

ORDINANCE NO. 380-96

AN ORDINANCE ESTABLISHING
ZONING REGULATIONS FOR THE VILLAGE OF SUGAR GROVE, OHIO

WHEREAS, Village council deems it appropriate to provide for a comprehensive zoning ordinance for the Village of Sugar Grove:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE VILLAGE OF SUGAR GROVE, FAIRFIELD COUNTY,
OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: The Village of Sugar Grove hereby adopts a written "Zoning Ordinance." A copy of said zoning ordinance is attached hereto and incorporated herein.

SECTION 2: This ordinance shall become effective at the earliest period authorized by law.

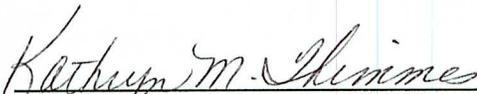
With the roll being called, the motion carried with 6 members voting yea and 0 members voting nay, as follows:

George	yea	Hill	yea
Arter	yea	Greenlee	yea
Hart	yea	Stiles	yea

First Reading: December 9, 1997
Second Reading: December 30, 1997
Passed: January 13, 1997


Michael K. Oatney, Mayor

ATTEST:


Kathryn M. Thimmes
Village Clerk-Treasurer

APPROVED:


James A. Edwards
Village Solicitor

ZONING ORDINANCE

VILLAGE OF SUGAR GROVE
FAIRFIELD COUNTY, OHIO

ZONING ORDINANCE

VILLAGE OF SUGAR GROVE
FAIRFIELD COUNTY, OHIO

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PART ONE
AUTHORIZATION AND GENERAL PROVISIONS

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Title

This Ordinance shall be known and may be cited as the “**Zoning Ordinance of the Village of Sugar Grove, Ohio.**” Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Ordinance as those governing the interpretation of the Ohio Revised Code.

Section 1.02 Purpose

This Zoning Ordinance is adopted to promote, protect and preserve the public health, safety, comfort, prosperity and general welfare of the citizens of the Village of Sugar Grove, by:

- regulating and limiting the use(s) of land and the erection, restoration and alteration of buildings and use thereof for residential, business and industrial purposes,
- regulating the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers.
- regulating and restricting the bulk, height, design, percent of lot occupancy and the location of buildings,
- protecting the character and value of the existing agricultural, residential, business, industrial, and institutional areas,
- providing for the orderly growth and development of land within the Village, and
- providing for the division of the municipality into various districts as authorized by Chapter 713 of the Ohio Revised Code.

Section 1.03 Applicability and Interpretation

1.03.01 Applicability

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any person(s), organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the Village of Sugar Grove.

1.03.02 Interpretation and Conflict

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall interfere with, abrogate, or annul any easements, covenants, or other agreements

between parties unless they violate this Ordinance. When any provision of this Ordinance conflicts with any other lawfully adopted rule, regulation, ordinance, or resolution, the most restrictive, or that imposing the higher standards, shall apply.

1.03.03 Provisions Cumulative

The provisions hereof are cumulative and additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Ordinance. Nothing herein shall be deemed or constructed to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as the Zoning Ordinance is more restrictive than such other ordinances or parts thereof and that in all particulars wherein the Zoning Ordinance is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.

Section 1.04 Separability

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

ARTICLE II

DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. Terms related to specific Articles or Sections of the Ordinance may be defined within the specific sections where those general requirements are found.

Section 2.02 Definitions

"Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.

"Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Agriculture" means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, as further defined and specified in Section 13.04 of this Ordinance.

"Alley" means a public right-of-way which provides only secondary means of access to abutting property.

"Apartment" (see "Multiple family dwelling")

"Basement" means a story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Bed and breakfast establishment" means a single family dwelling, or portion thereof, where short term lodging rooms and some meals are provided, and in which the owner of the dwelling lives on the premises.

"Buffer" means a landscaped area intended to separate and/or partially obscure the view of two (2) adjacent land uses or properties from each other.

"Building" means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

“Height of building” means the vertical distance from the average grade surrounding the building to the highest point of the roof.

“Building line” means the front yard setback line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located as provided by this Zoning Ordinance.

“Business services” means 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” means land used or intended to be used for the burial of human dead.

“Certificate of Zoning Compliance” means a certificate issued by the Zoning Inspector, pursuant to Section 4.08 of this Ordinance, confirming that the requirements of this Ordinance have been met, and the building can be occupied and/or used.

“Clinic, Human” means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

“Commission” means the Planning and Zoning Commission of the Village of Sugar Grove, Ohio, as established by this Ordinance.

“Conditional use” means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit.

“Drive through facilities” mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

“Dwelling” or “residence” means 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.

“Multiple-family dwelling” or “multiple-family residence” means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

“Single family dwelling” or “single family residence” means a building designed for or occupied exclusively by one family.

“Two-family dwelling” or “two-family residence” means a building designed for or occupied exclusively by two families living independently.

“Essential Services” means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic

signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

“Failure of delivery” means that a particular notice was not received, due to circumstances beyond the control of the Village, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

"Family" means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, hotel or motel, dormitory, lodge or similar facility, provided, however that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

"Group Residential Facility" means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative or habilitative services in a residential setting. There are two (2) classes of group residential facilities:

"Class I group residential facility" means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

"Class II group residential facility" means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

“Floor area” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

“Frontage” or “lot frontage” means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

“Garage, private” means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

“Home occupation" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and

secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 25.04 of this Ordinance.

“Hospital” means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

“Hotel” or “motel” means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

“Institution” means an organization providing social, cultural, educational, religious or health services to member agencies, organizations, and individuals, or to the general public.

“Lot” means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

“Corner lot” means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

“Rear lot line” means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten (10) feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

“Side lot line” means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

“Lot of record” means any lot which individually or as a part of a subdivision has been recorded as in the Office of the Fairfield County Recorder as of the effective date of this Ordinance.

“Minimum area of lot” means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

“Lot width” is the width of a lot at the building setback line measured at right angles to its depth.

“Manufacturing” means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

“Nonconforming use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

“Nursery” or “Day care center” means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

“Nursing home” includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

“Open space” means 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.

“Off-street parking space” means 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 Article XXVI of this Ordinance.

“Parking area” or “parking lot” means any area other than street, drive, or alley used or intended to be used for the storage of motor vehicles, with or without a fee.

“Personal services” means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

“Professional offices” means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

“Recreational facilities” means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

“Residence” - see “Dwelling”.

“Restaurant” means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

“Retail stores” means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

“Right-of-way” means a strip of land lying between property lines, wherein is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

“Similar use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 10.02.05 of this Ordinance.

“Street” and “thoroughfare” means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. .

“Structural alteration” means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

“Use” means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

“Variance” means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

"Village" means the Village of Sugar Grove, Fairfield County, Ohio.

“Yard” means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

“Front yard” means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

“Rear yard” means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

“Side yard” means that portion of a lot that is located between the side lot line and the nearest building or structure.

“Zoning permit” means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Ordinance.

“Zoning District” means a portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Ordinance.

“Zoning district map” means the Zoning District Map of the Village, together with all amendments subsequently adopted by the Village Council.

“Zoning inspector” means the zoning enforcement officer of the Village, hired by the Village Council who is charged with the duty of enforcing the provisions of the Zoning Ordinance.

PART TWO
ADMINISTRATION AND ENFORCEMENT

ARTICLE III

ADMINISTRATIVE BODIES AND THEIR DUTIES

Section 3.01 Zoning Inspector

3.01.01 Office of Zoning Inspector Created

The Zoning Inspector, who shall be appointed by the Village Council, shall enforce the Zoning Ordinance. All officials and employees of the Village shall assist the Zoning Inspector by reporting to him/her any new construction, reconstruction, or apparent violations to this Ordinance.

3.01.02 Duties of Zoning Inspector

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

- A. Issue zoning permits and Certificates of Zoning Compliance when the procedures and standards of this Ordinance have been followed.
- B. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning permits and receipt of complaints of violation of the Zoning Ordinance and action taken on same.
- C. Inspect any buildings or lands to determine whether any violations of the Zoning Ordinance have been committed or exist.
- D. Upon finding that any violations exist, he/she shall notify in writing the person responsible for such violation, ordering such action(s) as needed to correct such violations.
- E. Take all necessary steps to remedy conditions found in violation of this Ordinance by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the appropriate Village official(s) for action.
- F. Advise the Planning and Zoning Commission of matters pertaining to the enforcement of and amendments to the Zoning Ordinance, as well as conditional use permits, appeals, or variances, and all applications and records pertaining thereto.

Section 3.02 Planning and Zoning Commission

3.02.01 Planning and Zoning Commission Established

Pursuant to Section 713.01 of the Ohio Revised Code (ORC), there is hereby established a Planning and Zoning Commission for the Village of Sugar Grove. Pursuant to ORC Section 713.11, the Planning and Zoning Commission shall serve as, and is hereby granted the

authority of both Village Planning Commission and Board of Zoning Appeals.

3.02.02 Membership and Terms

The Planning and Zoning Commission shall consist of five (5) members, consisting of the Mayor, one (1) member of Village Council, and three (3) residents of the Village, all to be appointed by the Mayor with the approval of Village Council for terms of six (6) years each, except for the term of one of the members of the first Board shall be four (4) years and one for two (2) years. All vacancies shall be filled by the Mayor, with the approval of Council. If, within a period of sixty (60) days after a vacancy occurs, the Mayor has not appointed a new member to fulfill that vacancy, the President of Council may appoint a member to fill that vacancy, with the approval of Council.

3.02.03 Removal of Members

Members of the 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 Mayor or any Council member must submit charges in writing. Charges against any Planning and Zoning Commission member shall be reviewed by the Village Solicitor prior to any formal public hearing. The member shall be given the opportunity to be heard and answer such charges.

3.02.04 Quorum

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

3.02.05 Procedures

- A. The meetings of the Commission shall be public, however, the Commission may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Commission shall organize annually and elect a Chairman. The Commission shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.
- B. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be immediately filed in the Village offices and shall be a public record.

- C. The Commission shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.

3.02.06 Powers and Duties

In addition to the powers and duties authorized in Sections 713.02 through 713.11 of the Ohio Revised Code, the Planning and Zoning Commission shall have the following powers and duties pursuant to this Ordinance:

- A. Review proposed amendments to this Zoning Ordinance or Official Zoning Map and make recommendations to Village Council, pursuant to Article V of this Ordinance.
- B. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VI of this Ordinance.
- C. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship in accordance with the provisions of Article VI of the Ordinance.
- D. Determine similarity of uses, pursuant to Section 10.02.05 of this Ordinance.
- E. Interpret the boundaries of the Official Zoning Map, in accordance with the provisions of this Ordinance.
- F. Authorize the substitution or extension of nonconforming uses, as specified in Article IX of this Ordinance.
- G. Declare zoning permits void, pursuant to Section 8.03 of this Ordinance.
- H. Make a recommendation for the zoning of newly annexed areas to the Village, in accordance with Section 11.04 of this Ordinance.

Section 3.03 Powers of Zoning Inspector, Planning and Zoning Commission and Village Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Commission shall be only to the courts as provided by law. It is further the intent of this Ordinance that the powers of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Village Council shall not have the authority to override the decisions of the Planning and Zoning Commission and/or the Zoning Inspector on matters of appeal or variance.

ARTICLE IV

ENFORCEMENT AND PENALTY

Section 4.01 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 therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Planning and Zoning Commission, deciding on appeal or variance, as provided by this Ordinance.

Section 4.02 Conditions Under Which a Zoning Permit is Required

A zoning permit is required for any of the following:

- A. Construction or structural alteration of any building, including accessory buildings.
- B. Occupancy and use of vacant land.
- C. Change in use of an existing building or accessory building to a use not listed as a permitted use in the zoning district where the building is located.
- D. Change in the use of a nonconforming building or structure.

Section 4.03 Application for Zoning Permit

Applications for a zoning permit shall be obtained from the Zoning Inspector or the Village Clerk-Treasurer. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Fairfield County Recorder's office.
- C. Existing and proposed uses
- D. Zoning district in which property is located.
- E. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- F. Height of proposed buildings or alterations.
- G. Number and dimensions of existing and proposed off-street parking or loading spaces, if applicable.
- H. 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 County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- I. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

Section 4.04 Approval of Zoning Permits

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (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. 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.

Section 4.05 Submission to the Director of the Department of Transportation

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 300 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 4.04 of this Ordinance.

Section 4.06 Record of Zoning Permit

A record of all approved zoning permits shall be kept on file in the Office of the Clerk-Treasurer of the Village, and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

Section 4.07 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 completed within two and one-half (2 1/2) 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 extension granted by the Planning and Zoning Commission.

Section 4.08 Certificate of Zoning Compliance

4.08.01 Certificate of Zoning Compliance Required

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Zoning Inspector stating that the development activity, as completed, conforms to the requirements of this Ordinance.

4.08.02 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 sewage disposal systems have been given by the Fairfield County Health Department, or Ohio Environmental Protection Agency.

4.08.03 Record of Certificate of Zoning Compliance

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

ARTICLE V

AMENDMENTS

Section 5.01 Power of Village Council

Whenever the public necessity, general welfare or good zoning practice requires, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district 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.

Section 5.02 Initiation of Zoning Amendments

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

- A. By referral of a proposed amendment to the Planning and Zoning Commission by Village Council.
- B. By the adoption of a motion by the Planning and Zoning Commission submitting the proposed amendment to Village Council.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his designated agent, within the area proposed or affected by the said amendment.

Section 5.03 Contents of Application

An application for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Fairfield County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- I. A fee as established by the Village Council.

Section 5.04 Recommendation by Planning and Zoning Commission

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

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission after the receipt of the proposed amendment, the Planning and Zoning Commission shall recommend to Village Council that the amendment be approved as requested, or it may recommend that the amendment be denied. In formulating such recommendation, the Planning and Zoning Commission may seek input from interested parties in the form of hearings, meetings, or other methods.

Section 5.05 Action by Village Council

5.05.01 Public Hearing

Before the proposed Ordinance may be passed, the Village Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Village. If the proposed Ordinance intends to remove or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Clerk-Treasurer, by first-class mail, at least twenty (20) days before the date of the public hearing to the owners of property within 200 feet or contiguous to, and directly across the street from such parcel or parcels to be redistricted to the address of such owners appearing on the Fairfield County Auditor's current tax list. The failure of delivery of such notice shall not invalidate such proposed Ordinance.

5.05.02 Display of Relevant Materials

During such thirty (30) days, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports submitted by the Planning and Zoning Board shall be on file, for public examination, in the office of the Clerk-Treasurer of the Village.

5.05.03 Action by Village Council

No such Ordinance which is in accordance with the recommendation submitted by the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the Village Council. No such Ordinance which violates,

differs from, or departs from the recommendation submitted by the Planning and Zoning Commission shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Village Council.

5.05.04 Criteria

In reviewing the proposed amendment and arriving at its decision, the Village Council shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with land use plans for the general area.
- B. The effect of the adoption of the proposed amendment on motor vehicle access and traffic flow in the general area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the Village.

5.05.05 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.

5.05.06 Incorporation onto Zoning Map

If an amendment adopted by Village Council or approved by referendum pertains to a change on the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and the date of adoption.

ARTICLE VI

APPEALS AND VARIANCES

Section 6.01 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 thirty (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.

Section 6.02 Powers of the Planning and Zoning Commission

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 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:

- A. That there are unique physical circumstances or conditions, including 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.
- B. That because of 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 that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unreasonable and unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstances shall the Planning and Zoning Commission grant an appeal or variance that would allow a use not permissible under this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 6.03 Application for Variance and Appeals

Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance or appeal shall be filed with the Zoning Inspector on a form as specified for that purpose. The Zoning Inspector shall forward a copy of the application to the Planning and Zoning Commission.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Fairfield County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Fairfield County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which apply.
- F. A narrative statement explaining the following:
 1. The use for which variance or appeal is sought.
 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 3. The specific reasons why the variance or appeal is justified, according to Section 6.02 A-E above.

Section 6.04 Public Hearing by the Commission

Prior to making a decision on the proposed appeal or variance, the Commission shall hold a public hearing for consideration of an appeal from a decision of the Zoning Inspector or variance unless a resolution is passed, by affirmative vote, declaring that a hearing is not needed in the specific case being considered. If such hearing is held, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date 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.

Before holding such public hearing written notice of such hearing shall be mailed by the Clerk-Treasurer of the Village, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified above. Parties of interest shall include owners of property within 200 feet from, contiguous to, and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the findings of the Commission.

Section 6.05 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 7.02 of this Ordinance.

Section 6.06 Action by Planning and Zoning Commission

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission following submittal of an application filed pursuant to Section 6.03 above, the 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 Commission shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. If the request for appeal or variance is denied, the reasons for such denial shall be noted in writing. The 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, or in person.

Section 6.07 Court of Common Pleas

After action is taken by the Planning and Zoning Commission, the applicant, or other party adversely affected by the action, may seek relief through the Court of Common Pleas. Such appeal must be filed within thirty (30) days from the date of the action by the Commission. A copy of the notice of appeal shall be served on the Clerk-Treasurer of the Village by the aggrieved party within seven (7) days from the date of filing of the appeal.

ARTICLE VII

FEEES AND VIOLATIONS

Section 7.01 Schedule of Fees, Charges and Expenses

The Village Council shall establish, by separate ordinance, 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 Clerk-Treasurer of the Village, 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.

Section 7.02 Violation

7.02.01 Failure to Obtain a Zoning Permit, Certificate of Zoning Compliance, or Other Permit(s)

Failure to obtain a permit or certificate as required by specific sections of this Ordinance shall be deemed a violation and punishable under Section 7.02.04 of this Ordinance.

7.02.02 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 7.02.04 of this Ordinance.

7.02.03 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 shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

7.02.04 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 requirements thereof, shall, upon conviction, be fined not more than \$100 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.

Penalties as above shall apply unless penalties are defined for specific sections of this Ordinance, in which case the penalties so defined in those sections shall apply.

Section 7.03 Void Zoning Permit

A zoning permit shall be void if any of the following conditions exist:

- A. The zoning permit was issued contrary to the provisions of this Ordinance by the Zoning Inspector.
- B. The zoning permit was issued based upon a false statement by the applicant.

When a zoning permit has been declared void for any of the above reasons by the Planning and Zoning Commission, written notice of its revocation shall be given by certified mail to applicant, sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning permit has been issued.

ARTICLE VIII

NONCONFORMING USES

Section 8.01 Intent

Within the districts established by this Ordinance, there may exist lots, structures, and/or uses of land or structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not necessarily to encourage their survival.

Section 8.02 When Permitted

8.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such use was lawful at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Ordinance.

8.02.02 Construction Commenced

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

Section 8.03 Substitution

The Planning and Zoning Commission shall allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made.

A nonconforming mobile home, once removed, shall not be allowed to be relocated on another lot, or replaced with another mobile home, without specific approval of the Planning and Zoning Commission.

Section 8.04 Extension

No nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Planning and Zoning Commission may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent so the resulting building shall be not more than one-hundred-seventy-five percent (175%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance. The Commission shall not authorize an enlargement which would result in a violation of the provision of this Ordinance with respect to a yard or setback affecting any adjoining premises.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided it meets the requirements of the most proximate R-District.

Section 8.05 Discontinuance

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

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

Section 8.06 Damage and/or Destruction of a Nonconforming Building or Use

When a building or structure, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, or act of God to the extent that less than sixty percent (60%) of its market value is lost, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within one (1) year of the time of damage that construction is completed within two (2) years, and that such restoration or rebuilding would not extend or expand the existing use. If more than sixty percent (60%) of the market value is lost, the building or structure may not be restored or rebuilt in such a manner so as to continue the nonconforming use.

In the administration of this Section, if disagreement occurs as to the market value of a particular property, that market value shall be determined by an independent appraiser as selected and mutually agreed to by the applicant and

the Village. Such appraisals shall be performed according to a comparable value method of appraisal.

Section 8.07 Maintenance and Repair

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. When required by law.
- B. To convert to a conforming use.
- C. A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

Section 8.08 Nonconforming Lots of Record

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the district in which it is located, provided said lot has a minimum of forty (40) feet frontage on a public street; and further provided the following conditions are complied with:

- A. In any district where dwellings are permitted, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three (3) feet.
- B. For lots having a depth of less than 100 feet, the depth of the rear yard need not exceed twenty-five percent (25%) of the total depth of the lot, but shall not be less than fifteen feet.

ARTICLE IX

RESERVED FOR FUTURE USE

PART THREE
ZONING DISTRICTS

**ARTICLE X
STANDARD ZONING DISTRICT REGULATIONS**

Section 10.01 Regulation of the Uses of Land or Structures

Regulations pertaining to the use of land and/or structures, and the physical development thereof within each of the zoning districts as established in Article XI, are hereby established and adopted.

Section 10.02 Rules of Application

10.02.01 Identification of Uses

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Ordinance.

10.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article V of this Ordinance.
 2. An unlisted use may be determined by the Planning and Zoning Commission to be a similar use, in accordance with Sections 10.02.05 of this Article.
- B. No more than one (1) permitted use shall exist on any one zoning lot.

10.02.03 Accessory Uses

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations, and the requirements of Article XXV of this Ordinance.

10.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such specific use, its location, extent and method of development is approved by the Planning and Zoning Commission, subject to criteria as specified below:

- A. Will be consistent and in accordance with the specific conditions in the district regulations where the conditional use is listed, and the general objectives of this Zoning Ordinance.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will not be a threat to the health and/or safety to existing or future neighboring uses.
- D. Will be served adequately by essential public facilities .
- E. Will have vehicular access to the property which shall be so designed to not create adverse impacts on traffic on surrounding public streets or roads.
- F. Will not impose objectionable levels of noise, smoke, dust, odor, fumes, vibration or glare upon nearby uses.

To this end, the Planning and Zoning Commission shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity.

10.02.05 Similar Uses

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.

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.

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:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the district to which it is to be added and is more appropriate to it than to any other district.
- C. 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 to be added.

10.02.06 Development Standards

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

10.02.07 Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning permit. The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use, and how such use will impact adjacent residential property

The Development Plan shall be reviewed by the Planning and Zoning Commission and must be approved as a condition for the issuance of a zoning permit. In approving a Development Plan, the Planning and Zoning Commission shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The location, design and operation of the tourist or community facility shall not impose undue adverse impacts on surrounding residential neighborhoods.

10.02.08 Essential Services

Essential Services, as defined and specified in Article II of this Ordinance, shall be permitted in any and all zoning districts within the Village.

**ARTICLE XI
ZONING DISTRICTS AND ZONING DISTRICT MAP**

Section 11.01 Zoning Districts Established

The following zoning districts are hereby established for the Village of Sugar Grove:

- (RR) Rural Residential District
- (R-1) "Old Village" Residential District
- (R-2) "New Village" Residential District
- (R-MH) Manufactured Home Residential District
- (AR) Apartment Residential District
- (VC) Village Center District
- (GB) General Business District
- (I) Industrial District
- (SU) Special Use District
- (FP) Flood Plain Overlay District

Section 11.02 Official Zoning District Map

The districts established in Section 11.01 of this Ordinance are shown on the Official Zoning District Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning District Map shall be identified by the signatures of the Mayor, President of Council and the Clerk/Treasurer, and shall be on file in the Village Hall.

Section 11.03 Interpretation of Zoning District Boundaries

Except where referenced and noted on the Official Zoning District 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 Official Zoning District 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 11.04 Newly Annexed Areas

Territory which is annexed into the Village of Sugar Grove subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the RR District. Within three (3) months from the date of annexation, the Planning and Zoning Commission shall present a zoning plan for the annexed territory to Village Council. Village Council may hold a public hearing on the proposed zoning plan, as recommended by the Commission. If such hearing is held, notice of such hearing shall be given in a

newspaper of general circulation within the municipality not less than thirty (30) days before the date of the hearing. After said hearing, Village Council shall approve, or approve with modification, the zoning plan.

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 V of this Ordinance.

ARTICLE XII
(RR) RURAL RESIDENTIAL DISTRICT

Section 12.01 Purpose

The Rural Residential District is established to permit very low-density residential development in areas of the Village which may not be served by public water and sewer, to conserve such areas for more intensive future development and to provide areas for the the continuance of some agricultural uses.

Section 12.02 Permitted Uses

- A. Agricultural uses, as defined in Section 12.04 below
- B. One-family detached dwellings
- C. Public or private parks and/or nature preserves, provided that over 85% of the total acreage of such facility is retained in its natural state.
- D. Golf courses, provided that a Development Plan for clubhouse, parking areas and maintenance facilities is approved by the Planning and Zoning Commission.

Section 12.03 Accessory Uses

- A. One-family detached dwellings, as an accessory to principal agricultural use
- B. Private detached garages or carports.
- C. Tool / garden sheds or similar accessory structures.
- D. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of construction work.
- E. Private swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of property on which the facility is located,subject to the regulations of Article XXV
- F. Dishes or other devices for the reception of television signals, provided such device is for the sole use of occupants of the principal use of the property on which the device is located, and such device is not located in any front or side yard.
- G. Home occupations, subject to the requirements of Section 25.04 of this Ordinance.
- H. Temporary roadside stands, offering for sale only agricultural products grown on the premises.

Section 12.04 Agricultural Uses Defined

Agricultural use means use of land for growing crops in the open, dairying, boarding of animals, pasturage, horticulture, floriculture and necessary accessory uses, including structures typically associated with the implementation of farming operations, and the residence of the person who owns or operates the farm and family thereof Such agricultural use shall not include:

- A. Maintenance and operation of commercial greenhouses or hydroponic farms
- B. Wholesale or retail sales as an accessory use unless specifically permitted by this Article.

- C. Feeding, grazing or sheltering of animals in pens or confined areas within 200 feet of any residential use.
- D. The storage or feeding of garbage to animals or operation or maintenance of a commercial stockyard or feed lot.
- E. Raising poultry or fur-bearing animals as a principal use

Section 12.05 Development Standards

12.05.01 Lot Area

For each principal permitted use, the lot area shall be not less than one (1) acre.

12.05.02 Minimum Lot Frontage

150 feet frontage on a dedicated, improved street or highway.

12.05.03 Minimum Front Yard Depth (from right-of-way line)

Fifty (50) feet.

12.05.04 Minimum Side Yard Width

Twenty (20) feet.

12.05.05 Minimum Sum of Side Yard Widths

Forty (40) feet.

12.05.06 Minimum Rear Yard Depth

Fifty (50) feet.

12.05.07 Maximum Building Height

Thirty-five (35) feet for buildings. Silos, windmills, or any other structure listed as a permitted, accessory or conditional use may exceed this height provided such structures maintain a distance equal to their height to any adjacent property or zoning district.

ARTICLE XIII
(R-1) "OLD VILLAGE" RESIDENTIAL DISTRICT

Section 13.01 Purpose

The R-1 District is established to provide for the continuance of single-family housing within the older portions of the Village of Sugar Grove. The R-1 District allows for expansion of such uses at densities consistent with existing development, thereby encouraging private reinvestment and revitalization and increasing the diversity of housing choice while maintaining adequate development standards.

It is recognized that property in the R-1 District is likely to be located in the older area of the Village, and that such areas are characterized by patterns of mixed land use. These mixed use patterns are the result of past development practices and would not be allowed under the provisions of this R-1 District. It is the intent of this Ordinance, and this district in particular, to *protect* and *preserve* the basic property rights of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article VIII of this Ordinance and Section 713.15 of the Ohio Revised Code.

The R-1 District can also be used to allow for new development in outlying areas of the Village by meeting standards intended to promote the historic neighborhood character of such new development.

Section 13.02 Permitted Uses

- A. One-family detached dwellings.
- B. Public parks, playgrounds and open space.

Section 13.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool and/or garden sheds.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section XXV of this Ordinance .
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard.
- E. Home occupations, subject to the provisions of Section 25.04 of this Ordinance..

Section 13.04 Conditional Uses

- A. Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 300 persons.

Section 13.05 Development Standards

13.05.01 Minimum Lot Area

6,500 square feet.

13.05.02 Minimum Lot Width

Forty-five (45) feet of lot width with frontage on a publicly dedicated, improved street or highway.

13.05.03 Minimum Front Yard Depth

Twenty (20) feet, or the front yard depth of the most proximate existing principal structure on the same side of the street and facing thereon within the same block, whichever is less.

13.05.04 Minimum Side Yard Depth

Five (5) feet.

13.05.05 Minimum Rear Yard Depth

Fifteen percent (15%) of lot depth, but not less than twenty (20) feet.

13.05.06 Maximum Building Height

Thirty-five (35) feet.

13.05.07 Additional Requirements for New Lots Developed in the R-1 District

Presently undeveloped areas outside the older portion of the Village may be developed in the R-1 District, subject to the following regulations:

A. Development Plan

A Development Plan shall be required for all new residential development within the R-1 District, containing more than five (5) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces.

B. Garages

All garages shall be located within the rear yard.

C. Street Trees

Street trees shall be required along all new streets developed within R-1 District. The spacing of trees along streets shall be not less than thirty (30) feet on center.

D. Sidewalks

Sidewalks of not less than four (4) feet in width shall be required for both sides of all streets within the R-1 District.

**ARTICLE XIV
(R-2) "NEW VILLAGE" RESIDENTIAL DISTRICT**

Section 14.01 Purpose

The "New Village" Residential District is established to provide for a variety of new single-family residential developments at relatively low densities typical of contemporary suburban environments. The R-2 District is to be utilized in areas on the periphery of the Village that are generally vacant at the time of development, but are served by public water and sewer. It is the intent of the R-2 District to discourage large concentrations of intensive development where that density would be inconsistent with the existing character of the area.

Section 14.02 Permitted Uses

- A. One-family detached dwellings.
- B. Public parks, playgrounds and open space

Section 14.03 Accessory Uses

- A. Private detached garages or carports.
- B. Tool / garden sheds or similar accessory structures.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 25.02 of this Ordinance.
- D. Dishes or other devices for the reception of television for occupants of the principal use of the property on which the device is located, provided such device is not located in any front or side yard, and is located not less than fifteen (15) feet from any adjoining property lines.
- E. Home occupations, subject to the requirements of Section 25.04 of this Ordinance.
- G. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

Section 14.04 Development Standards

14.04.01 Lot Area
12,000 square feet.

14.04.02 Minimum Lot Width

For each principal use, there shall be lot width of not less than eighty (80) feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on curved street shall be fifty (50) feet.

- 14.04.03 **Minimum Front Yard Depth**
Thirty (30) feet.
- 14.04.04 **Minimum Side Yard Width**
Fifteen (15) feet.
- 14.04.05 **Minimum Rear Yard Depth**
Thirty (30) feet.
- 14.04.06 **Maximum Percent of Lot Coverage**
Thirty Percent (30%)
- 14.04.07 **Maximum Building Height**
Forty-five (45) feet.

**ARTICLE XV
(MH-R) MANUFACTURED HOME RESIDENTIAL DISTRICT**

Section 15.01 Purpose

The Village of Sugar Grove recognizes that manufactured housing presents residential opportunities and options, especially related to cost, which are unavailable with conventional site-built housing. Nonetheless, such manufactured housing has unique development characteristics that require special treatment in regard to location, placement and land use compatibility.

The Manufactured Home Residential (MH-R) District is established to provide areas for manufactured homes so as to provide a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining neighborhoods, and shall provide overall desirability equivalent to that for other forms of residential development.

Section 15.02 Definitions

For the purposes of this Article, the following terms shall be defined as specified herein:

- A. "Manufactured Housing" shall mean any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. In addition, such unit shall bear a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards (1974).
- B. "Manufactured Home Community" shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space
- C. "Manufactured Home Subdivision" shall mean a development constructed primarily for manufactured homes, in which each lot in the development is independently owned by the respective owners of the dwelling units located on such lots.
- D. "Modular Home" means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes
- E. "Mobile Home" shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974,

which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in the R-MH District.

Section 15.03 Permitted Uses

- A. One-family detached dwellings.
- B. Individual manufactured homes on individual lots.
- C. Manufactured home communities, subject to approval of a Development Plan as cited in Section 10.02.07 of this Ordinance..
- D. Manufactured Home subdivisions subject to approval of a Development Plan as cited in Section 10.02.07 of this Ordinance.
- E. Public or private parks or playgrounds

Section 15.04 Accessory Uses

- A. Uses and structures incidental and accessory to specified permitted uses to include common areas, community/recreational facilities and offices for rental and management of units therein.

Section 15.05 Conditional Uses

- A. Nursery schools and/or day care centers

Section 15.06 Development Standards

The following standards for the arrangement and development of land and buildings are required in the MH-R District.

15.06.01 Minimum Lot Area

- A. The minimum lot area for any manufactured home community shall be ten (10) acres. Maximum gross density shall not exceed six (6) dwelling units per acre.
- B. Individual manufactured home lots shall be not less than 6,500 square feet.
- C. For any other permitted use, the minimum lot area shall not be less than 10,000 square feet.

15.06.02 Minimum Lot Width

- A. The minimum lot width for any manufactured home community shall be not less than 300 feet. Frontage shall be provided on a publicly dedicated and improved street. The ratio of width to depth shall not exceed one to five (1:5).
- B. The minimum lot width for any individual lot within such a community shall be not less than thirty (30) feet.
- C. For any other permitted use, the minimum lot width shall be sixty (60) feet.

15.06.03 Minimum Front Yard

- A. The minimum front yard depth for any manufactured home community shall be not less than thirty-five (35) feet.
- B. For any other permitted use, the minimum front yard depth shall be thirty (30) feet.

15.06.04 Minimum Side Yard Width

- A. The minimum side yard width for any manufactured home community shall be not less than fifty (50) feet.
- B. The minimum side yard width for any individual lot within a manufactured home community shall be not less than eight (8) feet.
- C. For any other permitted use, the minimum side yard width shall be not less than eight (8) feet, with at least twenty (20) feet for the sum of side yards.

15.06.05 Minimum Rear Yard Depth

- A. The minimum rear yard depth for any manufactured home community shall be not less than fifty (50) feet.
- B. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.
- C. For any other permitted use, the minimum rear yard depth shall be not less than thirty (30) feet.

15.06.06 Minimum Lot Coverage

Detached dwelling units and their accessory buildings shall not occupy more than forty percent (40%) of the lot area of any individual lot within a manufactured home subdivision.

15.06.07 Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and maintenance vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

15.06.08 Off-Street Parking

In manufactured home communities and conditional uses, parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces shall be located either on the same lot as the dwelling which they serve, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

Parking shall be so arranged that there is no maneuvering incidental to parking in the travel lane of streets.

15.06.09 Access

All manufactured home communities shall have direct access to collector streets with a right-of-way of not less than sixty (60) feet in width. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

15.06.10 Streets and Street Layout

All streets providing access to the individual lots in a manufactured home community, shall be dimensioned and improved in accordance with the standards and requirements of the Village of Sugar Grove.

The proposed layout of streets within a manufactured home community shall be approved by the Planning and Zoning Commission. In making such determinations, the Commission may procure the assistance of an engineer or other professional. All costs associated with such approval shall be paid by the applicant prior to issuance of Certificates of Zoning Compliance.

15.06.11 Water and Sewer

Any manufactured home community shall be provided with a water and sanitary sewer distribution system, serving each individual home lot, which is connected to the municipal water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency and the Village Engineer.

15.06.12 Storm Drainage

All areas within a manufactured home community shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods for alleviation of standing water and excessive surface runoff shall be submitted by the applicant, and approved by the Village. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificates of Zoning Compliance.

15.06.14 Underground Utilities

Within any manufactured home community, all utility lines, including electricity, telephone, and cable television shall be located underground.

**ARTICLE XVI
(AR) APARTMENT RESIDENTIAL DISTRICT**

Section 16.01 Purpose

It is recognized that housing at higher densities creates particular opportunities and problems separate and distinct from lower density development. This district is established to provide for the development and/or expansion of multiple-family developments in areas best equipped to accommodate such higher density development. This district can also be used to provide for other similar forms of development, such as condominiums.

Section 16.02 Permitted Uses

- A. Multiple family structures having two or more dwellings per structure, including senior housing.
- B. Public or private parks

Section 16.03 Accessory Uses

- A. Home occupations, subject to the requirements of Section ___ of this Ordinance.
- B. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- C. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.

Section 16.04 Conditional Uses

- A. Nursery schools and day care centers.

Section 16.05 Development Standards

16.05.01 Minimum Lot Area

4,000 square feet per dwelling unit for two-family dwellings. 4,000 square feet per dwelling unit for all other multiple-family dwellings. This requirement may be reduced to 3,000 square feet per dwelling unit if approved by the Planning and Zoning Commission, pursuant to Section 16.06 below.

- 16.05.02 **Minimum Lot Width**
 Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.
- 16.05.03 **Minimum Front Yard Depth**
 Thirty (30) feet.
- 16.05.04 **Minimum Side Yard Width**
 Twenty (20) feet.
- 16.05.05 **Minimum Rear Yard Depth**
 Forty (40) feet.
- 16.05.06 **Maximum Building Height**
 Forty-five (45) feet.
- 16.05.07 **Minimum Distance between Buildings**
 If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.
- 16.05.08 **Storm Drainage**
 The application for rezoning into the AR District must include a plan showing storm drainage runoff collection points.
- 16.05.09 **Landscaping**
 If side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements, provided that such screening shall be at least seven (7) feet high or, if natural vegetation is used, capable of reaching seven (7) feet high within three (3) years of planting. The application for a rezoning into the AR District shall include a site plan for the proposed screening.

Section 16.06 Density Bonus

The Planning and Zoning Commission may approve a *density bonus*, on a case-by-case basis, which would allow an overall density not to exceed 3,000 square feet of lot area per dwelling unit, if it finds that the following conditions exist:

- A. The subject site is ten (10) acres or more and a minimum of thirty (30) dwelling units is proposed.
- B. The development is located directly adjacent to a major thoroughfare as determined by the Planning and Zoning Commission.
- C. Building design and site design is of high quality and buildings are integrated with the natural features and architectural context of the surrounding area
- D. A minimum of twenty percent (20%) of the site is designated as permanent open space. The open space system shall provide for pedestrian and bicycle linkages to neighborhood facilities, parks, play areas. Assurances shall be provided that such open space shall be maintained by the owner of the development.

ARTICLE XVII

RESERVED FOR FUTURE USE

**ARTICLE XVIII
(VC) VILLAGE CENTER DISTRICT**

Section 18.01 Purpose

The "core" area of Sugar Grove possesses an environmental character that is different from development found elsewhere in the Village. The purpose of the Village Center District is to preserve this character and encourage the reuse of existing older structures, while providing for a variety of mixed and small-scale "home-owned" commercial and business uses.

Section 18.02 Permitted Uses

- A. One-family detached dwellings.
- B. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers including:
 - 1. Insurance agents and brokers and associated services.
 - 2. Professional, legal, engineering and architectural services, not including the outside storage or equipment.
 - 3. Accounting, auditing and other bookkeeping services.
- C. Retail Stores primarily engaged in selling merchandise for personal or household consumption including:
 - 1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof.
 - 2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
 - 3. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other stores which conform to the purpose of the Village Center District.
- D. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
 - 1. Restaurants and taverns, but not including restaurants with drive-through facilities.
 - 2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
 - 3. Barber and beauty shops.
 - 4. Self-service laundries and/or dry-cleaning establishments.
 - 5. On-premises duplication facilities.
- E. Business Services engaged in the providing of services to business establishments on a free or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

- F. Establishments for the processing and sale of grains and/or animal feeds.
- G. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- H. Similar Uses, which conform to the purpose of the Village Center District, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 10.02.05 of this Ordinance.

Section 18.03 Conditional Uses

- A. Two or more family residences, provided the development standards of the AR District are met.
- B. Garages and automotive repair, provided inoperable vehicles are not stored in the front or side yard setback.
- C. Public parking areas, provided a fifteen (15) feet front setback from all property lines is maintained.
- D. Uses such as restaurants or banks with drive-through facilities, provided a Development Plan is prepared and approved by the Planning and zoning Commission.

Section 18.04 Development Standards

18.04.01 Lot Area

No minimum lot area is required.

18.04.02 Lot Width

No minimum lot width is required.

18.04.03 Front Yard Setback

The minimum front yard setback shall be fifteen (15) feet, or the same setback as the most proximate existing principal structure on the same side of the street and facing thereon within the same block, whichever is less.

18.04.05 Parking and Loading

All parking and loading areas in the VC District shall be located in the side or rear yards.

18.04.06 Maximum Building Size

Individual uses within the VC District shall have a usable floor area of not more than 4,000 square feet, unless the use is located in an existing building, in which case such restriction shall not apply.

18.04.07

Residential Building Conversion

Existing single-family residences within the VC District may be converted to another permitted use, provided the following requirements are followed:

- A. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
- B. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties.
- C. Exterior signage shall be limited to a single nameplate not more than two (2) square feet in size. No signs shall be internally illuminated
- D. Storage of materials and equipment shall be within an enclosed building.

**ARTICLE XIX
(GB) GENERAL BUSINESS DISTRICT**

Section 19.01 Purpose

The General Business District is established to provide areas for the growth of business uses that generate a high degree of activity dependent on high traffic volumes. These uses, by their nature, increase traffic congestion on abutting public roadways and cause specific impacts on adjacent uses. The intent of the GB District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the Village, while minimizing negative impacts on adjacent land uses.

Section 19.02 Permitted Uses

- A. Any use or structure specified as a permitted or conditional use in the VC District.
- B. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- C. Lumber and home improvement sales.
- D. Motor vehicle sales and service establishments.
- E. Hotels and motels.
- F. Garden centers.
- G. Carry out food and beverage establishments with drive-through facilities.
- H. Self-service storage facilities
- I. Similar uses, as determined by the Planning and Zoning Commission, in accordance with the provisions by Section 10.02.05 of this Ordinance.

Section 19.03 Conditional Uses

- A. Self-service car washes, provided a Development Plan is approved, pursuant to Section 10.02.07 of this Ordinance.
- B. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided a Development Plan, including a plan for all signage, is approved pursuant to Section 10.02.07 of this Ordinance and all other permits are obtained.

Section 19.04 Development Standards

19.04.01 Minimum Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas.

19.04.02 Minimum Lot Width

150 feet of frontage on a publicly dedicated and improved street or highway.

19.04.03 Minimum Front Yard Depth

Forty (40) feet.

19.04.04 Minimum Side Yard

- A. When abutting a non-residential zoning district:
Twenty (20) feet for structures, ten (10) feet for paved areas.
- B. When abutting a residential zoning district:
Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

19.04.05 Minimum Rear Yard

- A. When abutting a non-residential zoning district:
Thirty (30) feet for structures, ten (10) feet for paved areas.
- B. When abutting a residential zoning district:
Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

19.04.06 Parking and Loading

Parking and loading requirements shall be as specified in Article XXVI. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

19.04.07 Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required, pursuant to the provisions of Article XXVIII of this Ordinance.

19.04.08 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

ARTICLE XX

(I) INDUSTRIAL DISTRICT

Section 20.01 Purpose

The purpose of the Industrial District is to provide suitable areas for a range of industrial activities, while protecting the character of nearby residential and commercial areas. Permitted uses within the Industrial District must operate:

- A. primarily within enclosed structures.
- B. with minimal adverse environmental or economic impact on adjacent properties.
- C. free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- D. without imposing unusual burdens upon utility or governmental services.

Section 20.02 Permitted Uses

- A. Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the I District.
- B. Warehousing, distribution and related uses, including truck and transfer terminals.
- C. Administrative, professional and business offices associated with and incidental to another permitted use.
- D. Similar uses, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 10.02.05 of this Ordinance, and the purpose of the Industrial District.

Section 20.03 Conditional Uses

- A. Motor vehicle storage and salvage yards, provided those uses meet applicable state requirements related to fencing and other standards, and a Development Plan is approved pursuant to Section 10.02.07 of this Ordinance.
- B. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- C. Quarrying or mining operations, provided that all County, State and federal regulations are met and licenses are obtained and a Development Plan is approved pursuant to Section 10.02.07 of this Ordinance.. The Planning and Zoning Commission may impose additional requirements as may be reasonable and appropriate.
- D. Structures and sites associated with drilling for oil and/or natural gas.
- E. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained and a Development Plan is approved pursuant to

Section 10.02.07 of this Ordinance.. The Planning and Zoning Commission may impose additional requirements as may be reasonable and appropriate..

Section 20.04 Minimum Development Standards

20.04.01 Minimum Lot Area

No minimum lot size is required; however, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 200 feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other zoning district.

20.04.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

20.04.03 Side Yards

When abutting a non-residential zoning district, fifty (50) feet for structures, twenty (20) feet for paved areas:
When abutting a residential zoning district, 150 feet for structures, fifty (50) feet for paved areas, subject to the requirements of Section 20.04.01 above.

20.04.04 Front Yard Depth

Any new structure or parking area must be located not less than 100 feet from the centerline of the road or highway on which the use has frontage.

20.04.05 Minimum Rear Yard Depth

Minimum rear yard depth shall be required so as to meet the spacing requirements of Section 20.04.01 of this Ordinance.

20.04.06 Height

No building shall exceed a height of forty-five (45) feet.

20.04.07 Screening

If side or rear yards are adjacent to property in the R-1, R-2 or R-MH District, the screening of such yards shall be required, pursuant to the provisions of Section 28.03 of this Ordinance.

20.04.08

Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

ARTICLE XXI

(SU) SPECIAL USE DISTRICT

Section 21.01 Purpose

“Special use”, as used throughout this Ordinance, means facilities classified as main and accessory uses listed in Section 21.02. The SU District and regulations are established in order to achieve the following purposes:

- A. To regulate the location and standards for development of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility
- B. To protect listed facilities and uses from the encroachment of particular incompatible uses and to promote their compatibility with adjoining residential uses

Section 21.02 Permitted Uses

Buildings and land within the SU District shall be utilized only for the uses set forth in the following schedule:

MAIN BUILDINGS / USES

Civic: Art galleries, libraries, museums, and similar places for public assembly; memorials, monuments, fraternal organizations and private clubs.

Educational: Primary and secondary public, private or parochial schools, nursery schools.

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

Senior Citizen Housing: Retirement centers, extended care facilities.

Religious: Churches and places of worship.

Mixed Use Developments: Single parcels of land on which a variety of housing types and densities - perhaps with subordinate commercial facilities - are accommodated in a planned environment

ACCESSORY BUILDINGS / USES

Maintenance facilities. Bulletin boards and signs as hereinafter regulated.

Parking areas, playgrounds, signs.

Parking areas, signs.

Parking areas, signs.

Maintenance facilities and parking areas, signs.

Parking areas, signs

MAIN BUILDINGS / USES

ACCESSORY BUILDINGS / USES

Infrastructure: Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as pump stations.

Parking areas, signs.

Communication: Cellular telephone towers; commercial radio and television antennas and towers.

Commercial Recreational Facilities: Private parks, golf courses, swim clubs, recreation fields and playgrounds, and similar facilities, not including such facilities developed for private use by occupants or residents of the premises.

Parking areas, clubhouses, administrative and maintenance structures, signs.

Cemeteries:

Signs, maintenance facilities, mausoleums

Signage: Billboards

Section 21.03 Development Standards

- A. The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a permitted special use shall be approved by the Planning and Zoning Commission through review of the Development Plan, pursuant to Section 21.05.
- B. In mixed use developments, the overall residential density of the development shall not exceed four (4) dwelling units per acre. The calculation of such density shall be based on the total number of dwelling units divided by the area proposed for residential use.
- C. Commercial development permitted in the SU District as part of a mixed-use development shall comply with the development standards of the GB District. Industrial development permitted in the SU District as part of a mixed-use development shall comply with the development standards of the I District.

Section 21.04 Yard Regulations

- A. Front Yards

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

B. Side and Rear Yards

The yards for each building or structure in the SU District shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

MAIN BUILDING / USES	MINIMUM SIDE/REAR YARDS (FT)
<u>Civic:</u> Nonassembly buildings	50
assembly buildings	75
<u>Educational:</u> Public, private and parochial schools	75
<u>Health Care:</u> Buildings	50
<u>Senior Citizen Housing:</u>	50
<u>Religious:</u> Churches and planned public worship	75
<u>Mixed Use Developments:</u>	(to be determined by Planning and Zoning Commission during review)
<u>Infrastructure:</u> Buildings	50
<u>Communication:</u> Antennas or antenna towers	100% of the height
<u>Commercial Recreation:Facilities</u> Buildings	75
<u>Signs:</u> Billboards	75

If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the screening or buffering of such yards shall be required, pursuant to Article XXVIII of this Ordinance.

Section 21.05 Approval By Planning and Zoning Commission

In addition to the material required for the application for a zoning amendment, as specified in Section 5.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required pursuant to Section 10.02.07 of this Ordinance..The construction of all buildings and development of the site within the SU District shall be in conformity and compliance with the approved Development Plan

Section 21.06 Action by Village Council

In approving the redistricting of land into the SU District, Village Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

ARTICLE XXII

(FP) FLOOD PLAIN OVERLAY DISTRICT

Section 22.02 Finding of Fact

Areas of the Village of Sugar Grove adjacent to Rush Creek and the Hocking River are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These losses are caused - to a significant degree - by the cumulative effect of obstructions in floodways (causing increased flood heights and velocities in upstream areas.), and the occupancy of flood hazard areas by uses which are not adequately elevated or protected from flood damage:

Section 22.02 Purpose

It is the intent of the Flood Plain Overlay District (FP) to regulate the use of floodplains for purposes which could be detrimental to health and welfare for citizens of the Village. The FP District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements.

Section 22.03 Lands Subject to Flooding

For the purpose of this Ordinance, "flood plains" are defined as those lands subject to inundation by the 100-year flood. Such areas shall be as identified by the Federal Emergency Management Agency (FEMA) in the Flood Boundary and Floodway Map Number 390163-0001-B (September 2, 1982) and any subsequent amendments or revisions thereto.

Section 22.04 Development Standards

The standards, requirements and administrative procedures for development of land within the FP District shall be as stated in Village of Sugar Grove Ordinance Number 332-88, passed June 6, 1988, and as specified in the underlying zoning district.

ARTICLE XXIII

RESERVED FOR FUTURE USE

PART FOUR
ADDITIONAL ZONING REQUIREMENTS

ARTICLE XXIV

GENERAL DEVELOPMENT STANDARDS

Section 24.01 Lot Width

A. Frontage Required

No building, structure, or improvement shall be constructed or altered unless its lot fronts on a publicly dedicated and improved street or thoroughfare within the Village.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located.

Section 24.02 Front Yards

A. Front Yard Requirements

In all districts, driveways may be located in front yards. In districts where single-family residences are not a permitted use, front yard setbacks may also be used for parking areas, consistent with the regulations of Article XXVI.

B. Front Yard Measurements

Front yard depth shall be measured from the right-of-way line of the street or highway to the building line.

C. Open Porches

An open, uncovered porch or paved terrace may not project into the required front yard for distance of greater than fourteen (14) feet.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard no more than three (3) feet.

E. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of the corner lot shall be as required for the rear yard in the district where the lot is located.

Section 24.03 Side Yards

A. Measurement

Side yard width shall be measured from the nearest side lot line to the building line.

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line.

C. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard no more than three (3) feet with minimum of two (2) feet maintained to any adjoining lot line.

Section 24.04 Rear Yards

A. Measurement

Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 26.01.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a rear yard no more than three (3) feet with a minimum of two (2) feet maintained to any adjoining lot line.

Section 24.05 Height

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, silos, domes, spires, or similar structures.

ARTICLE XXV

ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

Section 25.01 Residential Accessory Buildings and/or Structures

"Accessory building or structure" shall mean a structure occupied by a use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, swimming pools and similar facilities. Residential accessory structures are subject to the following additional requirements:

- A. An accessory use or structure shall not exceed eighteen (18) feet in height, unless the subject property is located within the R-1 District, and specific approval for a higher accessory building is granted by the Planning and Zoning Commission, in order to promote consistency with the architectural character of the other structures on the site.
- B. An unattached accessory structure shall be located to the side or rear of the principal structure, within any side or rear yard. Such accessory structure shall be constructed not closer to the side lot line than the side yard requirement of the district where it is located, and not less than ten (10) feet from the rear lot line.
- C. The total area of all accessory uses or structures shall not exceed 720 square feet, except for swimming pools which shall be exempted from these area requirements.

Section 25.02 Private Swimming Pools

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than twenty-four (24) inches. A private spa or hot tub with a lockable cover shall not be considered as a "swimming pool" subject to the provisions of this Section. No swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than ten (10) feet to any property line or structure.
- C. The surface 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.

- D. 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 six (6) feet in height, maintained in good condition, and affixed with an operable gate and lock.
- E. 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.

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.

Section 25.03 Residential Fences and/or Hedges

"Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence. A "decorative fence" means a fence that is not suited for the containment of animals or property, in which the opacity of the fence is less than twenty-five percent (25%).

No fence or wall, as defined above, may be erected within the Village of Sugar Grove unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The granting of a permit to construct a fence in no way shall be considered as the Village's authorization that the property lines as shown on the application are correct.

A. Height and Location

The permitted height of a fence or wall shall be determined by its location on the property as follows:

1. A decorative fence or wall not exceeding 48 inches in height may be erected within the front yard provided that the fence or hedge is located not less than three (3) feet from the street right-of-way line, and further provided that the provisions of 25.03.A.03.below are met.
2. A fence or wall not exceeding seventy-two inches (72 ") in height may be erected in any area of the lot behind the building setback line.

3. No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a street intersection, within a twenty-five (25) feet clear sight distance along either street approaching said intersection.

B. Prohibited Fences

No person shall erect or maintain any fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

Section 25.04 Home Occupations

Home occupations shall be considered as permitted or conditional uses in any district where residences are a permitted or conditional use. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty percent (20%) of dwelling unit floor area is devoted to the home occupation.
- B. The home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.
- C. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than two (2) square foot, attached flat against the principal structure.
- E. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- F. No home occupation shall be conducted from any accessory building on the lot.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific personal services. Examples would include a seamstress, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist, computer or telecommunications worker or private teacher. The home occupation shall be performed by the occupant of the premises.

25.05 Group Residential Facilities

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwell-

lings. A Class I Type A group residential facility shall be considered as a conditional use in the AR and GB Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the GB and I Districts subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- G. Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

ARTICLE XXVI

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 26.01 Purpose

The purpose of these requirements is to encourage the orderly development of parking areas within the Village and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

Section 26.02 Provision for Parking and Loading Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, off-street parking and loading shall be provided in accordance with the provisions of this Article.

Section 26.03 General Specifications and Requirements

26.03.01 Area and Dimensions - Parking Spaces

	<u>Minimum Width</u> <u>(Measured in Feet</u> <u>Parallel to Aisle)</u>	<u>Minimum</u> <u>Length</u> <u>(Feet)</u>	<u>Maneuvering Lane</u> <u>Width</u> <u>(Feet)</u>
Parallel Parking	9	23	12
30-53 Degree Angle Parking	13	20	15
54-74 Degree Angle Parking	10	20	20
75-90 Degree Angle Parking	10	20	20

26.03.02 Area and Dimensions - Loading Spaces

Loading spaces shall conform to the following minimum requirements:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
30 Feet	12 Feet	15 Feet

26.03.03 Access

All off-street parking and loading areas provided in accordance with this Section shall have direct access to a publicly dedicated and improved street or alley.

26.03.04 Surfacing

All off-street parking and loading areas, except for parking areas serving single-family residential uses, shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

26.03.05 Lighting

Any lighting used to illuminate any off-street parking or loading 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.

26.03.06 Location of Parking and Loading Spaces

A five (5) foot clear zone shall be maintained between the street right-of-way line, and any vehicle. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle, or portion thereof, over the clear zone.

Section 26.04 Parking Limitations in Residential Districts

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers, utility trailers and similar equipment shall not be parked on streets or alleys in any district where residences are a permitted use, for a period of time exceeding seventy-two (72) hours. The storage of such equipment shall be subject to the following requirements:

- A. Such recreational equipment shall not be parked or stored within the street right-of-way.
- B. Not more than two (2) pieces of recreational equipment shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
- C. Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes on a regular basis.

ARTICLE XXVII

SIGNS

27.01 Purpose

The purpose of these regulations is to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic, to prevent signs from having an adverse impact on adjacent properties or uses, to encourage the development of signage systems that promote an active economic and business environment, and thereby protect the general health, safety, and welfare of the citizens of the Village of Sugar Grove.

27.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means 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.
- B. Other Definitions
 - 1. "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. For the purposes of this Article, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations
 - 2. "Billboard" means an off-premises sign that is more than two-hundred (200) square feet in area.
 - 3. "Canopy" means a structure separate from, but associated by use with the principal building, which is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A "canopy sign" is a sign that is attached to or a part of the roof of such a structure.
 - 4. "Changeable copy sign" means a sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.
 - 5. "Directional sign" means 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
 - 6. "Flashing sign" means 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

7. "Freestanding sign" means a sign which is wholly independent of any building for support.
8. "Joint Identification sign" means 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
9. "Moving sign" means any sign, all or any part of which physically moves or is animated so as to give the appearance of movement. For the purposes of this Ordinance, a barber pole shall not be considered a moving sign.
10. "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
11. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for time period in excess of ninety (90) days.
12. "Portable sign" means 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
 - a. "Trailer sign" meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved
 - b. "Folding portable sign" meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
13. "Projecting sign" means a sign which extends outward perpendicular to the building face
14. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of ninety (90) days or less.
15. "Vending machine sign" means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar outdoor object.
16. "Wall sign" means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
17. "Window sign" means 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.

27.03 Signs Excluded from Regulations

The following signs are excluded from the regulations and requirements of this Article:

- A. Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.
- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
- C. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- D. Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine (9) square feet in size and not illuminated.
- E. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- F. Temporary window signs which promote special business sales, promotions or occasions. No business shall display such signs for more than thirty (30) days per calendar year. The date when each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign.
- G. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion.

27.04 Prohibited Signs

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Signs mounted on motor vehicles that are parked in a prominent location for the primary purpose of displaying the sign
- B. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display
- C. Moving Signs, as defined in Section 27.02 (B)9
- D. Flashing or high intensity lights mounted on a sign
- E. Any sign that obstructs any part of a doorway, exit or fire escape.
- F. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.

27.05 Sign Permits and Administration

A. Permit Required

No permanent or temporary sign, except as exempted in Sections 27.03 or 27.06 of this Ordinance shall hereafter be erected, constructed or maintained within the Village of Sugar Grove unless a permit for the same has been issued by the Zoning Inspector. Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. An application for a permit to erect a sign shall contain, at a minimum, a drawing of the sign including its size, its location on the lot, and specific information regarding its construction.

B. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefor.

D. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Planning and Zoning Commission in the manner set forth in Article VI of this Ordinance.

27.06 Signs Which Do Not Require a Permit

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article:

- A.** Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than thirty (30) days prior to election and to be removed no later than one (1) week after such election, subject to penalty. Such signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition such sign shall not be located in any manner so as to create a safety or visibility hazard. Signs that exceed the standards of this Section shall require a sign permit.
- B.** Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area. One such sign be allowed per street front. Such signs shall not be located in a public right-of-way.
- C.** Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
- D.** Signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.

- E. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- F. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed sixteen (16) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- G. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.
- H. Signs determined by the Planning and Zoning Commission to be similar to those specified in A-G above

27.07 Temporary Signs

Temporary signs shall be subject to the following general requirements:

- A. Not more than one (1) temporary sign shall be permitted on any individual property at one time.
- B. The date upon which a temporary sign is first displayed shall be legibly marked on the sign.
- C. Banners less than twenty (20) square feet in area are permitted, provided such signs are secured at each corner, point and/or end so as to prevent movement.
- D. Trailer signs as defined in Section 27.02 (B) 12a shall be permitted provided such signs shall not be displayed for a period exceeding two (2) months during any calendar year. .
- E. Folding portable signs, as defined in Section 27.02 (B)12b. shall be permitted as temporary signs in the VC District, provided such signs are secured and/or anchored so as to prevent accidental collapse.

27.08 General Requirements - Permanent Signs

Permanent signs shall be subject to the following requirements:.

- A. Wall Signs

Wall signs shall be permitted in the VC, GB, SU and I Districts and may be erected on any building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face

and extend outward perpendicular from the building face a maximum of twelve (12) inches

B. Canopy and/or Awning Signs

Canopy signs shall be permitted in the VC, GB, SU and I Districts and may be painted on an awning area or attached to a canopy or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee. Canopy or marquee signs shall be a minimum of nine (9) feet above ground level.

C. Projecting Signs

Projecting signs shall be permitted in the VC and GB Districts pursuant to the requirements of Section 27.13, provided such signs do not exceed twelve (12) square feet in size, are placed not less than nine (9) feet above the sidewalk or ground level, and project not more than six (6) feet outward from the building face

D. Freestanding Signs

Freestanding signs shall be permitted in the VC, GB, SU and I Districts. Freestanding signs shall not exceed fifteen (15) feet in height. No portion of any freestanding sign shall be erected over the street right-of-way.

E. Off-Premises Signs

Off-premises signs as defined in Section 27.02 (B) 10 shall be considered as an accessory use in the GB and I Districts. Not more than one (1) off-premises sign with a sign face area not exceeding twenty (20) square feet is permitted on a single lot. Off-premises signs shall conform to all applicable yard, setback and height restrictions for structures in the zoning district where they are located.

Billboards, as defined in Section 27.02 (B)1, shall be considered as a special use, subject to the requirements of the Special Use District in Article XXI of this Ordinance. Such signs shall require specific approval of the Planning and Zoning Commission following the procedures outlined in Article XXI.

F. General Requirements

1. Illumination

Illuminated signs shall be permitted only in the VC, GB, I and SU Districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

2. Pennants and/or Streamers

No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

3. Construction

All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection by the Village and/or the State of Ohio.

4. Location

No part of any sign shall be placed in, over, or extend onto any public right-of-way.

5. Permanent Subdivision Identification Signs

Such signs shall be limited to wall mounted or freestanding signs only, with placement on walls, columns or similar architectural or landscaped entrance features used to denote the entrance to the subdivision. Such sign shall be not more than five (5) feet in height and shall set back at least twenty (20) feet from the right-of-way of both streets.

6. Signs in SU District

Signs in the SU District shall reflect the standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed development as part of the Development Plan.

27.09 Nonconforming Signs

A Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

1. When the sign is associated with an abandoned use.
2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
3. When the sign is not maintained or does not conform to the following:
 - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
 - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

B. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.

C. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming, and a permit is obtained. The copy area shall not be enlarged.
2. In case damage occurs to the sign to the extent that more than fifty percent (50%) of the replacement value is lost, the sign shall be removed within sixty (60) days.

D. Inspection and Removal

If any existing sign is found, upon inspection by the Zoning Inspector, to constitute a hazard to public safety, such sign shall be subject to removal.

27.11 Variances

Variances to this Article may be granted pursuant to the procedures and policies set forth in Article VI of this Ordinance.

27.12 Penalties

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Section 7.02.04.

ARTICLE XXVIII

LANDSCAPING AS A SCREEN / BUFFER

Section 28.01 Purpose

The purpose of these landscaping requirements is to recognize the importance of trees and similar landscape features to the environment of the Village, and therefore to promote the proper utilization of landscaping as a screening device for service and trash areas, and as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

Section 28.02 Tree Preservation

A. Existing Tree Ordinance

Existing and proposed development in all zoning districts within the Village of Sugar Grove shall be subject to the requirements of Village Ordinance 338-89, passed September 5, 1989.

B. Preservation of Wooded Areas

When preparing and reviewing subdivision plans and preliminary and final development plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.

Section 28.03 Landscaping Screening

A. Screening of Service Areas

For commercial, industrial, office, institutional and multiple-family uses, all areas used for service, loading and unloading activities shall be screened on those portions of the lot which abut districts where single and two-family residences are permitted uses. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least six (6) feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

B. Screening of Trash Receptacles

For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. The use of year-round vegetation, such as pines and evergreens is encouraged.

C. Additional Screening Requirements

For commercial, industrial, office and institutional uses which abut districts where single and two-family residences are permitted uses and landscaping is required pursuant to other Sections of this Ordinance to screen those uses from adjacent districts, such screening shall consist of natural vegetation planted no closer than three (3) feet to any property line. Natural vegetation shall be of a variety which will attain ten (10) feet in height within five (5) years of planting.

D. Maintenance of Shrubbery and Hedges

No shrubbery or hedge shall be planted, in any district, in such a manner that any portion of growth extends beyond the property line. The owner or occupant of property on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on adjacent streets shall keep shrubbery and hedges trimmed to a maximum of thirty (30) inches in height, and keep trees trimmed so as to avoid creating traffic hazards.

Section 28.04 Landscape Materials

Landscape materials utilized in meeting requirements of Section 28.03 of this Ordinance should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant materials. Artificial plants are prohibited. All landscape materials shall be living plants and shall meet the following requirements.

- A. Deciduous Trees - Trees which normally shed their leaves in the fall, shall be of species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over eight (8) feet of clear wood in areas where visibility is required. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as referenced in Section 7 of Ordinance 338-89, are prohibited.
- B. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
- C. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.
- D. Grass or Ground Cover - Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion nets, or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

ARTICLE XXIX

ADULT ENTERTAINMENT FACILITIES

Section 29.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the Village.

Section 29.02 Definitions

A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.

1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

B. "Specified Sexual Activities" means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

- C. "Specified Anatomical Areas" mean any of the following:
 - 1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state.
- D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. "Sadomasochistic sexual abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
- G. "Visibly displayed" means the material is visible on a billboard viewing screen marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

Section 29.03 Exceptions

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 29.04 Location

Adult Entertainment Facilities are to be considered a conditional use in the GB District, and are additionally subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,000 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,000 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.

- C. No adult entertainment facility shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

ARTICLE XXX

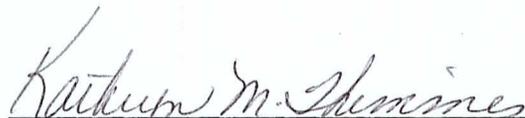
RESERVED FOR FUTURE USE

CERTIFICATE OF POSTING ORDINANCE NO. 380-96 & 381-97

I, Kathryn M. Thimmes, Clerk of Council of the Village of Sugar Grove, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies at five of the most public places in said corporation as determined by Council as follows:

1. Hill's Grocery
2. Council Hall
3. Post Office
4. Fox's Garage
5. Barber Shop

each for a period of fifteen days, commencing on the 14 day of January, 1997.


Clerk of the Village of Sugar Grove

FAIRFIELD

County,
State of Ohio