of-way. Temporary signs that are seven (7) square feet in

area or less and three (3) feet in height or less shall not be subject to the 60 day time limit.

C. Signs Requiring a Permit.

The following signs require a permit prior to being erected:

1. Wall signs, as defined in Article X, may be erected on a building provided the location, height, and other characteristics of the sign comply with Table 8.9F1. In addition, wall signs shall be attached parallel to the building face. However, they shall not extend outward perpendicular to the building face more than 12 inches, except as follows:
 - a. Signs may be painted on an awning area or attached to a canopy, marquee or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.
 - b. Projecting signs not to exceed eight (8) square feet in size, is placed not less than eight (8) feet above the sidewalk or ground level, and projects no more than six (6) feet outward from the building face.
2. Freestanding signs, as defined in Article X, may be erected on a lot provided the location, height and other characteristics of the sign meet the requirements in Table 8.9F1.
3. Window signs, as defined in Article X, shall be limited to signs denoting the identification of the occupant, the address of the premises, and its use. Window signs shall be limited to one sign per window and shall not exceed thirty-three percent (33%) of the total area of the window.
4. Off – premise signs, as defined in Article X, shall be permitted within the GB and LI districts and will be limited to one per parcel. Such sign shall not exceed 25 square feet.
5. Temporary signs, as defined in Article X, shall be permitted, unless otherwise exempted in Section 8.9B. Such signs shall not exceed eight (8) feet in height or thirty-two (32) square feet in area and shall not be displayed for more than sixty (60) days within any one hundred eighty (180) day period. Such temporary signs shall be prohibited within the right-of-way.
6. Joint identification signs shall be permitted on premises where there are 2 or more uses located on 1 property. Such signs shall be limited to either wall or freestanding signs. If the property fronts on 1 public street, only

one joint identification sign is permitted. If the property fronts on 2 public streets, 1 joint identification signs shall be permitted on each street. Such joint identification signs shall be permitted in addition to the individual business signs, as permitted in Table 8.9F1.

7. A permanent subdivision identification signs shall be permitted at each entrance to the subdivision. Such signs shall be limited to wall mounted signs only, with placement on walls entrance columns or similar landscape features used to denote the entrance to the subdivision. Each sign shall not exceed eight (8) feet in height and twenty (20) square feet in area. Each sign shall be setback a minimum of 15 feet from the right – of – way.

D. Prohibited Signs.

1. Roof signs, as defined in Article X, shall be prohibited.
2. Animated signs, as defined in Article X, shall be prohibited.
3. Gas inflatable signs, as defined in Article X, shall be prohibited.
4. No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

E. General Requirements.

1. Construction. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.
2. Measurement of Sign. The measurement of sign area shall comply with the following standards:
 - a. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
 - b. When a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.

- c. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.
3. Sign Lighting. Any lighting used to illuminate a sign shall comply with the following requirements:
- a. Sign lighting shall be consistent, understated, and properly disguised. One of the following methods of lighting may be employed:
 - i. A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way.
 - ii. A white interior light with primary and secondary images lit or silhouetted on an opaque background. The background must be opaque. No additional background lighting or illuminated borders or outlines shall be permitted.
 - b. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right – of – way or parking lot from which the sign can be viewed.
 - c. Light fixtures shall be screened from view by site grading or evergreen shrubs.

F. Schedule of On-Premise Sign Regulations.

All on-premise signs shall comply with the requirements in the Table 8.9F1.

Table 8.9F1

District	Permitted Types	Max. # of Signs	Max. Height (Ft.)	Max. Sign Area (Sq. Ft.)	Min. Feet from R.O.W (Freestanding)
SR, VR					
Permitted Uses	Wall	1	12	4	NA
Conditional Uses	Wall or Freestanding	1	25 (Wall) 15 (Freestanding)	25	15
MR	Wall or Freestanding	1	25 (Wall) 15 (Freestanding)	25	15
MHP	Wall	1	12	4	NA
VB	Wall	1 per frontage	25	30	NA
GB, LI	Wall or Freestanding	1 Freestanding per frontage and 1 Wall per frontage	25 (Wall) 15 (Freestanding)	30 (per sign) for freestanding 40 (per sign) for wall	15
PUD	Per Approved Development Plan				

Section 8.10 Sight Triangle.

- A. Established.** At every intersection of street rights-of-way as prescribed in the Thoroughfare Plan a sight triangle shall be established as described by the right-of-way lines of the intersecting streets and the third side being a line passing through a point on each right-of-way line that is a distance from their point of intersection equal to the sum of the width of both rights-of-way divided by four.
- B. Visibility Maintained.** Within the sight triangle there shall be maintained a clear visibility between the heights of two and one-half feet and ten feet above the average center line grade of the intersecting streets within the sight triangle, except trunks of existing trees. The maintenance of clear visibility first requires that there shall be no vehicle parking or standing space provided, nor any access drive be allowed within the sight triangle.

Section 8.11 Site Lighting.

- A. General Lighting Standards.** All lighting within non – single family development shall comply with the following requirements:
 - 1. Light fixtures shall be dark in color (black, bronze, dark green) or shall be a color that compliments the building and blends with the landscape.
 - 2. All lighting fixtures, which are meant for the same purpose within a given development, must be from the same or similar manufacture’s type.
 - 3. Uplighting may be used to illuminate a unique architectural feature or a special landscape element. All uplights must be screened with landscaping.
 - 4. Site lighting shall be prohibited from shining directly onto adjacent properties. Site lighting shall not constitute a nuisance nor shall in any way impair safe movement of traffic on any street or highway.

Section 8.12 Swimming Pool Requirements.

- A. Permit Required.** A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.
- B. Requirements.** No such swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless such pool complies with the following conditions and requirements. The owner of the property, or his agent, shall certify that the pool will be

constructed, installed and maintained in conformance with the above requirements.

1. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- 2.. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than fifteen (15) feet to any property line or structure.
3. The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
4. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable gate and lock.
5. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

ARTICLE IX

CONDITIONAL USE REGULATIONS

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

- A. Intent.** The intent of this section is to create standards for adult group homes, residential facilities – type B, nursing homes, residential care facilities – types A and B, and homes for the aging when such uses are proposed in a district where listed as conditional uses. Given the size and intensity of these uses, it is important to provide development standards for these uses when located in certain areas of the Village to ensure that these uses are designed in a manner that integrates them into the overall character of their surrounding area.
- B. Applicability.** These standards shall apply when such uses are proposed in a district where they are listed as conditional uses. These standards shall not apply in districts where such uses are listed as permitted.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for an adult group home, residential facility – type B, nursing home, residential care facility – type A and B, or a home for the aging, if the proposed use complies with all of the conditions listed below in addition to the general standards listed in Section 4.3D:
1. The proposed use must be located on a minimum of one acre and comply with all other lot frontage, width, set back, height, and lot coverage requirements for the applicable zoning district.
 2. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the district in which the use is proposed.
 3. The proposed architecture is compatible with the surrounding neighborhood.
 4. The proposed signage complies with the sign regulations for the applicable district.
 5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway and shall otherwise comply with Section 8.8C and 8.11.

6. Sufficient evidence has been provided indicating that all required licenses and certificates from the State of Ohio have been obtained.
7. In the case of proposed residential facilities – type B, there is no other type B residential facility within 1,000 feet of the proposed facility.
8. Any other conditions that the Planning and Zoning Commission considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

Section 9.2 Cemeteries.

- A. Intent.** The intent of this section is to create standards for cemeteries where listed as conditional uses.
- B. Applicability.** These standards shall apply to cemeteries when listed as a conditional use.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a cemetery, if the proposed use complies with all of the conditions listed below in addition to the general standards listed in Section 4.3D.
 1. All buildings, including mausoleums, and all graves/burial lots shall be located no closer than 15 feet from any lot line.
 2. Sufficient evidence shall be provided to the Planning and Zoning Commission ensuring that the grounds will be properly maintained.
 3. Any other conditions as warranted by the Planning and Zoning Commission.

Section 9.3 Type A – Family Day Care Home and Child Day Care Centers.

- A. Intent.** It is the intent of this section to create standards for Type A Family Day Care Homes and Child Day Care Centers to ensure the uses are compatible to the surrounding neighborhood in which the use is located.
- B. Applicability.** These standards shall apply when a Type A Family Day Care Home or a Child Day Care Center is proposed within a district where considered to be a conditional use.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a Type A Family Day Care Home or a Child Day Care Center, if the

proposed use complies with the following conditions in addition to the general conditions listed in Section 4.3D.

1. Parking and circulation shall be designed to reduce congestion, promote safety, and reduce the impact on the residential character of the area. The site layout shall provide for the separation of ingress and egress vehicles during high volume periods and shall provide safe drop off point(s) for children that will not impede other traffic.
2. All outdoor play areas shall be fully enclosed by a minimum four (4) foot tall fence, shall be located to the rear of the principal structure, shall be screened from adjacent parcels by the use of hardy evergreen shrubs, and shall be located 50 feet from a residential district boundary.
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway and shall otherwise comply with Sections 8.8C and 8.11.
4. Sufficient evidence shall be provided to the Planning and Zoning Commission indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.

Section 9.4 Churches, Schools, Parks, Recreation Fields (Ball Fields, etc.), Recreational and Community Centers, Golf Courses, Country Clubs, Commercial Swimming Pools, Libraries, Museums, and Art Galleries.

- A. **Intent.** It is the intent of this section to create standards for uses involving the assembly of people and/or community, recreational, educational, or cultural activities that will be conducted in areas where such uses are listed as conditional uses. Such uses may require some additional restrictions above and beyond those standards found within the zoning district in which they will be located. These additional standards are being required to ensure such uses will not negatively impact their surrounding areas.
- B. **Applicability.** These standards shall apply when a church, school, recreation fields (i.e. ball field), recreational or community center, golf course, country club, commercial swimming pool, library, museum or art gallery is proposed within a district where they are listed as a conditional use.
- C. **Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for church, school, park, recreation field (i.e. ball field), recreational or community center, golf course, tennis court, country club, commercial swimming pool, library, museum, or art gallery, if the proposed use complies with the following conditions in addition to the general conditions listed in Section 4.3D.

1. All buildings and structures shall have a minimum setback of 15 feet from any residential district boundary. Any activities conducted outside of a fully enclosed building shall be located a minimum of 50 feet from any residential district boundary.
2. Music, loudspeakers, and other sound emitting devices shall be prohibited outside of any fully enclosed building, unless located a minimum of 50 feet from a residential district boundary.
3. Sufficient evidence shall be provided that all off-street parking spaces have been provided in accordance with Section 8.8 and that any on-street parking will be prohibited. Parking shall not be permitted to encroach any required side or rear yard setback that abuts a residential district.
4. A site plan shall be submitted as part of the conditional use application to demonstrate that adequate ingress/egress will be provided and that the sufficient on-site circulation patterns are proposed.
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway and shall otherwise comply with Sections 8.8C and 8.11.
6. All facilities shall meet any applicable local, county, and/or State of Ohio health, building, electrical, or any other applicable codes.
7. Any other conditions that the Planning and Zoning Commission considers to be appropriate to ensure the proposal includes adequate circulation, and access points that will reduce any traffic impacts such uses may have on the adjacent residential road network.

Section 9.5 Bed and Breakfast Establishments.

- A. **Intent.** It is the intent of this section to create standards for Bed and Breakfast Establishments to ensure the uses are compatible to the surrounding neighborhoods.
- B. **Applicability.** These standards shall apply when a Bed and Breakfast Establishment is proposed in a district where it is considered to be conditional use.
- C. **Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a Bed and Breakfast Establishment, if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.

1. The proposed use shall not include more than 8 rooms. Any similar use having more than 8 rooms shall be considered a hotel or motel and shall be limited to the districts in which such uses are permitted.
2. Sufficient off-street parking shall be provided in accordance with Section 8.8.
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway and shall otherwise comply with Sections 8.8C and 8.11.
4. The proposed architecture shall be compatible with the surrounding neighborhood.
5. Any other conditions as warranted by the Planning and Zoning Commission.

Section 9.6 Free-Standing Telecommunication Towers.

- A. Intent.** The intent of this section is to regulate the placement and construction of telecommunication towers in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage co-location of antennas on existing towers in order to minimize tower locations and to protect the surrounding areas through the use of height, setback, and lot area requirements.
- B. Applicability.** The following regulations shall apply, through the conditional use process, to free-standing telecommunication towers located within districts where free-standing telecommunication towers are listed as conditional uses.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit when a free-standing telecommunication tower is proposed within a district where listed as a conditional use and complies with all of the conditions listed below. When measuring setbacks and lot area, the dimension of the entire lot shall control, even though the tower may be located on a leased area within such lot.
 1. The minimum lot area shall comply with the minimum lot area for the applicable zoning district.
 2. The minimum setback shall be 100 feet. No new structures shall be permitted within this setback area.
 3. The maximum height of the telecommunication tower shall be 200 feet from the existing grade to the highest point of the tower.

4. All towers shall be of a non-corrosive monopole design, as opposed to a lattice design, and shall be non-contrasting gray or similar color. A galvanized steel finish will also be permitted. Alternative tower designs that camouflage the tower and/or antenna, such as man made trees, may also be permitted as approved by the Planning and Zoning Commission.
5. An 8 - foot fence shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider.
6. A landscaped buffer of not less than 15 feet in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent properties. The 15-foot buffer shall consist of hardy evergreen shrubbery, not less than 6 feet in height, and of a density to obstruct the view. The Planning and Zoning Commission may require additional landscaping upon review of an individual application. All required landscaping shall be continuously maintained and promptly restored, if necessary.
7. No signage shall be permitted anywhere on the telecommunication tower, antenna, fence, etc., except for a sign, not to exceed 6 square feet, containing emergency contact information and no trespassing language shall be attached to the gate of the required fence. Any other signage required by Federal Regulations shall be permitted.
8. No lighting shall be permitted, except as required by federal regulations.
9. One point of access from a public road to the free standing telecommunications tower shall be provided. The Planning and Zoning Commission may require review by the fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
10. The maximum cumulative total size of all equipment shelters accessory to a telecommunication tower on a lot shall be 1,000 square feet and their maximum height shall not exceed 25 feet above the approved grade at the site. Only one equipment shelter, or the configuration of more than one equipments shelter constructed to appear that there is only one equipment shelter shall be permitted on a lot. The roof and façade of the equipment shelter shall be compatible as to architectural design and materials with the principal building on the lot, if any. Where it is technically feasible and reasonable practical, an existing building or structure on a lot

shall be used to shelter the equipment associated with the telecommunication tower.

11. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
12. The applicant shall demonstrate that co-location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing telecommunication towers in the Village of Pleasantville. If the applicant cannot demonstrate that co-location is not feasible, the Planning and Zoning Commission may deny the conditional use permit and require the proposed antenna be placed on the available, existing tower. The Planning and Zoning Commission shall use the following criteria to determine if co-location is not feasible:
 - a. Written documentation from the owner of the existing tower(s) refusing to allow co-location;
 - b. The proposed antenna would exceed the structural capacity of the existing tower, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer.
 - c. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer.
 - d. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably as documented by a qualified R. F. engineer.
 - e. Co-location would violate federal, state, county or Village regulations.
13. The tower shall be removed within 180-days after the use of the tower is discontinued.
14. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna to the extent possible.

15. Any other conditions as warranted by the Planning and Zoning Commission.

Section 9.7 Residential Uses within the Village Business District.

- A. Intent.** The intent of this section is to allow residential uses within the Village Business (VB) District while ensuring they are subordinate to the overall commercial character of the area.
- B. Applicability.** The following regulations shall apply, through the conditional use process, to residential uses within the VB District.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a residential use within the VB District when the use complies with the following conditions in addition to the general standards listed in Section 4.3D.
 1. All residential uses shall be located to rear or above of a permitted use within the VB District.
 2. A site development plan shall be submitted showing all existing and proposed structures, parking and access, landscaping, and elevations of the structures to be utilized for residential purposes. The Planning and Zoning Commission shall utilize this site plan to ensure the intent of this section is met.

Section 9.8 Kennels and the Boarding of Dogs and Other Small Animals.

- A. Intent.** The intent of this section is to create standards for kennels and the boarding of dogs and other small animals to minimize the impacts of such uses on the surrounding areas.
- B. Applicability.** These standards shall apply when such uses are proposed in a district where they are listed as conditional uses.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a kennel or the boarding of dogs and other small animals, if the proposed use complies with all of the conditions listed below in addition to the general standards listed in Section 4.3D.
 1. All buildings shall be located no less than 50 feet from any residential lot line.
 2. Adequate ingress/egress shall be provided to the proposed site.

3. Outdoor pens shall be prohibited. All outdoor exercise runs shall be enclosed by a solid wall or fence.
4. Adequate waste disposal methods shall be established to ensure that odor is not noticeable off-site.
5. Adequate sound proofing techniques shall be provided to help reduce the impact of noise on the surrounding neighborhood. These can include landscaping, fencing, special building materials, etc.
6. Any other conditions that the Planning and Zoning Commission considers to be appropriate to ensure the compatibility of such uses to the surrounding neighborhood.

Section 9.9 Automobile Service Stations, Automobile Repair Shops, Automobile Oil Changing Facilities, Drive-Through Facilities, and Commercial Parking Lots.

- A. **Intent.** It is the intent of this section to create standards for automobile service stations, automobile repair shops, automobile oil changing facilities, drive-through facilities, and commercial parking lots to ensure proper controls are in place to protect the surrounding area from any potential impacts on access, circulation, etc. generally associated with such uses. It is further the intent of this section to ensure that adequate buffers are provided around these auto-oriented uses.
- B. **Applicability.** These standards shall apply when an automobile service station, automobile repair shop, automobile oil changing facility, drive-through facility, or commercial parking lot is proposed within a district where considered to be a conditional use.
- C. **Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for an automobile service station, automobile repair shop, automobile oil changing facility, drive-through facility, or commercial parking lot if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.
 1. The proposed use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed use. The Planning and Zoning Commission may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed use.
 2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of use proposed and shall be located in accordance with appropriate access management principals.

The Planning and Zoning Commission may require the proposed site plan to be reviewed by the Village Engineer or designee to ensure adequate access is proposed.

3. The proposed use shall include proper on-site circulation within the development, including appropriate stacking areas.
4. Any proposed fuel pumps or vehicle service areas shall be setback a minimum of 50 feet from any lot line abutting a residential district.
5. Loud speakers or other sound emitting devices must be located a minimum of 50 feet from a residential district boundary.
6. Stacking spaces for gas pumps, service bays, drive-through facilities, etc. shall be provided to prevent encroachment of vehicles into parking areas and/or adjacent road networks. There shall be at least one (1) stacking space for each gas pump, service bay etc. Each drive-through facility shall have a minimum of three (3) stacking spaces between any ordering area and pick-up window(s), in addition to at least three (3) stacking spaces behind the ordering area. Each stacking space shall be nine (9) feet wide and twenty-two (22) feet deep. The Planning and Zoning Commission may require additional stacking areas when needed to ensure proper on-site circulation. Stacking spaces may encroach a required side or rear yard provided such spaces are no closer than 5 feet from the property line. However, in no case shall a stacking space be located within a required side or rear yard that is adjacent to a residential district.
7. The buffering and landscaping requirements in Sections 8.2 and 8.5 shall be met. The Planning and Zoning Commission may require additional landscaping/buffering around the perimeter of the site to reduce the noise and visual impacts typically associated with auto-oriented uses. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
8. Any other conditions that the Planning and Zoning Commission considers to be appropriate to ensure the proposal includes adequate circulation, access points and buffering from adjacent uses.

Section 9.10 Bars, Night Clubs, Billiard Parlors, Bowling Alleys, Dance Halls, Skating Rinks or other similar enterprises.

- A. **Intent.** It is the intent of this section to create standards for Bars, Night Clubs, Billiard Parlors, Bowling Alleys, Dance Halls, Skating Rinks and other similar enterprises to ensure such uses are compatible to the surrounding area in which the use is located.

- B. Applicability.** These standards shall apply when a Bar, Night Club, Billiard Parlor, Bowling Alley, Dance Hall, Skating Rink or other similar enterprise is proposed within a district where they are considered to be conditional uses.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a Bar, Night Club, Billiard Parlor, Bowling Alley, Dance Hall, Skating Rink, or other similar enterprise, if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.
 - 1. Such use is located a minimum of 50 feet from any residential district boundary. Any activities conducted outside of a fully enclosed building shall be located a minimum of 50 feet from any residential district boundary.
 - 2. Music, loudspeakers, and other sound emitting devices shall be prohibited outside of any fully enclosed building, unless located a minimum of 50 feet from a residential district boundary.

Section 9.11 Airports.

- A. Intent.** It is the intent of this section to create standards for Airports and other similar enterprises to ensure such uses are compatible to the surrounding area in which the use is located.
- B. Applicability.** These standards shall apply when an Airport is proposed within a district where they are considered to be conditional uses.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for an Airport, if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.
 - 1. All structures and runways shall be located at least 100 feet from any residential district boundary.
 - 2. All signs must comply with the sign regulations for the applicable zoning district.
 - 3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
 - 4. Such uses should be located along a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation.

Section 9.12 Outdoor Service Facilities.

- A. Intent.** It is the intent of this district to create standards for Outdoor Service Facilities that will minimize the noise and visual impacts such uses could have on their surrounding areas.
- B. Applicability.** These standards shall apply when an Outdoor Service Facility is proposed within a district where it is considered to be a conditional use.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for an Outdoor Service Facility, if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.
 - 1. All outdoor service facilities shall be located a minimum of 50 feet from any residential district boundary.
 - 2. The buffering and landscaping requirements in Sections 8.2 and 8.5 shall be met. The Planning and Zoning Commission may require additional landscaping/buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
 - 3. Any other conditions that the Planning and Zoning Commission considers to be appropriate to ensure the intent of this section is met.

Section 9.13 Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Materials, Goods or Products; Laboratories; Printing, Publishing and Allied Professions.

- A. Intent.** It is the intent of this section to create standards for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repairs of Material, Goods or Products; Laboratories; Printing, Publishing, and Allied Professions to ensure such uses to not negatively impact the surrounding areas.
- B. Applicability.** These standards shall apply to the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products; Laboratories; Printing, Publishing and Allied Professions when such uses are proposed within a district where they are listed as conditional uses.
- C. Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for the Manufacturing, Compounding, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products;

Laboratories; Printing, Publishing, or Allied Professions, if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.

1. In addition to the requirements of Section 7.7E, such uses shall be conducted a minimum of 100 feet from any residential district boundary and said operations will not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical or other types of interference, materials, odors, fire, or explosive hazards, or glare or heat.
2. The buffering and landscaping requirements in Sections 8.2 and 8.5 shall be met. The Planning and Zoning Commission may require additional landscaping/buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
3. The proposed site shall have adequate ingress/egress for the type of vehicles utilized for transporting such materials, goods, or products, and proper on-site circulation shall be provided within the development, including appropriate loading/unloading areas.

Section 9.14 Storage Yards.

- A. **Intent.** It is the intent of this section to create standards for storage yards to ensure they are properly screened from adjacent rights-of-way and adequately set back from residential districts.
- B. **Applicability.** These standards shall apply to storage yards when proposed within a district where storage yards are listed as a conditional use.
- C. **Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a storage yard, if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.
 1. In addition to the requirements of Section 7.7E, such uses shall be located no closer than 100 feet from a residential district boundary.
 2. The buffering and landscaping requirements in Sections 8.2 and 8.5 shall be met. The Planning and Zoning Commission may require additional landscaping/buffering around the perimeter of the site to reduce any noise and visual impacts to the surrounding areas. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.

3. Any other conditions as warranted by the Planning and Zoning Commission.

Section 9.15 Junk and Scrap Yards.

- A. **Intent.** It is the intent of this section to create standards for Junk and Scrap Yards to ensure they do not negatively impact the surrounding areas.
- B. **Applicability.** These standards shall apply to Junk and Scrap Yards when proposed within a district where they are listed as conditional uses.
- C. **Conditions.** The Planning and Zoning Commission shall issue a conditional use permit for a Junk or Scrap Yard, if the proposed use complies with the following conditions in addition to the general standards listed in Section 4.3D.
 1. Such uses shall be located on a minimum of 20 acres and shall be setback a minimum of 200 feet from the boundary of a residential district and shall otherwise comply with the requirements in Section 7.7E.
 2. In addition to the buffering and landscaping requirements in Sections 8.2 and 8.5, the area of use shall be completely enclosed by a six foot fence. Sufficient landscaping shall be provided between the fence and the property line. The landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual buffer from the adjacent parcels.
 3. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
 4. Sufficient evidence shall be provided to the Planning and Zoning Commission indicating that all applicable licenses and/or permits have been obtained from the State of Ohio.
 5. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
 6. The owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
 7. There shall be no burning of refuse, garbage, or other waste material.

ARTICLE X

DEFINITIONS

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

ACCESSORY STRUCTURE OR USE - A use or structure subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary structure and are not designed for human occupancy as a dwelling or commercial use. Examples of accessory structures are detached private garages, storage or garden sheds, pool houses, metal storage buildings, and other similar type buildings.

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

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

AGRICULTURE – The use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as an accessory use, unless specifically permitted in a specific zoning district.
- C. Feeding garbage to animals, raising poultry or fur-bearing animals as a principal use, or operation or maintenance of a commercial stockyard or feed yard.
- D. Feeding, grazing or sheltering of animals or poultry in pens or confined areas.

ALLEY – A secondary access way that is a public right-of-way dedicated to public use for travel or transportation and affording vehicular access to abutting property.

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

AUTOMOBILE OIL CHANGING FACILITY – A facility where oil is removed from a vehicle and new oil is placed into the vehicle without any repair services to the vehicle being provided.

AUTOMOBILE SALES AREA – An open area other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

AUTOMOBILE REPAIR SHOP – A building or portion of a building in which commercial repairs are made to motor vehicles.

AUTOMOBILE SERVICE STATION: A place where gasoline, kerosene, or any other motor vehicle fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into the motor vehicles.

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

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

BASEMENT – The portion of a building where the floor is not less 2 feet below and the ceiling is not more than 4 feet 6 inches above the average grade.

BED AND BREAKFAST ESTABLISHMENT - An owner occupied or owner-employee occupied residence containing no more than 8 guest rooms for lodging for periods not to exceed three consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel or motel.

BUILDING – A combination of materials to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public, institutional, residential, business, or industrial purposes.

BUILDING AREA - The footprint or horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open area or terraces, unenclosed porches or decks, and architectural features that project no more 3 feet.

BUILDING LINE – A line parallel to the right-of-way line and at a distance there from equal to the required depth of the front setback (as determined by the applicable zoning district), and extending across the full width of the lot.

BUSINESS – Any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

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

CERTIFICATE OF ZONING COMPLIANCE – A certificate issued by the Zoning Inspector confirming that the requirements of this Ordinance have been met and the building can be occupied.

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

CLINIC: Any building or other structure devoted to the medical diagnosis, treatment, and care of outpatients.

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

COMMENCEMENT OF WORK – The time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the zoning permit.

CONDITIONAL USE: A desirable use within a zoning district that may more intensely affect the surrounding area than would a permitted use in said district. Such uses may require supplementary conditions and safeguards to ensure they blend with the surrounding area.

DISTRICT: A section or sections of the incorporated territory of the Village for which the regulations governing the use of buildings and premises.

DRIVEWAY (ACCESSWAY) - A private drive giving access from a public way to a detached single family dwelling on abutting ground or to a group of multifamily, commercial, or industrial buildings, which is not dedicated to the village and for the maintenance of which the city shall not be responsible.

DRIVE – THROUGH FACILITIES – A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle. Drive-through facilities may be developed in conjunction with another use including but

not limited to a restaurant, pharmacy, bank, etc. or independently, such as a carry out, car wash, etc.

DWELLING – Any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

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

DWELLING, SINGLE – FAMILY – A building designed for or occupied exclusively by one family.

DWELLING, TWO – FAMILY – A building designed for or occupied exclusively by two families living independently.

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

FENCE, PICKET – A partially open fence made of upright poles or slats where the space between the poles/slats is greater than the width of the poles/slats.

FENCE, WROUGHT IRON – A fence constructed of metal, including aluminum, iron or steel, pipe, tubes or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

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

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

FLOOR AREA – The sum of the gross horizontal areas of the one or several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. Floor area for the purpose of these regulations will not include basement, elevator and stair bulkheads, attic space, terraces, breezeways, open porches, and uncovered steps.

FLOOR AREA, LIVABLE – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, basements or rooms used exclusively for utilities or storage shall not be considered as livable floor area. In no case shall an area less than 6 feet in height be considered livable floor area.

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

GARAGE, PRIVATE – An accessory building or an accessory portion of the main building enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling for which it is accessory

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

GRADE – The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

HEIGHT – The distance between the average grade of a building to the highest point of the roof.

HOMES FOR THE AGING – A home that provides services as a residential care facility and a nursing home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment.

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

HOSPITAL – An institution providing health and services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as

laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or nursing homes.

HOTEL – A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby.

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

INDUSTRIALIZED UNIT - A building unit or assembly of closed construction fabrication in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include a permanently sited manufactured home or mobile home as defined in Article III of the Rushcreek Zoning Resolution.

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

KENNEL – A place primarily for the keeping of small animals on a temporary basis. This definition shall not include private dwellings where small animals may be housed for personal use and enjoyment which is subordinate to the primary use.

LANDSCAPING – The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects.

LOADING SPACE, OFF – STREET – An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT – A division of land separated from other divisions for purposes of sale, lease, or separate use, described on a recorded subdivision plat, recorded map or by metes and bound.

LOT, CORNER – A lot situated at the intersection of two streets or which fronts a street on two or more sides forming an interior angle of less than 135 degrees.

LOT, COVERAGE – The cumulative area of all buildings and impervious surfaces divided by the total lot area.

LOT, DEPTH – The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR – A lot that abuts no more than one street and that fronts a street on nor more than one side.

LOT LINE – A line bounding or demarcating a plot of land or ground.

LOT LINE, FRONT – The line(s) marking the boundary between the lot and the abutting right(s) – of – way.

LOT LINE, REAR – The lot line that is opposite the front lot line and farthest from it.

LOT LINE, SIDE – The lot line running from the front lot line to the rear lot line. This line is also the line dividing two interior lots.

LOT, MINIMUM AREA – The area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

LOT OF RECORD – A lot which is part of a subdivision or metes and bounds description that is recorded in the Fairfield County Recorder’s office prior to the effective date of this Ordinance.

LOT, WIDTH – The width of a lot at the building line measured at right angles to its depth.

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

MANUFACTURED HOME: A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME PARK: Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is

subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park, even though three (3) or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

MANUFACTURED HOME, PERMANENTLY SITED: A manufactured home, as defined herein, that meeting all of the following criteria:

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

MOBILE HOME – A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a permanently sited manufactured home or industrialized unit as defined by Article III of the Rushcreek Zoning Resolution. A mobile home shall not be considered to be a single-family detached dwelling for the purposes of this code.

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

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

MOTOR VEHICLE – A passenger vehicle, truck, tractor, tractor – trailer, trailer, boat recreation vehicle, semi-trailer, or any other vehicle propelled or drawn by mechanical power.

NON – CONFORMING STRUCTURE – Any building or structure lawfully existing on the effective date of these regulations or amendment thereto, which does not conform to the development standard of the district in which it is located.

NON – CONFORMING USE - Any building or land lawfully occupied by a use on the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Use Regulations of the district in which it is situated.

OPEN SPACE – That part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

OUTDOOR SEASONAL BUSINESS – A use that is conducted on a temporary basis and is outside of a fully enclosed building. Such uses shall include, but are not limited to, holiday tree sales, pumpkin sales, sidewalk sales, etc.

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

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

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

PARKING SPACE, OFF-STREET – Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

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

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

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

RESIDENTIAL FACILITY – TYPE A – A home or facility in which one (1) to eight (8) mentally retarded or developmentally disabled person(s) reside(s). This does not include the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

RESIDENTIAL FACILITY – TYPE B – A home or facility in which nine (9) or more mentally retarded or developmentally disabled persons reside. This does not include the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

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

SELF STORAGE UNIT – An individual compartment or stall used for the storage of customer’s goods or wares.

SETBACK, FRONT – The horizontal distance between the right-of-way line and the nearest foundation or structural appurtenance of the principal structure.

SETBACK, REAR YARD – The horizontal distance between the rear lot line and the nearest foundation or structural appurtenance of the principal structure.

SETBACK, SIDE YARD – The horizontal distance between the side lot line and the nearest foundation or structural appurtenance of the principal building.

SIGN – Any device for visual communication which is designed, intended or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article. This definition includes all signs visible from any public right – of – way or adjacent property, including interior signs oriented towards the exterior façade of any building or structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization or business.

SIGN, ANIMATED – Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

SIGN, DIRECTIONAL – Any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.

SIGN, GAS INFLATABLE – Any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event or business.

SIGN, FREESTANDING – A sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

SIGN, JOINT IDENTIFICATION – A sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.

SIGN, OFF – PREMISES – Any sign that identifies or provides information for a good, service or event that is not located on the property where such sign is located.

SIGN, ON-PREMISES – Any sign that identifies or provides information related to a good, service or event that is located on the property where such sign is located.

SIGN, PERMANENT – A sign intended to be erected, displayed or used, or in fact which is used for time period in excess of 60 days within any 180 day period.

SIGN, PORTABLE – A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include:

SIGN, TRAILER – A sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

SIGN, PROJECTING – A sign which extends outward perpendicular to the building face.

SIGN, ROOF – Any sign erected upon or completely over the roof of any building.

SIGN, TEMPORARY – A display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, political signs, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

SIGN, WALL – A sign attached to a building face, with the exposed face thereof in a plane parallel to the plan of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings or awnings. Projecting signs are also considered to be a wall sign.

SIGN, WINDOW – A sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

STRUCTURE – Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including outdoor advertising signs , (billboards). , and farmers’ street-side stands.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

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

SWIMMING POOL,PRIVATE FAMILY – A swimming pool used or intended to be used solely by the owner or lessee thereof and family, and by friends invited to use it without payment of any fee, and normally capable of containing water to a depth at any point greater than three (3) feet.

SWIMMING POOL, COMMERCIAL – A body of water in an artificial or natural receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public. or private swimming by adults and/or children whether or not any charge or fee is imposed, operated by an owner, lessee, operator, licensee or concessionaires, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartments and condominiums, and community associations.

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

TELECOMMUNICATIONS TOWER, FREE STANDING – Any free standing structure that meets the criteria for a telecommunication tower, as defined herein.

TELECOMMUNICATION TOWER, ATTACHED – Any structure that will be attached to a building or other structure that meets the criteria for a telecommunication tower, as defined herein.

TYPE A – FAMILY DAY CARE HOME – A permanent residence of the administrator in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which

child day care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the child day care shall be counted. This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. This definition shall not be construed to include child day camps.

TYPE B – FAMILY DAY CARE HOME – A permanent residence of the provider which child day care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this code, any children under six (6) years of age who are related to the provider and who are on the premises of the child day care shall be counted. This definition does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is home of the siblings. This definition shall not be construed to include child day camps.

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

VARIANCE – A modification of the strict terms of this Resolution due to the strict enforcement of these regulations resulting in an unnecessary and undue hardship and where such modification will not be contrary to the public interest and such hardship is a result of a condition to the property (not the result of actions by the applicant).

ZONING INSPECTOR – The authorized representative appointed by the Village Council to issue zoning permits and perform the other duties as specified in this Ordinance and/or the Village of Pleasantville Subdivision Regulations.

ZONING MAP – A map of the Village of Pleasantville that legally denotes the boundaries of the zoning districts as they apply to the properties within the Village. The official Zoning Map shall be kept on file in the Village administrative offices.

ZONING PERMIT – A document issued by the Zoning Inspector authorizing the construction or alteration of a building, structure, or use consistent with the terms of this Ordinance.