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CHAPTER 1230
General Provisions

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1230.01 TITLE.

This title shall be known and may be cited to as the AZoning Ordinance of the Village of Baltimore,@ except as referred to herein, where it shall be known as Athis Zoning Code@.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1230.02 PURPOSE.

This Zoning Code is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Village of Baltimore; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of this Zoning Code including the provision of penalties for its violation; and for any other purpose provided in this Zoning Code, the Ohio Revised Code, or under common law rulings.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1230.03 INTERPRETATION.

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Zoning Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards or penalties shall govern.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1230.04 SEPARABILITY.

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1230.05 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or resolutions in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1230.06 EFFECTIVE DATE.

This Zoning Code shall become effective from and after the date of its approval and adoption, as provided by law.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1230.07 RELATIONSHIP TO COMPREHENSIVE PLANNING.

It is the intention of Council that this code shall implement the planning policies adopted by Council for Baltimore, as reflected in a comprehensive plan, land-use plan, and all other planning documents formally adopted by the Council. While the Council reaffirms its commitment that this Code and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

(Ord. 2005-18. Passed 4-25-05.)

1230.08 TRAFFIC IMPACT STUDY REQUIRED.

For all residential developments over ten acres or with 25 or more dwelling units, and/or commercial developments over 10,000 square feet, and/or industrial or warehousing developments over 50,000 square feet, and/or for any development that requires direct access to a major thoroughfare, a traffic impact study completed by a licensed professional engineer will be required to determine the impact on existing traffic flow. The traffic impact study must be submitted to Planning and Zoning Commission for their review concurrently with an application for a rezoning or prior to site plan approval if a rezoning is not needed.

(Ord. 2005-18. Passed 4-25-05.)

1230.09 PARK FEE.

A park fee of two hundred fifty dollars ($250.00) per dwelling unit shall be paid to the Municipality by the developer or builder of any residential structure prior to issuance of a Certificate of Zoning Compliance. Such fee shall be deposited in a special fund and expended by the Municipality for the improvement and purchase of recreational facilities and equipment excluding maintenance and maintenance equipment.

(Ord. 2005-18. Passed 4-24-05.)

1230.10 MINIMUM LAND DEDICATION REQUIREMENTS FOR SCHOOL SITES.

In all new residential subdivisions, land shall be set-aside or otherwise made available to the school district for needed school sites. Such land dedicated to the school district shall be suitable for development and the intended use to meet the need generated by the proposed development in

compliance with the school district's adopted School Facility's Plan. All of the dedicated school land shall be suitable for construction of school facilities and associated outdoor areas. The dedicated school land shall be a single parcel, centrally located within the service radius, with public access to adjacent street frontage, and free from hazards that would threaten the safety of those using the land. This requirement is in addition to the requirement of subsection 1214.15(b) and any open space required as a part of a planned district.

(a) Land Dedication Formula. The formula for land dedication for schools is 0.08 acres per single family dwelling unit proposed. The formula for multi-family dwelling units is as follows: 0.01 acres for every one bedroom dwelling unit constructed; 0.05 acres for every two bedroom dwelling unit; and 0.08 acres for every dwelling unit of three bedrooms or more. The Village Council reserves the right to adjust the acreage requirements as deemed necessary to meet specific needs of the School District.

(b) Payment-in-lieu of Land Dedication. Payment-in-lieu of land dedication shall be permitted when deemed, by the Village Council and requested by the school district, to be more appropriate in satisfying the needs of the proposed development and the school district. Such cases include, but are not limited to, small developments and developments which are served by adjacent facilities that could be expanded to satisfy the need created by the proposed development. Payment in full shall be made upon approval of the final plat or final development plan.

(1) Determining the value of land per Acre.

A. The value of land per acre shall be determined using the method outlined below.
Total land dedication required in acres = A
Market value of land per acre = B
Value of land donation = A x B.

B. If the property has been sold within the past two years, and if the Village does not exercise its ability to independently appraise the property, this value shall be determined by dividing the most recent sales price by the total number of acres of the property;

C. If the property has not been sold within the past two years, and if the Village does not exercise its ability to independently appraise the property this value shall be determined by a fair market valuation provided by the subdivider and performed by a qualified land appraiser acceptable to the Village;

D. If the Village so elects, and notwithstanding the foregoing provisions of this section, this value shall be determined by a fair market valuation performed by a qualified land appraiser employed by the Village. If such an appraisal is elected, it shall be final and dispositive of the valuation issue.
(Ord. 2005-18. Passed 4-25-05.)

1230.11 VEHICULAR TRAFFIC PROHIBITED.

Vehicular traffic is prohibited on easements and all unimproved thoroughfares.
(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1232
Definitions

1232.01 Rules of construction; words and terms defined.

1232.01 RULES OF CONSTRUCTION; WORDS AND TERMS DEFINED.

(a) General. For the purpose of this Zoning Code certain terms or words used herein shall be interpreted as follows:

(1) The word Aa person@ includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;

(3) The word Ashall@ is a mandatory requirement, the word Amay@ is a permissive requirement, and the word Ashould@ is a preferred requirement;

(4) The words Aused@ or Aoccupied@ include the words Aintended, designed, or arranged to be used or occupied.@

(5) The word Alot@ includes the words Aplot@ or Aparcel.@

(b) Specific Words and Terms.

(1) An Aaccessory use or structure@ shall be defined as a use of land or of a structure or building or portion thereof, customary, incidental and subordinate to the principal use of land or structure, and located on the same lot with such principal use or structure. See Section 1246.21

(2) AAcre@ means a measure of land equating to 43,560 square feet.

(3) AAdministrative variance@ means a modification of one development standard for properties located in the R-4 Single-Family Residential District of 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 the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(4) AAdult family home@ means a residence or facility that provides accommodations to three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. An adult family home may be operated as a permitted use in any residential district or zone. Such adult family home is required to comply with all requirements imposed upon all single-family residences within the district or zone.
(ORC Ch. 3722)

(5) AAdult group home@ means a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services

to at least three of the unrelated adults. Adult group homes are excluded from all planned districts.

(6) AAdult care facility@ means an adult family home or an adult group home as defined by Ohio R.C. 3722.01. For the purposes of this chapter, any residence, facility, institution, hotel, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public.

(7) AAgent@ means the representative of the applicant. The authority of the representative shall be established to the satisfaction of the Zoning Administrator.

(8) AAgriculture@ means farming; ranching; aquaculture; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the foregoing made by the director of agriculture by rule adopted in accordance with Ohio R.C. Chapter 119. AAgriculture@ does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

(9) AAirport@ means any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings, and open spaces.

(10) AAlley@ See AThoroughfare.@

(11) AAlterations, Structural@ means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

(12) AAutomobile wash@ and Aautomatic car wash@ means any building or premises or portions thereof where mechanical devices are used for washing motor vehicles.

(13) AAutomotive, mobile home, travel trailer, and farm implement sales@ means the sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

(14) Automotive repair services and garages@ means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

(15) AAutomotive wrecking@ means the dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

(16) ABasement@ means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. (See Astory@.)

(17) ABed and breakfast@ means a transient lodging establishment, generally in a single family home and/or detached guest house, primarily engaged in providing overnight or otherwise temporary lodging for the general public in ten or fewer rooms for compensation and also providing breakfast at no additional charge.

(18) ABoard@ means the Board of Zoning Appeals established in Section 1284.08.

(19) ABuilding@ means any structure having a roof supported by columns or walls designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property.

(20) ABuilding, height@ means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

(21) ABuilding line@ (See Asetback line@.).

(22) ABuilding, principal@ means a building in which is conducted the main or principal use of the lot on which said building is situated.

(23) ABusiness, wholesale@ means business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

(24) ACaliper@ means a horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including twelve inches, the caliper measurement must be taken at twelve inches above the ground level. For trees greater than twelve inches in diameter, the trunk is measured at breast height (diameter at breast height of DBH), which is 4.5 feet above the ground.

(25) ACemetery@ means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

(26) AChannel@ means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

(27) AClinic@ means a place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not kept overnight on the premises.

(28) AClub@ means a building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

(29) ACommission@ means the Planning and Zoning Commission of Baltimore, Ohio.

(30) AComprehensive plan@ means the plan or plans made and adopted by the Village of Baltimore as may be amended, indicating the general locations recommended for the principal streets, parks, public buildings, zoning districts, character and extent of community development and other physical aspects of urban and rural planning. The Baltimore Land Use and Development Plan was adopted by ordinance 2004-33.

(31) AConditional use@ means a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

(32) AConditional use permit@ means a permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

(33) ACondominium@ means a building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners. Condominiums may be attached or detached.

(34) AConservation area@ means an area designated by the Planning and Zoning Commission, Comprehensive Plan, or other officially adopted planning document, as an area where development should not occur due to the area's environmental, aesthetic, social, or cultural significance to the Village.

(35) ACorner Lot@ (See Alot types@.).

(36) ACouncil@ means the Council of Baltimore, Ohio.

(37) ACounty@ means Fairfield County, Ohio.

(38) ACul-de-sac@. (See Athoroughfare@.).

(39) ADay care center, adult@ means a facility providing care for the elderly and/or functionally impaired adults in a protective setting for any portion of a 24 hour period.

(40) ADay care center, child@ means any facility duly licensed operated for the purpose of providing, care, protection, and guidance to seven or more children under 17 years of age who are not related to such person and whose parents or guardians are not residents in the same house are received by and under the care of the person, society, agency, corporation, or institution. All child care centers shall be duly licensed by the State of Ohio and meet all requirements therein. Other common terms often used to describe a Achild care center@ include day care center, nursery school, or pre-school. Public and private educational facilities or any facility offering care to individuals for a full 24 hour period are not included in the above definition.

(41) ADead-end street@. (See Athoroughfare@.)

(42) ADensity@ means the number of dwelling units per acre of land.

A. AGross density@ means the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within the development. This would include all non residential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land.

B. ANet density@ means the numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including permanent stormwater retention areas, common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets, as well as the land in private streets and temporary stormwater management areas. Open bodies of water such as streams, creeks, and ditches are also excluded from net density calculations.

(43) ADensity Bonus@ means an increase in the number of allowable dwelling units per acre granted in exchange for additional amenities either on or off-site or for other public purposes as determined by the Planning and Zoning Commission.

(44) ADistrict@ means a part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

(45) ADwelling@ means any building or structure (except a house trailer or mobile home as defined by Ohio R.C. 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

(46) ADwelling, industrialized unit@ means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. AIndustrialized Unit@, includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. AIndustrialized unit@ does not include a manufactured or mobile home as defined herein.

(47) ADwelling, manufactured home@ means a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards establishing by the Secretary of Housing and Urban Development pursuant to the AManufactured Housing Construction and Safety Standards Act of 1974,@ 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the numbers of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.(ORC 4501.01) For the purposes of this section, Achassis@ means a steel frame specifically designed and constructed with

wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

(48) ADwelling, mobile home@ means a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit as defined herein.

(49) ADwelling, modular home@ means factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation.

(50) ADwelling, multi-family@ means a dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums.

(51) ADwelling, permanently-sited manufactured housing@ means a manufactured home that meets the following criteria:

A. Must be attached to a permanent, frost-free foundation meaning permanent masonry, concrete, or a locally approved footing or foundation (slab, crawl space foundation or full foundation), and connected to appropriate utilities;

B. Excluding any additions, have a width of at least 22 feet and a length of at least 22 feet as manufactured;

C. Have conventional residential siding, (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6-inch minimum eave overhang, and a minimum AA@ roof pitch of 4:12;

D. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation;

E. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing);

F. And, is not located in a manufactured home park as defined by Ohio R.C. 733.01.

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

(53) ADwelling, single family@ means a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

(54) ADwelling, two-family@ means a dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

(55) ADwelling Unit@ means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Dwelling units may either be attached or detached.

(56) AEasement, conservation@ means a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting agricultural, natural, scenic, or open space values of real property; protecting natural resources; or maintaining air or water quality.

(57) AEasements@ means the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

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

(59) AFamily@ 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, motel or hotel, dormitory, fraternity or sorority house, provided, however, that Afamily@ shall not include more than five persons unrelated to each other by blood, marriage or legal adoption,

(60) AFamily Home@ provides the same services as a foster family home except for six to eight persons of any age.

(61) AFeedlot@ means a relatively small, confined land area for fattening or temporarily holding livestock for shipment.

(62) AFence@ means an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas, excluding agricultural fences.

(63) AFlood plain@ means the area adjoining a water course which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions, as identified by Ordinance 93-88 or its successor.

(64) AFlood, regional@ means large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year recurrence interval flood.

(65) AFloodway@ means the channel of the watercourse of those portions of the adjourning floodplain which are reasonably required to carry and discharge the 100 year flood, as identified by ordinance 93-88 or its successor.

(66) AFloodway fringe@ means that portion of the floodplain outside of the floodway, as identified by Ordinance 93-88 or its successor.

(67) AFloor area, gross@ means the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. Gross floor area shall not include underground parking space, basements, attics, porches, and terraces.

(68) AFloor area of a nonresidential building@ (to be used in calculating parking requirements) means the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

(69) AFloor area of a residential building@ means the sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas and the areas of porches, attics, garages, and terraces. All dimensions shall be measured between interior faces of walls.

(70) AFood processing@ means the preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

(71) AFoster family home@ means a residential facility licensed under Ohio R.C. 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five mentally retarded or developmentally disabled persons of any age. Family foster homes are permitted in all residential zoning districts.

(72) AGarage, public@ means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, travel trailers and/or boats, and other motor vehicles and in which no service shall be provided for remuneration.

(73) AGarages, private@ means a detached accessory building or portion of a principal building for the parking or temporary storage of motor vehicles, travel trailers and/or boats of the occupants of the premises, but not commercial vehicles.

(74) AGas station, full service@ means a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, prepackaged food items, drinks, and minor automobile accessories. In addition such facilities may provide minor vehicle servicing, minor repairs, and maintenance but not including reconditioning of motor vehicles, collision services such as body, frame, or fender repair, or painting of automobiles.

(75) AGas station, limited service@ means a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, prepackaged food items, drinks, and minor automobile accessories. No vehicle servicing, repairs, or maintenance are permitted.

(76) AGas station convenience market@ means a place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience food market or supermarket.

(77) AGroup home@ means a residential facility licensed under Ohio R.C. 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for nine to sixteen mentally retarded or developmentally disabled persons of any age.

(78) AHistoric area@ means a district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form, and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

(79) AHome occupation@ means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.

(80) AHotel@ or Amotel@ and Aapartment hotel@ means a building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

(81) AInstitution@ means building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

(82) AJunk yard@ means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of right-of-way of a highway or street, and any site, location, or premises on which are kept two or more junk motor vehicles as defined in Ohio R.C. 311.301, whether or not for a commercial purpose.

(83) AKennel@ means any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.

(84) ALandscaping@ means the improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may also include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

(85) ALivestock@ includes but is not limited to cows, horses, swine, or any other domesticated animal or fowl ordinarily found on farms, or raised or kept for purpose of pleasure or recreation whether business or pleasure, but excludes dogs, cats, birds commonly kept as pets, and other animals commonly kept or sold as pets.

(86) ALoading space, off-street@ means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(87) ALocation map@. (See Avicinity map@.)

(88) ALot@ means, for the purposes of this Zoning Code, a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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

(90) ALot frontage@ means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Ayards@ in this section.

(91) ALot measurement@ means a lot shall be measured as follows:

A. The depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in the front to the rearmost points of the side lot lines in the rear. However, the straight line connecting the rearmost points of the side lot lines shall not be less than one-half of the length of the straight line connecting the foremast points of the side lot lines.

B. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

(92) ALot, minimum area of@ means the area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

(93) ALot of record@ means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot of parcel described by metes and bounds, the description of which has been so recorded.

(94) ALot types@. Terminology used in this Zoning Code with reference to corner lots, interior lots and through lots is as follows:

A. ACorner lot@ means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

B. AInterior lot@ means a lot with only one frontage on a street.

C. AReversed frontage lot@ means a double frontage lot located along a collector or arterial that derives access from an interior local street.

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

(95) AMaintenance and storage facilities@ means land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

(96) AMajor Thoroughfare Plan@ means the portion of a comprehensive plan adopted by the Village Planning and Zoning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

(97) AManufactured home park@ means any lot upon which two or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

(98) AManufacturing, extractive@ means any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

(99) AManufacturing, heavy@ means manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

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

(101) AMobile home@ means any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

(102) AMobile home park@ means any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as apart of the facilities of such park.

(103) ANonconformities@ means lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

(104) ANursery, plant materials@ means land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

(105) ANursing home@ means a home licensed by the State of Ohio for the aged or chronically or incurably ill persons in which five or more such persons not of immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(106) AOffice@ means an administrative, executive, professional, research, or similar organizations and laboratories having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

(107) AOpen spaces@ means land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

(108) AOverlay District@ means a district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

(109) AParking space, off-street@ for the purpose of this Zoning Code, shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

(110) APerformance and indemnity bond@ or Asurety bond@ means an agreement by and between a subdivider and a bonding company in favor of the Village of Baltimore for the amount of the estimated construction coat guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by subdivider's agreement.

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

(112) APlanned Zoning District@ means the zoning designation of a lot or tract to permit that development as is specifically depicted on plans approved in the process of zoning that lot or tract. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design, principles, and landscaping plans.

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

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

(115) APublic uses@ means public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

(116) APublic way@ means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not. Vehicular traffic on unimproved thoroughfares is prohibited.

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

(118) ARecreation camp@ means an area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

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

(120) ARetail sales establishment@ means a commercial enterprise that provides goods directly to the consumer where such goods are available for purchase and removal from the premises.

(121) ARetail services establishment@ means an establishment providing services or entertainment, as opposed to products, to the general public or to other commercial or industrial enterprises. Such services may include, but not limited to, eating and drinking places, finance, real estate and insurance, personal service, amusement and recreation services, health, educational and social services, museums, theatres including motion picture, copy shops, printing services, package and postal services, photo processing, and similar operations.

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

(123) ARoadside stand@ means a temporary structure designed or used for the display or sale of agricultural and related products.

(124) ASatellite signal receiver@ means Adish-type satellite signal-receiving antennas@,@ earth stations@ or Aground stations@, whether functioning as part of a basic service system, direct broadcast satellite system, or multipoint distribution service system, shall mean one, or a combination of two or more of the following:

A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.

B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.

C. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

(125) ASeat@ for purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

(126) ASelf-service storage facility@ means a building or group of buildings used for the storage of personal property where individuals rent or own individual storage spaces.

(127) ASetback line@ means a line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, or structure may be located above ground, except as may be provided in said code. (See Ayard@.)

(128) ASewers, central or group@ means an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

(129) ASewers, on-site@ means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval, of health, and sanitation officials having jurisdiction.

(130) ASidewalk@ means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

(131) ASign@ means any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

A. ASign, illuminated@ means any sign illuminated by electricity, gas, or other artificial light including reflecting, or phosphorescent light.

B. ASign, lighting device@ means any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.

C. ASign, off-premises@ means any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.

D. ASign, on-premises@ means any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

E. ASign, projecting@ means any sign which projects from the exterior of a building.

(132) ASpecial District@ means a zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.

(133) AStory@ means that part of a building between the surface of a floor and the ceiling immediately above. (See Abasement@.)

(134) AStream@ means a course of running water usually flowing in a particular direction in a definite channel and discharging into some other stream or body of water.

(135) AStreet@. See Athoroughfare@.

(136) AStructure@ 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. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

(137) ASubdivision@ means the division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

(138) ASupply yards@ means a commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

(139) ASwimming pool@ means a pool, pond, lake, or open tank containing at least two feet of water at any point and maintained by the owner or manager.

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

B. ACommunity@ means operated with a charge for admission; a primary use.

(140) ATemporary storage units@ means any portable container used for the temporary storage of equipment, furnishings, material, or other household, personal or business belongings. This definition includes but is not limited to units marketed as Aportable on demand storage@ units. Temporary construction trailers and waste containers ate not included herein for purposes of this definition.

(141) AThoroughfare, street, or road@ means the full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

A. AAlley@ means a public or private right-of-way 20 feet or less in width which affords only a secondary means of access to property abutting thereon. An alley may not be used as the sole means of access to a property under any conditions including garages.

B. AArterial street@ means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Traffic volumes are generally greater than 10,000 ADT.

C. ACollector street@ means a thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

D. ACul-de-sac@ means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

E. ADead-end street@ means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

F. ALocal street@ means a street primarily for providing access to residential or other abutting property.

G. ALoop street@ means a type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1000 feet from the arterial or collector street, nor normally more than 600 feet from each other.

H. AMarginal access street@ means a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Afrontage street@.)

(142) AThrough lot@ (See Alot types@.)

(143) ATransportation, Director of@ means The Director of the Ohio Department of Transportation.

(144) AUse@ means the specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

(145) AVariance@ means a modification of 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 the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

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

(147) AVicinity map@ means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

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

(149) AYard@ means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

A. AYard, front@ 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.

B. AYard, rear@ means that portion of a lot extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the rear of the building or structure.

C. AYard, side@ means that portion of a lot which is located between a side lot line and the nearest building or structure.

(150) AZero lot line development@ means an arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five feet unless it abuts the lot line and is provided with an access easement of five feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

(151) AZoning Administrator@ means the person designated by the Village Council to administer and enforce zoning regulations and related ordinances. This person may also be known as the Zoning Inspector.

(152) AZoning Permit@ means a document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

(Ord. 90-61. Passed 2-14-91; Ord. 2003-15. Passed 4-28-03; Ord. 2005-18. Passed 4-25-05; Ord. 2006-51. Passed 11-27-06; Ord. 2007-54. Passed 12-10-07.)

CHAPTER 1234
Nonconformities

1234.01	Purpose.	1234.08	Nonconforming lots of record in combination.
1234.02	Existing use deemed conditional use; permit required for change.	1234.09	Nonconforming uses of land.
1234.03	Incompatibility of nonconformities.	1234.10	Nonconforming structures.
1234.04	Avoidance of undue hardship.	1234.11	Nonconforming uses of structures or of structures and land in combination.
1234.05	Certificates for nonconforming uses.	1234.12	Termination of nonconforming uses.
1234.06	Substitution of nonconforming uses.	1234.13	Repairs and maintenance.
1234.07	Single nonconforming lots of record.		

1234.01 PURPOSE.

Within the districts established by this Zoning Code or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Zoning Code was passed or amended, but which now do not conform to one or more of the regulations of this Zoning Code. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Zoning Code shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Zoning Code or any amendment thereto regardless of if the property is sold. Nevertheless, while it is the intent of this Zoning Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1234.02 EXISTING USE DEEMED CONDITIONAL USE; PERMIT REQUIRED FOR CHANGE.

Any lawfully existing use that, at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Zoning Ordinance or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without

further action to be a conforming conditional use. Any change, modification, enlargement or alteration of such use or site development conditions shall only be permitted upon review and approval by the Board of Zoning Appeals according to the procedures for conditional uses set forth in this Zoning Code.
(Ord. 2005-18. Passed 4-25-05.)

1234.03 INCOMPATIBILITY OF NONCONFORMITIES.

Nonconformities are declared by this Zoning Code to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
(Ord. 2005-18. Passed 4-25-05.)

1234.04 AVOIDANCE OF UNDUE HARDSHIP.

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1234.05 CERTIFICATES FOR NONCONFORMING USES.

The Zoning Administrator may upon his or her own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1234.06 SUBSTITUTION OF NONCONFORMING USES.

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Zoning Code. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1234.07 SINGLE NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code, notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Chapter 1246 of this Zoning Code other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 1236.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1234.08 NONCONFORMING LOTS OF RECORD IN COMBINATION.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1234.09 NONCONFORMING USES OF LAND.

Where, at the time of adoption of this Zoning Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued so long as they remain otherwise lawful regardless of if the property is sold, provided:

(a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code;
(b) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code;
(c) If any conforming uses of land are discontinued or abandoned for more than 12 months consecutively (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located;
(d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.
(e) Upon the request of the owner and for good cause shown, the Board of Zoning Appeals has the authority to extend the time of discontinuance of nonconforming use of land, from 12 months to a length of time determined to be reasonable by the Board, in increments of six months.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2011-2. Passed 2-28-11.)

1234.10 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such nonconforming structure may be enlarged or altered in away which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
(b) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code;
(c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1234.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful regardless of if the property is sold, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or

structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building;

(c) If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Zoning Code;

(d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(e) When a nonconforming use of a structure, or structure and land in a combination, is discontinued or abandoned for 12 consecutive months (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent more than 50% of the replacement cost at time of destruction;

(g) Upon the request of the owner and for good cause shown, the Board of Zoning Appeals has the authority to extend the time of discontinuance of nonconforming use of any structure, or structure and land in combination, from 12 months to a length of time determined to be reasonable by the Board, in increments of six months.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2011-2. Passed 2-28-11.)

1234.12 TERMINATION OF NONCONFORMING USES.

(a) Termination of Use Through Discontinuance. When any nonconforming use is discontinued or abandoned for more than 12 consecutive months, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. Upon the request of the owner and for good cause shown, the Board of Zoning Appeals has the authority to extend the time of discontinuance of nonconforming use from 12 months to a length of time determined to be reasonable by the Board, in increments of six months. The intent to continue a nonconforming use shall not be evidence of its continuance.

(b) Termination of Use by Damage or Destruction. In the event that any nonconforming building or structure is destroyed by any means to the extent of more than 50% of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied

for any use unless it conforms to all regulations of this Zoning Code. When such a nonconforming structure is damaged or destroyed to the extent of 50% or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Zoning Code and the following conditions:

(1) A zoning certificate pertaining to such restoration shall be applied for and issued within one year of such destruction, and rebuilding shall be diligently pursued to completion.

(2) Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2011-2. Passed 2-28-11.)

1234.13 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1236
Variances

1236.01 Purpose.
1236.02 Application for variance.
1236.03 Criteria for approval.
1236.04 Procedure.
1236.05 Administrative variance.

1236.01 PURPOSE.

Under some unusual circumstances due to the peculiar size, shape or topography of land, full and strict compliance with all development standards of this Zoning Code could result in substantial hardship or injustice to the owner of the land and could even result in undesirable development of the land. The Board of Zoning Appeals may grant a variance to permit limited deviation from the development standards of this Zoning Code under the criteria of Section 1236.03 where the development resulting from granting the variance will be consistent with the general purpose and intent of this Zoning Code. In certain circumstances, the Zoning Administrator may grant an administrative variance in lieu of the Board of Zoning Appeals, in order to permit limited deviation from the development standards of this Zoning Code in accordance with the criteria set forth in Section 1236.05.

Variances shall not be granted to allow a use not permitted by this Zoning Code in a particular zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship.

(Ord. 2005-18. Passed 4-25-05; Ord. 2007-54. Passed 12-10-07.)

1236.02 APPLICATION FOR VARIANCE.

(a) Filing. Written application for a variance shall be made by the property owner(s) or lessee(s) to the Board of Zoning Appeals and filed with the Zoning Administrator who shall transmit the application to the Board of Zoning Appeals. The application shall be signed by the owner(s) or lessee(s) of the property affected and shall state that the information provided is accurate and truthful.

(b) Fee. The applicant shall pay a fee in accordance with the fee schedule adopted and approved by Council to cover advertising, review, publishing and reporting the proceedings of the Board of Zoning Appeals.

(c) Contents of Application. The application shall include:

(1) The name, address and telephone number of the owner(s), agent(s) and/or lessee(s) of the property;

(2) A current and accurate legal description of the property;

(3) The exact nature of the variance requested, including reference to the development standard from which applicant seeks deviation;
(4) A statement explaining the relation of the requested variance(s) to the criteria for approval as listed in Section 1236.03.
(5) A list of all owners of property including their mailing addresses, within, contiguous to, or directly across the street or streets from the property.
(6) Eight copies of a plot plan showing: Boundaries and dimensions of the property and the size and location of all proposed or existing structures.
(7) The nature of the special conditions or circumstances.
(8) The proposed use of all parts of the lot and structures.
(9) The use of land and location of structures on adjacent property.
(10) Such additional information as may be required by this Zoning Code and/or requested by the Board and/or the Zoning Administrator to review the application.
(Ord. 2005-18. Passed 4-25-05.)

1236.03 CRITERIA FOR APPROVAL.

All relevant factors including but not limited to the following considerations shall be examined in the review, public hearing, and approval of an application for a variance:

(a) That special circumstances or conditions exist which are peculiar to the land or structures involved and which are not applicable to other lands or structures in the same zoning districts.
(b) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Zoning Ordinance.
(c) That the special conditions and circumstances do not result from the actions of the applicant.
(d) That the granting of the variance will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands or structures in the same zoning district.
(e) That the granting of the variance will in no other manner adversely affect the health, safety and general welfare of the community.
(f) That the granting of the variance is not solely based upon the showing that the property could be put to better economic use than presently permitted by zoning regulations.
(g) That the granting of the variance will not permit a use that is otherwise not permitted within the respective zoning district.
(Ord. 2005-18. Passed 4-25-05.)

1236.04 PROCEDURE.

(a) Setting Hearing and Reviewing Application. The Zoning Administrator shall set a public hearing before the Board of Zoning Appeals to review the application for a variance. The public hearing will be scheduled for the next meeting of the Board of Zoning Appeals provided a complete application for a variance if filed with the Zoning Administrator at least 30 calendar days prior to

the next scheduled meeting. Prior to accepting any application, the Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Administrator, shall result in a refusal of acceptance. Nothing in this section shall prevent the Board from granting a continuance of the public hearing.

(b) Notice of Hearing. At least one notice shall be given at least ten days prior to a scheduled public hearing in one or more newspapers of general circulation in the Municipality. Such notice shall include the date, time and place of the public hearing, the location of the property at issue, and the nature of the proposed variance(s).

(c) Notice to Property Owners. A notice containing the information required in subsection (b) hereof shall be sent by first class mail to all property owners listed, pursuant to Section 1236.02(c)(5) not less than seven days prior to the date fixed for the hearing. Failure of any property owners to receive mail notice does not invalidate the granting or denial of a variance.

(d) Public Hearing and Decision of the Board of Zoning Appeals. Within 30 days following the public hearing the Board of Zoning Appeals shall grant or deny the variance after consideration of the requirements listed in Section 1236.03. Its decision shall be accompanied by written findings of fact specifying the reasons for the decision reached. The Board of Zoning Appeals may prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Zoning Code.

(e) Term of Variance. No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than 18 months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. Once initiated, construction must proceed in a typical, conscientious and continuous manner toward completion.

(f) Right of Appeal. Whoever is aggrieved or affected by the decision of the Board involving an application for a variance(s) shall have the right to file an appeal with Council. The appeal shall be filed with the Clerk no later than ten days after the decision of the Board. Council shall have a maximum of 90 days for consideration, public hearing, and a decision on the appeal. In reaching a determination on a requested variance appeal to Council, the applicable portions of Section 1236.03 shall apply.

(g) Issuance of Zoning Permit. Upon approval of the variance by the Board or upon appeal and approval by Council, the Zoning Administrator shall issue to the applicant a zoning permit which states all terms of the variance as granted including any conditions imposed by the Board of Zoning Appeals and any modifications ordered by Council on appeal.

1236.05 ADMINISTRATIVE VARIANCE.

Administrative variances will only be considered for properties located in the R-4 Single-Family Residential District, when the deviation is limited to one development standard of the district.

(a) Filing. Written application for an administrative variance shall be made by the property owner, and filed with the Zoning Administrator. The application shall be signed by the owner(s) of the property affected and shall state that the information provided is accurate and truthful.

(b) Contents of Application. The application shall include:

(1) Name, address, and telephone number of the applicant(s);

(2) A current legal description of the property in question;

(3) The exact nature of the administrative variance required, including reference to the development standard from which the applicant seeks deviation;

(4) A statement explaining the relation of the requested variance to the criteria for approval as listed in division (c) of this section;

(5) A list of all owners of property, including their mailing addresses, within, contiguous to, or directly across the street from the property;

(6) One copy of a plot plan showing: Boundaries and dimensions of the property and the size and location of all proposed or existing structures;

(7) The nature of the special conditions or circumstances;

(8) Such additional information as may be required by this Zoning Code and/or requested by the Zoning Administrator in order to review the application.

(c) Criteria for Approval. All relevant factors, including but not being limited to the following considerations, shall be examined in the review and approval of an application for an administrative variance:

(1) That special circumstances or conditions exist which are peculiar to the land or structures involved and which are not applicable to other lands or structures in the same zoning district.

(2) That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Zoning Code.

(3) That the special condition does not result from the actions of the applicant.

(4) That the granting of the administrative variance will not confer the applicant any special privilege that is denied by this Zoning Code to other lands in the same zoning district.

(5) That the granting of the administrative variance will in no other manner adversely affect the health, safety and general welfare of the community.

(6) That the granting of the administrative variance is not solely based upon the showing that the property could not be put to better economic use than presently permitted by zoning regulations.

(7) That the granting of the administrative variance will not permit a use that is otherwise not permitted within the respective zoning district.

(d) Procedure.

(1) Upon receipt of the completed application, the Zoning Administrator will review the submittal and determine whether such application is complete and meets all submittal requirements. Upon determination that the application is complete and accurate, the Zoning Administrator has a maximum of ten business days to approve the application, deny the application, or refer the application to the Board of Zoning Appeals.

(2) A notice containing the information required in division (b) of this section shall be sent by first class mail to all property owners listed, pursuant to division (b)(5) of this section not less than seven days prior to the date the administrative variance is acted upon. Failure of any property owners to receive mail notice does not invalidate the granting or denial of an administrative variance.

(e) Decision of the Zoning Administrator. The decision of the Zoning Administrator shall be accompanied by written findings of fact specifying the reasons for the decision reached. The Zoning Administrator may prescribe any conditions and safeguards that he or she deems necessary to ensure that the objectives of the regulations or provisions to which the administrative variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the administrative variance has been granted, shall be deemed a punishable violation under this Zoning Code.

(f) Term of Administrative Variance. No order of the Zoning Administrator granting an administrative variance shall be valid for a period longer than 18 months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. Once initiated, construction must proceed in a typical, conscientious and continuous manner toward completion.

(g) Referral to Board of Zoning Appeals. The Zoning Administrator has the right to refer any administrative variance application to the Board of Zoning Appeals for action. Should this action occur, the applicant shall pay the remainder of the fee for the standard variance process and follow all procedures as indicated in Sections 1236.01 through 1236.04.

(h) Right of Appeal. Whoever is aggrieved or affected by the decision of the Zoning Administrator involving an application for an administrative variance shall have the right to file an appeal with Village Council. The appeal shall be filed with the Fiscal Officer no later than ten days from the date of issuance of the decision of the Zoning Administrator. Council shall have a maximum of 90 days for consideration, public hearing, and a decision on the appeal. In reaching a determination on a requested administrative variance appeal to Council, the applicable portions of division (c) of this section.

(i) Issuance of Zoning Permit. Upon approval of the administrative variance by the Zoning Administrator, or upon appeal and approval of the administrative variance by Council, the Zoning Administrator shall issue to the applicant a zoning permit which states all terms of the variance as granted, including any conditions imposed by the Zoning Administrator and any modifications ordered by Council on appeal.

(Ord. 2007-54. Passed 12-10-07.)

CHAPTER 1238
Conditional Uses

1238.01	Purpose	1238.05	Violation of findings of fact; permit revocation.
1238.02	Contents of conditional use permit application.	1238.06	Special criteria for select conditional uses.
1238.03	Criteria for approval.		
1238.04	Procedure.		

1238.01 PURPOSE.

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Zoning Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Each conditional use application that comes before the review of the Board shall be considered individually.
(Ord. 2005-18. Passed 4-25-05.)

1238.02 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION.

Any owner, lessee, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator, who shall transmit it to the Board of Zoning Appeals. The application shall be signed by the owner(s) or lessee(s) of the property affected and shall state that the information provided is accurate and truthful. Such application at a minimum shall contain the following information:

(a) Name, address and phone number of the applicant;
(b) A current and accurate legal description of the property(s) in question and a current survey prepared by a licensed surveyor;
(c) Current zoning district;
(d) Description of existing use;
(e) Description of proposed conditional use;
(f) Eight copies of a plot plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, lighting and illumination, and such other information as the Board may require;

(g) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
(h) A list of all property owners, including their mailing addresses, which are within, contiguous to or directly across the street(s) from the property;
(i) A fee as established by ordinance;
(j) A narrative addressing each of the applicable criteria contained in Section 1238.03.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1238.03 CRITERIA FOR APPROVAL.

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

(a) Is in fact a conditional use as established under the provisions of Chapter 1242 and appears on the Schedule of District Regulations adopted for the zoning district involved;
(b) Will be in accordance with the general objectives, or with any specific objective, of the Municipality's comprehensive plan and/or the zoning ordinance;
(c) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
(d) Will not be hazardous or disturbing to existing or future neighboring uses;
(e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
(f) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
(g) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
(h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
(i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1238.04 PROCEDURE.

(a) Setting Hearing and Reviewing Application. The Zoning Administrator shall set a public hearing before the Board of Zoning Appeals to review the application for a conditional use permit. The public hearing will be scheduled for the next meeting of the Board of Zoning Appeals provided

a complete application for the conditional use permit is filed with the Zoning Administrator at least 30 calendar days prior to the next scheduled meeting. Prior to accepting any application, the Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Administrator, shall result in a refusal of acceptance. Nothing in this section shall prevent the Board from granting a continuance of the public hearing.

(b) Notice of Hearing. At least one notice shall be given at least ten days prior to a scheduled public hearing in one or more newspapers of general circulation in the Municipality. Such notice shall include the date, time, and place of the public hearing, the location of the property in question, and a summary explanation of the conditional use proposed.

(c) Notice to Property Owners. A notice containing the information required in subsection (b) hereof shall be sent by first class mail to all property owners listed, pursuant to Section 1238.02(h) not less than seven days prior to the date fixed for the hearing. Failure of any property owners to receive mail notice does not invalidate the granting or denial of a variance.

(d) Action by Board of Zoning Appeals. Within 45 days of the public hearing, the Board of Zoning Appeals shall render one of the following decisions:

(1) Approval of conditional use as requested.
(2) Approval of conditional use with modifications.
(3) Disapproval of conditional use.

The Board shall apply criteria in Section 1238.03 in reaching its determination. In approving a conditional use, the Board may prescribe additional conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is approved, shall be deemed a violation of this Zoning Code and punishable as prescribed in Chapter 1286 and shall result in revocation of the conditional use approval and respective zoning permit. The Board's determination in taking action on a requested conditional use shall be accompanied by findings of fact and a statement of the reasons for the decision reached.

(e) Right of Appeal. If the Board disapproves an application or revokes the permit consistent with Section 1138.05, the applicant may seek relief through the Court of Common Pleas. Such appeal shall be filed within 30 calendar days after the decision of the Board.

(f) Issuance of Conditional Use Permit. Upon approval of the Board of Zoning Appeals, the Zoning Administrator shall issue to the applicant a conditional use permit which includes any conditions imposed by the Board of Zoning Appeals. Such permit shall become effective upon approval by the Board of Zoning Appeals.

(g) Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use, and the permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one year of the date on which the permit was issued, or if for any reason such use shall cease for more than six months. A Conditional Use Permit shall be personal to the applicant and shall not run with the land, and shall expire upon a transfer of ownership.
(Ord. 2005-18. Passed 4-25-05.)

1238.05 VIOLATION OF FINDINGS OF FACT; PERMIT REVOCATION.

(a) Whenever a previously approved conditional use is in violation of any of the findings of fact or other imposed conditions, pursuant to Section 1138.04(d), the Zoning Administrator shall give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises at the last known address, or to the address to which tax bills are sent. Such notice shall include reasons by which the Zoning Administrator finds the conditional use to be in violation, and a statement that the owner shall have thirty (30) days to comply with the granted conditional use permit.

(b) Upon failure of the owner to comply with the notice, the Zoning Administrator shall notify the Board of Zoning Appeals that the conditional use is in violation and itemize the reasons for revocation of the conditional use permit.

(c) The Board of Zoning Appeals shall continue or revoke the conditional use permit at its first regular meeting after the notice is received.
(Ord. 2005-18. Passed 4-25-05.)

1238.06 SPECIFIC CRITERIA FOR SELECT CONDITIONAL USES.

The following are specific conditional use criteria and requirements for some of the conditionally permitted uses in this Zoning Code as provided for in Chapter 1244. Nothing in this section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with this chapter.

(a) Public Service Facility.
  (1) All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
  (2) Screening and plantings to buffer any structures other than buildings from adjacent residential uses are required.

(b) Church.
  (1) The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
  (2) The church building shall be setback from any adjacent residential property line a minimum of 50 feet.
  (3) Parking shall not be permitted within 50 feet of any side or rear property line.
  (4) A cemetery shall not be a permitted use in conjunction with the church.

(c) Cemetery.

(1) The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to, serve the size of the facility proposed.

(2) Any new cemetery shall be located on a site containing not less than 25 acres.

(3) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.

(4) All graves or burial lots shall be set back not less than 50 feet from any property line.

(d) Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, and Bookkeeping Service Offices.

(1) Parking spaces shall be provided as required in this Zoning Code provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.

(2) The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood.

(3) One sign, not exceeding four square feet in area and mounted flush against the building, shall be permitted.

(e) Veterinary Clinic and Kennel.

(1) Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.

(2) Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.

(3) The applicant shall submit a written statement showing the measures and practices he or she will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.

(4) No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.

(f) Child Day Care Center/Type A Family Day-Care Home.

(1) Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.

(2) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.

(3) One sign, not exceeding four square feet in area and mounted flush against the building, shall be permitted.

(g) Funeral Home.

(1) The buildings shall be designed so as to conform with the architectural character of the residential neighborhood.

(2) The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

(h) Boarding Home, Rooming House.

(1) No more than one person shall occupy each sleeping room.

(2) Fire escapes shall be provided as approved by the Board of Zoning Appeals.

(3) Fire exit instructions shall be posted in each sleeping room.

(4) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.

(i) Tourist Home, Bed/Breakfast Home.

(1) No more than two adults shall occupy each sleeping room. Children under 12 years of age are permitted in the same occupancy provided that no more than five persons occupy one room.

(2) Fire escapes shall be provided as approved by the Board of Zoning Appeals.

(3) Fire exit instructions shall be posted in each sleeping room.

(4) All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.

(5) The facility shall be operated so that guests reside at the home for not longer than one continuous week.

(6) The facility shall contain not more than four sleeping rooms for guests.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1240
Amendments

1240.01	Amendment of zoning ordinance and zoning district map.	1240.08	Recommendation by Planning and Zoning Commission.
1240.02	Initiation of zoning amendments.	1240.09	Public hearing by Village Council.
1240.03	Form of application for amendment.	1240.10	Notice of public hearing in newspaper.
1240.04	Transmittal to Planning and Zoning Commission.	1240.11	Notice to property owners by Village Council.
1240.05	Submission to Ohio Director of Transportation.	1240.12	Action by Village Council.
1240.06	Public notice for hearing.	1240.13	Effective date and referendum.
1240.07	Notice to property owners.		

1240.01 AMENDMENT OF ZONING ORDINANCE AND ZONING DISTRICT MAP.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance, after receipt of recommendation thereon from the Planning and Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property utilizing the procedures specified in this chapter.
(Ord. 2005-18. Passed 4-25-05.)

1240.02 INITIATION OF ZONING AMENDMENTS.

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

(a) By the adoption of a motion by the Planning and Zoning Commission;

(b) By the adoption of a resolution by Village Council;

(c) By the filing of an application by one or more owners of property requesting that the Zoning District Map for the area in which the applicants own property be amended.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1240.03 FORM OF APPLICATION FOR AMENDMENT.

(a) An application by property owners pursuant to Section 1240.02(c) for a change of district boundaries shall be filed in writing with the Zoning Administrator. The application shall be filed at least 30 days before the next Planning and Zoning Commission meeting. Prior to accepting such application, the Planning and Zoning Administrator shall review the submittal and determine

whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Planning and Zoning Administrator, shall result in a refusal of acceptance. The applicant shall pay a fee in accordance with the schedule adopted and approved by Council to defray the cost of advertising, staff review and other costs incidental to the application. The application shall contain the following information:

(1) Names, addresses and phone numbers of the applicants and owners;

(2) A current and accurate legal description of the area for which the amendment is sought.

(3) The existing use and zoning district and the proposed use and zoning district for the property within the area;

(4) A list of all property owners within, contiguous to and directly across the street(s) from the area sought to be zoned, together with their mailing addresses, except that addresses need not be included where more than ten parcels are to be rezoned;

(5) A copy of any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development, and maintenance of the area to be zoned, when applicable;

(6) In appropriate cases, at the request of the Chair of the Planning and Zoning Commission, an estimate of the water and sewer requirements of the area, should the amendment be adopted.

(7) A vicinity map drawn to reasonable scale, showing property lines, ownership, street addresses when known, streets, existing and proposed zoning within the area sought to be zoned. The vicinity map shall also depict all land within 300 feet of the boundaries of the area to be zoned, showing property lines, ownership, streets and street addresses when known, and shall be subject to later amendments at the request of the Planning and Zoning Commission to supply such additional information as they may require.

(8) A statement on the ways in which the proposed amendment relates to the comprehensive plan;

(9) For all developments over 25 acres, and/or for commercial developments over 25,000 square feet and/or industrial developments over 50,000 square feet and/or for any development that requires direct access to a major thoroughfare and/or for any development that is not contiguous with existing water and sewer, a fiscal/economic impact study will be required to determine if the development will require immediate or short-term expenditures on the part of the municipality in terms of infrastructure and/or support services.

(b) When an amendment is initiated by the Planning and Zoning Commission or Council pursuant to Section 1240.02 (a) or (b), a copy of the proposed ordinance shall be filed with the Zoning Administrator.

(Ord. 2005-18. Passed 4-25-05.)

1240.04 TRANSMITTAL TO PLANNING AND ZONING COMMISSION.

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one owner or lessee of property, the resolution or application shall be transmitted to the Planning and Zoning Commission and a public hearing shall be set. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1240.05 SUBMISSION TO OHIO DIRECTOR OF TRANSPORTATION.

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Ohio Director of Transportation, or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Planning and Zoning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Planning and Zoning Commission may proceed as required by law; however, the Village Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he or she shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1240.06 PUBLIC NOTICE FOR HEARING.

At least one notice shall be given at least ten days prior to a scheduled public hearing in one or more newspapers of general circulation in the Municipality. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to Council for further determination. Failure of a newspaper to accurately or timely publish a properly submitted notice does not invalidate adoption of the proposed amendment as an amending ordinance.
(Ord. 2005-18. Passed 4-25-05.)

1240.07 NOTICE TO PROPERTY OWNERS.

Written notice of the hearing shall be mailed by the Municipality, first class mail, at least ten days prior to the date of a scheduled public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted as listed under Section 1240.03(a)(4) if rezoning ten or fewer parcels. The notice shall contain the information required in Section 1240.06 herein. Failure of any such property owners to receive mail notice does not invalidate adoption of the proposed amendment as an amending ordinance.
(Ord. 2005-18. Passed 4-25-05.)

1240.08 PUBLIC HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION.

(a) Time of Transmittal and Recommendation. Within 35 days of the public hearing, the Planning and Zoning Commission shall transmit its recommendation to the Village Council. The Planning and Zoning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning and Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based.
(Ord. 90-61. Passed 2-14-91.)

(b) Factors for Consideration. In reviewing the proposed amendment and arriving at its recommendation, the Planning Commission shall consider the following factors:

(1) Compatibility of the amendment sought with the use of adjacent land, adjacent zoning and with land use plans for the general area.
(2) Impact of the adoption of an amendment sought on motor vehicle access and traffic flow in the general area.
(3) Impact of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the Village.
(4) Impact of the adoption of the proposed amendment on available public facilities, general expansion plans of the Village, and the Village's schedule for improvement of capital facilities.
(Ord. 2005-18. Passed 4-25-05.)

1240.09 PUBLIC HEARING BY VILLAGE COUNCIL.

Upon receipt of the recommendation from the Planning and Zoning Commission, Village Council shall schedule a public hearing. The hearing shall be not more than 60 days from the receipt of the recommendation from the Planning and Zoning Commission.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1240.10 NOTICE OF PUBLIC HEARING IN NEWSPAPER.

Notice of the public hearing required in Section 1240.09 shall be given by Village Council by at least one publication in one or more newspapers of general circulation in the Village affected. The notice shall be published at least 30 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing, a summary of the proposed amendment and the recommendation of the Planning and Zoning Commission.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1240.11 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL.

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk-Treasurer, by first class mail, at least 20 days before the day of the public hearing to all owners of property within,

contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Clerk-Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1240.10.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1240.12 ACTION BY VILLAGE COUNCIL.

Within 60 days after the public hearing required by Section 1240.08, the Municipal Council shall either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification thereof. In the event the Municipal Council modifies the recommendation of the Planning and Zoning Commission, it must do so by a concurrence of not less than three-fourths of the full membership of Municipal Council. No ordinance which is in accordance with the recommendation of the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the full membership of Municipal Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths of the members of Municipal Council vote to dispense with this rule.
(Ord. 90-61. Passed 2-14-91; Ord. 2003-15. Passed 4-28-03; Ord. 2005-18. Passed 4-25-05.)

1240.13 EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by Municipal Council shall become effective 30 days after the date of such adoption unless within 30 days after the passage of the ordinance there is presented to the Municipal Clerk-Treasurer a petition, signed by a number of qualified voters residing in the municipality equal to not less than 10% of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Municipal Council to submit the zoning amendment to the electors of the municipality 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 of the 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.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1242
Establishing Districts and Zoning Map

1242.01	Purpose.	1242.05	Identification of Official Zoning Map.
1242.02	Establishment of districts.	1242.06	Interpretation of district boundaries.
1242.03	Adoption of Official Zoning Map.	1242.07	Zoning upon annexation.
1242.04	Official Zoning Map legend.	1242.08	Zoning map amendments.

1242.01 PURPOSE.

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1242.02 ESTABLISHMENT OF DISTRICTS.

(a) The following zoning districts are hereby established for the Municipality of Baltimore, Ohio:

A - Agricultural District
R-1 - Residential Estate District
R-2 - Suburban Single Family Residential District
R-3 - Village Single Family Residential District
R-4 - Single Family Residential District
R-5 - Multiple Family Residential District
OI - Office Institutional District
DB - Downtown Business District
GB - General Business District
LM - Limited Manufacturing District
FP - Flood Plain Overlay District

(b) Nothing in this chapter shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Zoning Code to provide the flexibility in its administration to allow future expansion and emendation.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1242.03 ADOPTION OF OFFICIAL ZONING MAP.

The Official Zoning Map, containing the districts established in Section 1242.02, together with all data, references, explanatory material and notations thereon, is hereby officially adopted as part of this Zoning Code, and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1242.04 OFFICIAL ZONING MAP LEGEND.

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 1242.08.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1242.05 IDENTIFICATION OF OFFICIAL ZONING MAP.

The Official Zoning Map shall be properly identified by the signature of the Mayor as attested by the Clerk-Treasurer, and bearing the official seal. The Map shall be maintained by the Zoning Administrator, and shall remain on file in the office of the Clerk-Treasurer. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description(s) as found in the text of this Zoning Code or any other ordinance. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by ordinance. Not later than January 30 of each year, the map shall be recertified by the Mayor and the Clerk-Treasurer.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1242.06 INTERPRETATION OF DISTRICT BOUNDARIES.

(a) The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

(1) Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

(3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;

(4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;

(5) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Municipality unless otherwise indicated;

(6) Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits;

(7) Whenever any street, alley, or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

(b) All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1242.07 ZONING UPON ANNEXATION.

The following regulations shall apply to any areas annexed to the Municipality:

(a) All vacant land annexed to the Municipality shall be classified as R-I. Such classification shall be recommended to Council by the Planning and Zoning Commission and shall be approved by Council resolution.

(b) Developed lots or tracts shall be classified as being in whichever district established by this Zoning Code most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning and Zoning Commission and shall be approved by Council resolution.

(Ord. 2005-18. Passed 4-25-05.)

1242.08 ZONING MAP AMENDMENTS.

Within 60 days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the ordinance authorizing such change. The Official Zoning Map shall then be signed by the Mayor and attested to by the Clerk-Treasurer.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1244
District Regulations

1244.01 Compliance with regulations.
1244.02 Official schedule of district regulations adopted.

1244.01 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Zoning Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

(a) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;

(b) No building or other structure shall be erected or altered:
  (1) To provide for greater height or bulk;
  (2) To accommodate or house a greater number of families;
  (3) To occupy a greater percentage of lot area;
  (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this Zoning Code.

(c) No yard or lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth herein.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1244.02 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED.

District regulations shall be as set forth in Chapters 1246 through 1274 of this Zoning Code. (Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1246
Supplementary District Regulations

1246.01	General.
1246.02	Conversions of dwellings to more than one unit.
1246.03	Principal building per lot.
1246.04	Reduction of area or space.
1246.05	Construction in easements.
1246.06	Parking and storage of vehicles and trailers.
1246.07	Junk.
1246.08	Supplemental yard and height regulations.
1246.09	Setback requirements for buildings on corner lots.
1246.10	Fence and wall restrictions in front yards.
1246.11	Yard requirements for multi-family dwellings.
1246.12	Side and rear yard requirements for nonresidential uses abutting residential districts.
1246.13	Exceptions to height regulations.
1246.14	Architectural projections.
1246.15	Visibility at intersections.
1246.16	Objectionable, noxious, or dangerous uses, practices, or conditions.
1246.17	Open storage of tires.
1246.18	Assurance requirements and plans.
1246.19	Enforcement provisions.
1246.20	Temporary uses.
1246.21	Accessory uses.

1246.01 GENERAL.

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.02 CONVERSIONS OF DWELLINGS TO MORE THAN ONE UNIT.

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

(a) The conversion is in compliance with all other local codes and ordinances (resolutions), and any applicable state or federal regulations;

(b) The district within which the residence is located is so regulated as to allow such an increase in dwelling units;

(c) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;

(d) The lot area per family equals the lot area requirements for new structures in that district;
(e) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
(f) The conversion is in compliance with all other relevant codes and ordinances (resolutions).
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.03 PRINCIPAL BUILDING PER LOT.

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Zoning Code. Rear dwellings shall be prohibited and shall be considered nonconforming uses subject to the requirements of Chapter 1234 of this Zoning Code.
(Ord. 90-61. Passed 2-14-91.)

1246.04 REDUCTION OF AREA OR SPACE.

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Zoning Code. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Zoning Code
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.05 CONSTRUCTION IN EASEMENTS.

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.06 PARKING AND STORAGE OF VEHICLES AND TRAILERS.

(a) No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other

than in a completely enclosed building. This section does not prohibit the parking of a work related truck or van, not to exceed four wheels, from being parked overnight and/or weekends providing the user of the van or truck lives at the property.
(Ord. 90-61. Passed 2-14-91.)

(b) The parking of recreational equipment, including but not limited to travel trailers, motor homes, pickup campers, folding tent trailers, boats or boat trailers, and other similar recreational equipment, semi-trailers, travel trailers, or other trailers or motor homes shall not be permitted on any street within Baltimore, other than for the purpose of loading or unloading. Recreational equipment, including but not limited to travel trailers, motor homes, pickup campers, folding tent trailers, boats or boat trailers, and other similar recreational equipment, shall not be parked on property within the Municipality for a period of more than 72 hours not to exceed a total of 20 days in any one calendar year. Such recreational equipment shall not be stored in any residential district unless located within an enclosed structure or, if stored outside, unless all of the following requirements are satisfied:

(1) Such recreational equipment shall be stored behind the building line and shall not be stored within a required side yard or within ten feet of the rear property line.

(2) Not more than one piece of recreational equipment shall be permitted to be stored outside on a parcel containing a single family or two family dwelling. All recreational vehicles must be registered and licensed (if applicable) to the resident of the property on which the items are parked or stored. For the purposes of this chapter, a boat stored on a boat trailer shall be deemed one piece of recreational equipment. For multi-family uses, an area to accommodate no more that one piece of recreational equipment for each 15 dwelling units shall be provided and meet the screening requirements herein.

(3) All recreational equipment stored outside shall be screened from view from all contiguous dwellings and public right ways by either walls, fences, natural vegetation or any combination thereof acceptable to the Zoning Administrator and with an opacity of no less than 75%. Landscaping provided in lieu of such wall or fence shall consist of dense evergreen bushes. All landscaping material shall be maintained in proper and healthful condition. Property owners shall maintain landscaped areas for a proper, neat, and orderly appearance and free from refuse and debris.

(4) Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes.
(Ord. 2005-18. Passed 4-25-05.)

1246.07 JUNK.

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents. (Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.08 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS.

In addition to the regulations specified in Chapter 1244 and in other sections of this Zoning Code, Sections 1246.10 through 1246.15 inclusive shall be used for clarification and interpretation.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.09 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS.

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.10 FENCE AND WALL RESTRICTIONS IN FRONT YARDS.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three feet, and no hedge or other vegetation shall be permitted at any height greater than three feet which materially impedes vision across such yard.
(Ord. 90-61. Passed 2-14-91; Ord. 2003-15. Passed 4-28-03; Ord. 2005-18. Passed 4-25-05.)

1246.11 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.12 SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.

Nonresidential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, unless otherwise stated. In addition, screening requirements outlined in Chapter 1299 shall be met.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.13 EXCEPTIONS TO HEIGHT REGULATIONS.

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.14 ARCHITECTURAL PROJECTIONS.

Open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and
shall not project into the required minimum front, side, or rear yard.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.15 VISIBILITY AT INTERSECTIONS.

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two feet and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines 50 feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two feet and ten feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along the alley lines, or alley and street lines, 25 feet from the point of intersection.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.16 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS.

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Zoning Code may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Zoning Code if one or more of the following conditions is found to exist at any time:

(a) The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;

(b) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;

(c) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;

(d) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;

(e) Objectionable noise as determined by the Zoning Administrator due to volume, frequency or beat is present;

(f) Vibration discernible by the Zoning Administrator without instruments is present on-an adjoining lot or property;

(g) Direct or reflected glare is present which is visible from any street or from any property not within a manufacturing district;

(h) Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;

(i) Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.17 OPEN STORAGE OF TIRES.

(a) The following definitions shall apply in the interpretation of this section:

(1) AEnclosed building or similar structure@ means any garage, barn, storage shed or similar building which is covered and concealed on all sides from the open air by walls, a roof and doors, or a combination thereof.

(2) AMotor vehicle@ includes but is not limited to cars, trucks, trailers, commercial equipment and farm equipment.

(3) AUnmounted tires@ or Atires not mounted on a motor vehicle@ means any tires which are not attached to the axle of a motor vehicle, or are not attached to a motor vehicle as a spare.

(b) No person shall knowingly store in the open or otherwise permit to remain in the open on premises under his or her control, tires which are not mounted on a motor vehicle.

(c) No person shall be prevented from storing or keeping unmounted tires on premises under his or her control, except that such tires must be concealed in an enclosed building or similar structure.

(d) The Chief of Police may send notice, by personal delivery or certified mail with return receipt requested, to the person having the right to the possession of the property on which unmounted tires are left, that within five days of receipt of the notice, the tires either shall be concealed as defined herein, or shall be removed from the property.

(e) No person shall willfully leave unmounted tires in the open for more than five days after receipt of a notice as provided in this section. The fact that unmounted tires are so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of 30 days that unmounted tires continue to be so left constitutes a separate offense.

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense. For each subsequent offense, such person is guilty of a misdemeanor of the first degree. The penalty shall be as provided by law.

(Ord. 2000-28. Passed 2-12-01; Ord. 2005-18. Passed 4-25-05.)

1246.18 ASSURANCE REQUIREMENTS AND PLANS.

Prior to the issuance of a zoning permit, the Zoning Administrator may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects

or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.19 ENFORCEMENT PROVISIONS.

Any occupancy, use, conditions or circumstances existing in violation of Sections 1246.17 and 1246.19 of this Zoning Code shall constitute a violation of this Zoning Code and be subject to the enforcement procedures contained in Sections 1286.16 through 1286.18 and 1286.99.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1246.20 TEMPORARY USES.

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven days before the instigation of such use an application for a zoning permit shall be made to the Zoning Administrator, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

(a) Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.

(b) Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.

(c) Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four consecutive days shall only be issued three times within any 12-month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Administrator shall not issue a permit for such temporary use if he or she determines that it encroaches upon more than 25% of the required parking area.

(d) Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A zoning permit valid for a period not to exceed two consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one permit may be

issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving his or her permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site.

(e) Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct two such sales within any 12-month period upon the property at which he or she or they reside for a period not to exceed three consecutive days without obtaining a zoning permit, so long as the provisions of this Zoning Code pertaining to signs [see 1282.05(a)] and parking are observed. Groups of families, neighborhood organizations, and community organizations may also conduct garage sales two times within any 12-month period for a period not to exceed three consecutive days, so long as the provisions of this Zoning Code pertaining to signs and parking are observed. A zoning permit will be required if any of the provisions above will not be met.

(f) The use of temporary storage units shall be permitted in any residential zoning district only for the purpose of loading or unloading in association with moving into or out of a building. The units shall be parked on property for a period of time not to exceed 16 consecutive days and shall not be parked in a public right-of-way or on a private street. The units may otherwise be parked anywhere on the site; however all setbacks appropriate to the specific residential zoning classification must be adhered to.

(g) The use of temporary storage units shall be permitted in any nonresidential zoning district and shall be subject to the following development standards:

(1) Location. The units shall be located completely to the rear of the principal structure; shall be no closer than 20 feet from the rear property line, except that the units shall be no closer than 30 feet from the rear property line if the property is located adjacent to any district where residences are a permitted use; and shall be no closer than 15 feet from the side yard property line, except that the unit shall be no closer than 25 feet from the side yard property line if the property is located adjacent to any district where residences are a permitted use.

(2) Number. There shall be no more than two units on the site at any given time.

(3) Time limit. The units shall be permitted on a site no more frequently than twice in any one year time period, and shall in no event be on a site more than a total of six months in any one year time period.

(4) Maintenance. The units shall be maintained in good condition and kept secure from the deteriorating effects of natural elements.

(5) Height. The units shall not exceed a height of 20 feet as measured from the grade at the lowest entrance to the top of the roof of the units.

(h) The use of temporary canvas storage structures, used as carports, garages, or other storage areas, shall be permitted in any residential district with the following development standards:

(1) Location. The structure shall be located completely to the rear of the principal structure, shall require the same side yard and rear yard setbacks as an accessory structure in any given zoning classification.
(2) Number. There shall be no more than one structure on the site at any given time.
(3) Time limit. The structure shall be permitted on the site no more than 120 days in any consecutive 12-month time period. Further, upon the expiration of the 120 days within a consecutive 12-month time period, the structure shall be promptly removed and shall not be permitted again on the site for a minimum time period of six months from the date of the removal.
(4) Maintenance. The structure shall be maintained in good condition and kept secure from the deteriorating affects of natural elements.
(5) Height. The unit shall not contain more than one story, nor shall it exceed a total height of 15 feet as measured from the grade to the lowest entrance to the top of the roof.
(6) Permit required. A permit is required for each occurrence prior to a structure being erected on the site. No charge shall be made for the permit.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2006-51. Passed 11-27-06; Ord. 2007-22. Passed 5-29-07.)

1246.21 ACCESSORY USES.

(a) Purpose. The purpose of this section is to regulate and control the size, type, location and operation of accessory structures and uses in residential zoning districts.

(b) Intent. Unless otherwise specified, accessory structures and uses shall be permitted on a lot in a residential zoning district in association with a principal use or structure provided the accessory use or structure meets the requirements of this section and the development standards, in particular, lot coverage of the applicable residential zoning district. In the event of a conflict between the development standards in this section and the development standards in the applicable use district, the standards of this section are to be used.

(c) Definitions.
(1) An accessory use or structure shall be defined as a use of land or of a structure or building or portion thereof, customary, incidental and subordinate to the principal use of land or structure, and located on the same lot with such principal use or structure. For the purposes of this section, a fence and a storage building equal to or less than 100 square feet in area not permanently attached to the ground, are not considered structures. Only one such storage building equal to or less than 100 square feet may be placed on the lot without a permit, any additional buildings shall be considered Accessory Structures as defined in Section 1246.21 and shall be subject to the regulations of 1246.21. Storage buildings equal to or under 100 square feet shall be located completely to the rear of the principal structure. And shall not be closer than ten feet to the rear or side lot line.
(2) Accessory structures shall be detached from and subordinate to the principal structure. Examples of accessory structures include, but are not limited to, garages,

temporary aluminum carports attached to a cement base, workshops, studios, greenhouses, picnic shelters, gazebos, pool houses, storage buildings, decks, patios, swimming pools (above or below ground), satellite dish antennas, and permanent athletic/recreational facilities (tennis courts, basketball courts, soccer goals, baseball batting cages and skateboard ramps). Temporary canvas storage structures are not considered to be accessory structures. (See Section 1246.20(h) for regulations).

(3) Accessory uses are subordinate to the principal use of the land or structure and include, but are not limited to, home occupations, bed and breakfast facilities, Ain law suites@, home child care, yard/garage sales and storage.

(d) Development Standards for Accessory Structures. In addition to the development standards of the districts in which accessory structures are located, the following development standards shall apply to all accessory structures:

(1) Location. Accessory structures shall be located completely to the rear of the principal structure and except for decks, pergolas, arbors, swimming pools, and patios, shall be no closer than 10 feet from any part of the principal structure. Decks and patios must be ten feet or more from the rear property line. The width of the deck or patio may not extend beyond the width of the primary structure.

(2) Number. No more than one accessory structure shall be located on a parcel without approval of the Board of Zoning Appeals.

(3) Area and height. Any accessory structure covered by an impervious roof or consisting of an impervious or paved surface shall meet the lot coverage requirement of the applicable zoning district. In addition, the maximum permitted area of an accessory structure placed on a lot in a residential zoning district shall be based on the following lot size categories.

A. Lot size of less than 20,000 square feet: An accessory structure shall be no larger than 720 square feet, shall contain no more than one story, nor shall it exceed a total height of 15 feet as measured from the grade at the lowest entrance to the top of the roof. No door serving the accessory structure shall exceed nine feet in height.

B. Lot size of 20,000 square feet and greater: An accessory structure shall be no larger than 1,200 square feet and shall not exceed a height of 25 feet as measured from the grade at the lowest entrance to the top of the roof.

(4) Compatibility. In order to protect property values and encourage neighborhood stability, an accessory structure shall have an exterior which meets the intent of this subsection and which is compatible in appearance, design, siting, architectural character, color and building materials to the principal building on the parcel or lot. For the purposes of this chapter, compatibility shall be defined as capable of existing or operating together in harmony.

(5) Maintenance. Accessory structures shall be maintained in good condition and kept secure from the deteriorating affects of natural elements.

(6) Special requirements.

A. Garages: Garage space on a residential lot shall be limited to parking for four vehicles. Four additional spaces may be permitted as a conditional use. The

Board of Zoning Appeals, in evaluating the conditional use application, shall consider lot size, impact on adjacent properties and future use.

B. Swimming pools: See Chapter 1276.

(e) Development Standards for Accessory Uses. The following development standards shall apply to all the listed accessory uses:

(1) Home occupation. See Chapter 1276.

(2) In-law suite. Under the following circumstances, a separate dwelling unit with independent cooking facilities may be included in a single family residence:

A. The occupants of this second dwelling unit are related to the primary residents by blood, adoption or marriage.

B. There is no separate outside entrance to the second unit. The use of a separate outside entrance would require a Conditional Use Permit from the Board of Zoning Appeals.

C. The second unit is part of the principal structure and not located in an accessory structure. The use of an accessory structure would require a Conditional Use Permit from the Board of Zoning Appeals.

(Ord. 2005-18. Passed 4-25-05; Ord. 2005-74. Passed 1-23-06; Ord. 2007-22. Passed 5-29-07.)

CHAPTER 1248
(A) Agriculture District

1248.01	Purpose.	1248.03	Conditional uses.
1248.02	Permitted uses.	1248.04	Development standards.

1248.01 PURPOSE.

This district is established to encourage the existence of agricultural uses, to permit a degree of low-density residential development in areas not expected to have public facilities in the near future, and to physically conserve areas unsuitable for intensive development.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1248.02 PERMITTED USES.

(a) Agricultural uses except feed lots and commercial stockyards, usual agricultural buildings and structures, and temporary road side stands offering products grown on the premises.

(b) Public uses as defined in Chapter 1232.

(c) Public service facilities as defined in Chapter 1232.

(d) Cemeteries, including mausoleums, provided those structures are located at least 300 feet from any adjacent property.

(e) Essential services as defined in Chapter 1232.

(f) Single family residential detached dwellings.

(g) Accessory uses as regulated by Section 1246.21.
(Ord. 2005-18. Passed 4-25-05.)

1248.03 CONDITIONAL USES.

(a) Churches, chapels and other places of public worship provided the site is a minimum of three acres and the site has direct access to a major thoroughfare.

(b) Bed and breakfasts.

(c) Animal boarding facilities.

(d) Animal hospitals or clinics.

(e) Radio, television or other transmission towers or masts, and windmills or similar devices for the production of energy used on premises, provided there is a clear yard area, with a radius equal to the height of the tower or mast.
(Ord. 90-61. Passed 2-14-91.)

(f) Farm markets.

(g) Home occupations, subject to the regulations of Section 1276.07.

(h) Small wind energy system, subject to the regulations of Section 1276.10.
(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1248.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246 of this Zoning Code, the following standards for the arrangement and development of land and buildings are required in the A-Agricultural District:

(a) Lot Area. For each principal permitted use, the lot area shall be not less than ten acres.
(b) Minimum Lot Frontage. 500 feet frontage on a dedicated, improved street or highway.
(c) Minimum Depth to Width Ratio. 1:1
(d) Maximum Depth to Width Ratio. 3:1
(e) Minimum Front Yard Depth. 60 feet.
(f) Minimum Side Yard Width Per Side, Principle Structure. 30 feet.
(g) Minimum Side Yard Width, Accessory Structure. 15 feet.
(h) Minimum Rear Yard Depth, Principle Structure. 60 feet.
(i) Minimum Rear Yard Depth, Accessory Structure. 25 feet.
(j) Maximum Building Height. 40 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.
(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1250
(R-1) Residential Estate District

1250.01	Purpose.	1250.03	Conditional uses.
1250.02	Permitted uses.	1250.04	Development standards.

1250.01 PURPOSE.

This district is established to accommodate single-family residential development at low densities, similar to what exists in particular areas on the periphery of the Municipality, and to discourage large concentrations of intensive development where that intensity would be inconsistent with the existing character of the area. All lots shall be served with public water and sewer.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1250.02 PERMITTED USES.

(a) Single family detached dwellings.

(b) Public or private parks and playgrounds.

(c) Essential services.

(d) Accessory uses as regulated by Section 1246.21.
(Ord. 2005-18. Passed 4-25-05.)

1250.03 CONDITIONAL USES.

(a) Churches, chapels and other places of public worship provided the minimum size of the site is three acres and the site has direct access to a major thoroughfare.

(b) Public uses as defined in Chapter 1232.

(c) Bed and breakfasts.

(d) Private parks and playgrounds.

(e) Cemeteries, including mausoleums, provided those structures are located at least 300 feet from any adjacent property.

(f) Home occupations, subject to the regulations of Section 1276.07.
(Ord. 90-61. Passed 2-14-91.)

(g) Public service facilities as defined in Chapter 1232.

(h) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(i) Small wind energy system, subject to the regulations of Section 1276.10.

(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1250.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246, the following standards for the arrangement and development of land and buildings are required in the R-1 Residential Estate District:

(a) Lot Area. For each principal use, there shall be a lot area of not less than 20,000 square feet.

(b) Minimum Lot Width. For each principal use, there shall be lot width of not less than 125 feet with frontage on a publicly dedicated, improved street or highway.

(c) Minimum Depth to Width Ratio. 1:1.

(d) Maximum Depth to Width Ratio. 3:1.

(e) Minimum Front Yard Depth. 50 feet.

(f) Minimum Side Yard Width Per Side, Principle Structure. 20 feet.

(g) Minimum Side Yard Width Per Side, Accessory Structure. 10 feet.

(h) Minimum Rear Yard Depth, Principle Structure. 50 feet.

(i) Minimum Rear Yard Depth, Accessory Structure. 25 feet.

(j) Maximum Building Height. 35 feet.

(k) Minimum Dwelling Size. Each one family dwelling hereinafter erected or structurally altered in an R-1 district shall have a minimum living area, not including open porches, basements, or garages of 2,000 square feet.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1252
(R-2) Suburban Single-Family Residential District

1252.01	Purpose.	1252.03	Conditional uses.
1252.02	Permitted uses.	1252.04	Development standards.

1252.01 PURPOSE.

This district is established to accommodate single-family residential dwellings, and closely related uses, at a density consistent with that which exists in the area. The objective is to discourage large concentrations of intensive development in specific areas where such intensity would be inconsistent with the existing character of the area. All lots shall be served with public water and sewer.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1252.02 PERMITTED USES.

(a) Single family detached dwellings.

(b) Essential services.

(c) Accessory uses as regulated by Section 1246.21.

(Ord. 2005-18. Passed 4-25-05.)

1252.03 CONDITIONAL USES.

(a) Churches, chapels and other places of public worship provided the minimum size of the site is three acres and the site has direct access to a major thoroughfare.

(b) Public uses as defined in Chapter 1232.

(c) Bed and breakfasts.

(d) Private parks and playgrounds.

(e) Cemeteries, including mausoleums, provided those structures are located at least 300 feet from any adjacent property.

(f) Home occupations, subject to the regulations of Section 1276.07.

(g) Public service facilities as defined in Chapter 1232.

(h) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(i) Small wind energy system, subject to the regulations of Section 1276.10.
(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1252.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246, the following standards for the arrangement and development of land and buildings are required in the R-2 Suburban Single-Family Residential District:

(a) Lot Area. For each principal use, there shall be a lot area of not less than 15,000 square feet.
(b) Minimum Lot Width. For each principal use there shall be lot width of not less that 100 feet with frontage on a publicly dedicated, improved street or highway.
(c) Minimum Depth to Width Ratio. 1:1.
(d) Maximum Depth to Width Ratio. 3:1
(e) Minimum Front Yard Depth. 35 feet.
(f) Minimum Side Yard Width Per Side, Principle Structure. 15 feet.
(g) Minimum Side Yard Width Per Side, Accessory Structure. 8 feet.
(h) Minimum Rear Yard Depth, Principle Structure. 45 feet.
(i) Minimum Rear Yard Depth, Accessory Structure. 15 feet.
(j) Maximum Building Height. 35 feet.
(k) Minimum Dwelling Size. Each one family dwelling hereinafter erected or structurally altered in an R-2 District shall have a minimum living area, not including open porches, basements, or garages of 1500 square feet.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1254
(R-3) Village Single-Family Residential District

1254.01	Purpose.	1254.03	Conditional uses.
1254.02	Permitted uses.	1254.04	Development standards.

1254.01 PURPOSE.

This district is established to provide for single-family residential housing sites at densities consistent with existing development, thereby increasing the diversity of housing choice and encouraging the revitalization of existing areas, while maintaining adequate standards. All lots shall be served with public water and sewer.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1254.02 PERMITTED USES.

(a) Single family detached dwellings.

(b) Essential services.

(c) Accessory uses as regulated by Section 1246.21.

(Ord. 2005-18. Passed 4-25-05.)

1254.03 CONDITIONAL USES.

(a) Churches, chapels and other places of public worship provided the minimum size of the site is three acres and the site has direct access to a major thoroughfare.

(b) Public uses as defined in Chapter 1232.

(c) Bed and breakfasts.

(d) Private parks and playgrounds.

(e) Cemeteries, including mausoleums, provided those structures are located at least 300 feet from any adjacent property.

(f) Home occupations, subject to the regulations of Section 1276.07.

(g) Public service facilities as defined in Chapter 1232.

(h) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(i) Small wind energy system, subject to the regulations of Section 1276.10.

(Ord. 2009-43. Passed 10-26-09.)

1254.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246, the following standards for the arrangement and development of land and buildings are required in the R-3 Village Single-Family Residential District.

(a) Lot Area. For each principal use, there shall be a lot of not less than 10,000 square feet, provided lot is served by public water and sewer.

(b) Minimum Lot Width. 75 feet of lot width with frontage on publicly dedicated, improved street or highway.

(c) Minimum Depth to Width Ratio. 1:1.

(d) Maximum Depth to Width Ratio. 3:1.

(e) Minimum Front Yard Depth. 30 feet.

(f) Minimum Side Yard Depth Per Side, Principle Structure. 10 feet.

(g) Minimum Side Yard Depth Per Side, Accessory Structure. 5 feet.

(h) Minimum Rear Yard Depth, Principle Structure. 40 feet.

(i) Minimum Rear Yard Depth, Accessory Structure. 15 feet.

(j) Maximum Building Height. 35 feet.

(k) Minimum Dwelling Size. Each one family dwelling hereinafter erected or structurally altered in an R-3 district shall have a minimum living area, not including open porches, basements, or garages of 1400 square feet.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1256
(R-4) Single Family Residential District

1256.01	Purpose.	1256.03	Conditional uses.
1256.02	Permitted uses.	1256.04	Development standards.

1256.01 PURPOSE.

This district is established to encourage the orderly development of one family residential dwellings, and customary related facilities primarily within the older portions of the Municipality. All lots shall be served with public water and sewer. This district shall not be considered as an option for new developments.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2005-74. Passed 1-23-06.)

1256.02 PERMITTED USES.

(a) Single family detached dwellings.

(b) Essential services.

(c) Accessory uses as regulated by Section 1246.21.

(Ord. 2005-18. Passed 4-25-05.)

1256.03 CONDITIONAL USES.

(a) Churches, chapels and other places of public worship provided the minimum size of the site is 3 acres and the site has direct access to a major thoroughfare.

(b) Public uses as defined in Chapter 1232.

(c) Private parks and playgrounds.

(d) Cemeteries, including mausoleums, provided those structures are located at least 300 feet from any adjacent property.

(e) Community care facilities for the elderly including assisted living facilities, continuing care retirement communities, homes for the elderly with or without nursing care, and rest homes with or without nursing care.

(f) Nursery schools and child day care center.

(g) Home occupations, as regulated in Section 1276.07 of this Zoning Code.
(Ord. 90-61. Passed 2-14-91.)

(h) Bed and breakfasts.

(i) Public service facilities as defined in Chapter 1232.

(j) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(k) Small wind energy system, subject to the regulations of Section 1276.10.
(Ord. 2005-18. Passed 4-25-05; Ord. 2005-74. Passed 1-23-06; Ord. 2009-43. Passed 10-26-09.)

1256.04 DEVELOPMENT STANDARDS.

In addition to provisions of Chapter 1246, the following standards for the agreement and development of land and buildings are required in the R-4 Single Family Residential District:

(a) Minimum Lot Area. 9,000 square feet for single-family dwellings.
(b) Minimum Lot Width. 60 feet of lot width with frontage on a publicly dedicated and improved street or highway.
(c) Minimum Depth to Width Ratio. 1:1.
(d) Maximum Depth to Width Ratio. 3:1.
(e) Minimum Front Yard Depth. 25 feet.
(f) Minimum Side Yard Width Per Side, Principle Structure. 8 feet.
(g) Minimum Side Yard Width Per Side, Accessory Structure. 5 feet.
(h) Minimum Rear Yard Depth, Principle Structure. 40 feet.
(i) Minimum Rear Yard Depth, Accessory Structure. 10 feet.
(j) Maximum Building Height. 35 feet.
(k) Minimum Dwelling Size. Each dwelling unit shall have a minimum living area of 1,000 square feet not including open porches, basements or garages.
(Ord. 90-61. Passed 2-14-91.)

CHAPTER 1258
(R-5) Multiple-Family Residential District

1258.01	Purpose.	1258.03	Conditional uses.
1258.02	Permitted uses.	1258.04	Development standards.

1258.01 PURPOSE.

This district is established to accommodate multiple-family residences at overall housing densities consistent with those existing in the area. Generally these areas will be located with direct access to major thoroughfares and commercial areas. The objective is to provide for the continuance, redevelopment and/or limited expansion of multiple-family developments in areas best equipped to accommodate such development.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1258.02 PERMITTED USES.

(a) Multiple family structures having three or more dwellings per structure.

(b) Essential services.

(c) Two family dwelling units.

(d) Accessory uses for the exclusive use of the residents of multiple family dwellings including common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
(Ord. 2005-18. Passed 4-25-05.)

1258.03 CONDITIONAL USES.

(a) Cemeteries, including mausoleums, provided those structures are located at least 300 feet from any adjacent property.

(b) Community care facilities for the elderly including assisted living facilities, continuing care retirement communities, homes for the elderly with or without nursing care, and rest homes with or without nursing care.

(c) Nursery schools and child and adult day care centers.

(d) Churches, chapels and other places of public worship provided the minimum size of the site is 3 acres and the site has direct access to a major thoroughfare.

(e) Public uses as defined in Chapter 1232.

(f) Adult group home.

(g) Group home.

(h) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(i) Small wind energy system, subject to the regulations of Section 1276.10.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1258.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246 and Chapter 1299, the following standards for the arrangement and development of land and buildings are required in the R-5 Multiple-Family Residential District:

(a) Minimum Lot Area. 5,000 square feet per dwelling unit for two-family dwellings, 4,000 square feet per dwelling unit for all other multiple-family dwellings.

(b) Minimum Lot Frontage. 150 feet of frontage on a publicly dedicated and improved street or highway.

(c) Minimum Front Yard Depth. 30 feet for two family dwellings; 50 feet for all other multiple family dwellings.

(d) Minimum Side Yard Width Per Side, Principle Structure(s). 10 feet for two family dwellings, 25 feet for all multiple family dwellings.

(e) Minimum Side Yard Width Per Side, Accessory Structure. 5 feet if the accessory structure is associated with a two family dwelling; 10 feet if associated with a multiple family dwelling.

(f) Minimum Rear Yard Depth, Principle Structure(s). 40 feet.

(g) Minimum Rear Yard Depth, Accessory Structure. 10 feet.

(h) Maximum Building Height. 35 feet.

(i) 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. Screening of trash and garbage areas shall meet the requirements of Chapter 1299 of this Zoning Code.

(j) 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 to meet the requirements of Chapter 1299 of this Zoning Code.

(k) Lot Coverage. No more than 75% of the lot shall be covered by building, structures, or paved areas.

(l) Minimum Dwelling Size. Each dwelling unit hereinafter erected or structurally altered in an R-5 District shall have a minimum living area of 550 square feet not including open porches, basements or garages.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1260
(OI) Office-Institutional District

1260.01	Purpose.	1260.03	Conditional uses.
1260.02	Permitted uses.	1260.04	Development standards.

1260.01 PURPOSE.

This district is established to encourage and provide for the orderly development of office and institutional uses in consideration of their unique demands for adequate space and traffic accessibility.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1260.02 PERMITTED USES.

(a) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:

(1) Brokers and dealers in securities, investments and associated services.
(2) Insurance agents and brokers and associated services.
(3) Real estate sales and associated services.

(b) Professional offices engaged in providing services to the general public consisting of:

(1) Medical and medical-related activities, but not including veterinary offices or animal hospitals.
(2) Other health or allied medical facilities including medical and diagnostic laboratories.
(3) Professional, legal, engineering landscape architectural, and architectural services, not including the outside storage of equipment.
(4) Accounting, auditing and other bookkeeping services including payroll services.
(5) Design services including interior, graphic, industrial, and specialized design services.
(6) Computer systems design and related services including programming, facilities management services, and data processing.
(7) Management, scientific, and technical consulting services.

(c) Institutions providing social, cultural, educational and health services to organizations, or the general public consisting of:

(1) Public or private elementary or secondary schools.
(2) Professional schools and junior colleges.
(3) Libraries, museums, art galleries.
(4) Business schools and computer and management training.
(5) Technical and trade schools.

(6) Academic tutoring and exam preparation services.
(7) Educational support services.

(d) Information establishments consisting of:
(1) Newspaper, periodical, and book publishers.
(2) Software publishers.
(3) Internet publishing and broadcasting.
(4) Wired telecommunication carriers.
(5) Wireless telecommunication carriers (except satellite).
(6) Telecommunications resellers.
(7) Cable and other program distribution.
(8) Internet service providers and web search portals.
(9) Data processing, hosting, and other related services.

(e) Research and development establishments.

(f) Offices of a duly appointed governmental organization.

(g) Child and adult day care centers.
(Ord. 2005-18. Passed 4-25-05.)

1260.03 CONDITIONAL USES.
(a) Funeral homes and related facilities.

(b) Veterinary offices and animal hospitals, not including facilities for outside boarding or exercising of animals.

(c) Nursery schools.

(d) Community care facilities for the elderly including assisted living facilities, continuing care retirement communities, homes for the elderly with nursing care, and rest homes with nursing care.

(e) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(f) Small wind energy system, subject to the regulations of Section 1276.10.
(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1260.04 DEVELOPMENT STANDARDS.
In addition to the provisions of Chapter 1246, the following standards for the arrangement and development of land and buildings shall be required in the Office - Institutional District:
(a) Minimum Lot Area. No minimum lot area is required, however, the lot size shall be adequate to provide for parking and yard requirements.

(b) Minimum Lot Width. No minimum lot width is required however, all lots shall abut a publicly dedicated and improved street or highway, and shall have adequate width to provide for yard space requirements pursuant to this section.

(c) Minimum Front Yard Depth. 25 feet.

(d) Minimum Side Yard Width. Side yards shall be equal to the building height on each side. When adjacent to any district where residences are a permitted use, there shall be a minimum of 15 feet to any paved area.

(e) Minimum Rear Yard Depth. Minimum rear yard depth shall be 25 feet or equal to the height of the building, whichever is greater. When adjacent to any district where residences are a permitted use, there shall be a minimum of 25 feet to any paved area.

(f) Maximum Building Height. 35 feet.

(g) Parking and Loading. Parking and loading requirements shall be as specified in Chapter 1280. In addition, parking spaces shall be designated to allow a minimum of five feet between any structure and any parked vehicle.

(h) Landscaping and Screening. Landscaping and screening shall be as specified in Chapter 1299 of this Zoning Code.

(i) 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. Screening of trash and garbage areas shall meet the requirements of Chapter 1299 of this Zoning Code. (Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1262
(DB) Downtown Business District

1262.01	Purpose.	1262.03	Conditional uses.
1262.02	Permitted uses.	1262.04	Development standards.

1262.01 PURPOSE.

The Downtown Business District is established to encourage the orderly development of community-oriented retail and commercial facilities in the downtown area, in consideration of constraints to development which exist in the downtown area.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1262.02 PERMITTED USES.

(a) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:

(1) Brokers and dealers in securities, investments and associated services.
(2) Insurance agents and brokers and associated services.
(3) Real estate sales and associated services.

(b) Professional offices engaged in providing services to the general public consisting of:

(1) Medical and medical-related activities, but not including veterinary offices or animal hospitals.
(2) Other health or allied medical facilities including medical and diagnostic laboratories.
(3) Professional, legal, engineering landscape architectural, and architectural services, not including the outside storage of equipment.
(4) Accounting, auditing and other bookkeeping services including payroll services.
(5) Design services including interior, graphic, industrial, and specialized design services.
(6) Computer systems design and related services including programming, facilities management services, and data processing.
(7) Management, scientific, and technical consulting services.

(c) Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods:

(1) Food and food products, consisting of: grocery stores, meat and fish markets, fruit stores and vegetable markets, and specialty food stores such as candy or confectionary.
(2) General merchandise, consisting of: limited price variety stores and hardware stores.

(3) Home furnishings, consisting of: furniture and equipment stores, radio, television, and music stores, interior decorating and upholstery shops, paint and wallpaper sales, and plumbing and electrical supplies.
(4) Apparel, consisting of: clothing, furnishings, and accessory items for men, women, and children.
(5) Miscellaneous retail stores, consisting of: proprietary drug stores, florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the Downtown Business 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-intangible services for personal consumption, including:
(1) Restaurants, 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) Funeral services.
(5) Human medical clinics.
(6) Radio, television or small appliance repair.
(7) On-premises duplication and reproduction services.

(e) Business service engaged in the providing of services to business establishments on a fee or contract basis, such as advertising, mailing services, management or consulting services, protective services, office equipment rental and leasing, commercial research and development.

(f) Essential services.

(g) Offices of a duly appointed governmental organization.
(Ord. 2005-18. Passed 4-25-05.)

1262.03 CONDITIONAL USES.

(a) Institutions providing social, cultural, educational and health services to organizations, or the general public consisting of:
(1) Public or private elementary or secondary schools.
(2) Professional schools and junior colleges.
(3) Libraries, museums, art galleries.
(4) Business schools and computer and management training.
(5) Technical and trade schools.
(6) Academic tutoring and exam preparation services.
(7) Educational support services.

(b) Quasi-public uses as defined in Chapter 1232.

(c) One, two, three, or four-family residential dwelling units located on the second or third floors of structures provided a nonresidential use occupies the ground floor.

(d) Drive-through window service for banks or other financial institutions.

(e) Bed and Breakfasts.

(f) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(g) Physical fitness centers and private gyms.

(h) Small wind energy system, subject to the regulations of Section 1276.10.
(Ord. 2005-18. Passed 4-25-05; Ord. 2007-07. Passed 3-26-07; Ord. 2009-43. Passed 10-26-09.)

1262.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246, the following standards for the arrangement and development of land and buildings shall be required in the Downtown Business District:

(a) Minimum Lot Area.

(1) No minimum lot size is required; however, lot size shall be adequate for parking and yard requirements.

(b) Lot Width.

(1) No minimum lot width is required however, all lots shall abut a publicly dedicated and improved street or highway, and shall have adequate width to provide for yard space and parking requirements pursuant to this section and Chapter 1280 of this Zoning Code.

(c) Minimum Side Yard Width. No minimum side yard is required.

(d) Minimum Front Yard. The front yard setback shall conform with that of the buildings on both sides. If buildings do not exist on either side, the front yard setback shall be the average of the nearest five buildings on each side.

(e) Minimum Rear Yard Depth. Fifteen feet from any paved area or structure adjacent to any district where residences are a permitted use, provided that sufficient space is provided to meet parking requirements pursuant to Chapter 1280 of this Zoning Code.

(f) Maximum Lot Coverage. The Planning and Zoning Commission may require that at least 5% of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to yard space, or pedestrian space.

(g) Maximum Building Height. 40 feet.

(h) Parking and Loading. The Planning and Zoning Commission shall determine the nature and extent to which compliance with Chapter 1280 of this Zoning Code is required.

(i) 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. Screening of trash and garbage areas shall meet the requirements of Chapter 1299 of this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1264
(GB) General Business District

1264.01	Purpose.	1264.03	Conditional uses.
1264.02	Permitted uses.	1264.04	Development standards.

1264.01 PURPOSE.

The General Business District is established to provide suitable areas for the orderly development of a broad range of commercial activity. The General Business District is intended to provide for a more intense type of retail and commercial activity than the Downtown Business District.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1264.02 PERMITTED USES.

(a) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:

(1) Brokers and dealers in securities, investments and associated services.
(2) Insurance agents and brokers and associated services.
(3) Real estate sales and associated services.
(4) Automotive services when all business, including storage, is performed inside.

(b) Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:

(1) Food and food products, consisting of: Grocery meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionary, and miscellaneous food stores which conform to the purpose of the General Business District.
(2) General merchandise, consisting of: department stores, mail-order stores, and limited price variety stores.
(3) Home furnishings, consisting of: furniture arid equipment sales, radio, television, and music stores.
(4) Building material retail stores, not having outside storage of material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.
(5) Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.

(6) Miscellaneous retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, and other retail stores which conform to the purpose and intent of the Downtown Business District.

(c) 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 intangible services for personal consumption including:

(1) Restaurants, 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;
(5) Dry-cleaning establishments;
(6) Funeral services;
(7) Human medical and dental clinics;
(8) Radio, television, or small appliance repair;
(9) Public and private parking areas;
(10) On-premises duplication and reproduction facilities;
(11) Equipment rental or leasing, not including outdoor storage of material.

(d) Business services engaged in the providing of services to business establishments on a fee or contract basis, such as advertising, mailing services, management or consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

(e) Essential services.

(f) Professional offices engaged in providing services to the general public consisting of:

(1) Medical and medical-related activities, but not including veterinary offices or animal hospitals.
(2) Other health or allied medical facilities including medical and diagnostic laboratories.
(3) Professional, legal, engineering landscape architectural, and architectural services, not including the outside storage of equipment.
(4) Accounting, auditing and other bookkeeping services including payroll services.
(5) Design services including interior, graphic, industrial, and specialized design services.
(6) Computer systems design and related services including programming, facilities management services, and data processing.
(7) Management, scientific, and technical consulting services.

(g) Adult and child day care services.
(Ord. 2005-18. Passed 4-25-05; Ord. 2008-53. Passed 11-24-08.)

1264.03 CONDITIONAL USES.

(a) Any permitted use, with drive-through facilities.

(b) New and used car sales and service, provided all operations except for display and sales are located completely within an enclosed building.

(c) Full service gas station.

(d) Veterinary office and animal hospitals. (Ord. 90-61. Passed 2-14-91.)

(e) Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.

(f) Lumber and home improvement sales, provided all storage areas are screened or enclosed.

(g) Hotels and motels.

(h) Garden centers.

(i) Quasi-public uses as defined in Chapter 1232.

(j) Limited service gas station.

(k) Convenience market gas station.

(l) Self-service car washes.

(m) Temporary or seasonal outdoor sales lots having a maximum operating duration of four months, provided all other permits are obtained.

(n) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(o) Small wind energy system, subject to the regulations of Section 1276.10.
(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1264.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246, the following standards for the arrangement and development of land and buildings shall be required in the General Business District:

(a) Minimum Lot Area. No minimum lot area is required: however, the lot size shall be adequate to provide for parking and yard requirements.

(b) Minimum Lot Width. No minimum lot width is required; however all lots shall abut a publicly dedicated and improved street or highway, and shall have adequate width to provide for yard space requirements pursuant to this section.

(c) Minimum Side Yard Width. 15 feet to any structure; however, if the yard is located adjacent to any district where residences are a permitted use, the minimum side yard width shall be 15 feet to any paved area, and 25 feet to any structure.

(d) Minimum Rear Yard Depth. 20 feet to any structure; however, if the yard is located adjacent to any district where residences are a permitted use, the minimum rear yard depth shall be 20 feet to any paved area, and 30 feet to any structure.

(e) Maximum Building Height. 40 feet.

(f) Parking and Loading. Parking and loading requirements shall be as specified in Chapter 1280. In addition, parking spaces shall be designed to allow a minimum of five feet between any structure and any parked vehicle.

(g) Landscaping. Landscaping and screening shall be as specified in Chapter 1299 of this Zoning Code.

(h) 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. Screening of trash and garbage areas shall meet the requirements of Section 1299 of this Zoning Code. (Ord. 90-61. Passed 2-14-91; Ord. 2003-31. Passed 10-27-03; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1270
(LM) Limited Manufacturing District

1270.01	Purpose.	1270.03	Conditional uses.
1270.02	Permitted uses.	1270.04	Development standards.

1270.01 PURPOSE.

The purpose of the Limited Manufacturing 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 Limited Manufacturing District must operate:

(a) Entirely within enclosed primary structures;

(b) Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties;

(c) Without imposing unusual burdens upon utility or governmental services.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1270.02 PERMITTED USES.

(a) Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials and products, consistent with the purpose of the LM District.

(b) Offices of contractors.

(c) Administrative, professional and business offices associated with and incidental to another permitted use.

(d) Essential services.

(Ord. 2005-18. Passed 4-25-05.)

1270.03 CONDITIONAL USES.

(a) Warehousing, distribution and storage operations.

(b) Maintenance and storage facilities excluding self-service storage facilities.

(c) Adult entertainment facilities.

(d) Wireless telecommunications towers subject to the regulations of Chapter 1278.

(e) Small wind energy system, subject to the regulations of Section 1276.10.

(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1270.04 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1246 and 1299, the following standards for the arrangement and development of land and buildings shall be required in the Limited Manufacturing District:

(a) 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 100 feet from any district where residences are a permitted use, and not less than 50 feet from any other zoning district.

(b) 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 distances required in division (a) above of this section.

(c) Side Yards. Minimum side yards shall be required so as to meet the requirements of division (a) of this section.

(d) Front Yard Depth. 25 feet, exclusive of any parking.

(e) Minimum Rear Yard Depth. Minimum rear yard depth shall be required so as to meet the requirements of division (a) of this section.

(f) Height. No structure shall exceed a height of 50 feet.

(g) Landscaping. If side or rear yards are located adjacent to any district where residences are a permitted use, landscaping and screening shall be required on the perimeter of those yards to meet the requirements of Chapter 1299 of this Zoning Code.

(h) 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. Screening of trash and garbage areas shall meet the requirements of Chapter 1299 of this Zoning Code. (Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1274
(FP) Flood Plain District

1274.01	Purpose.	1274.07	Prohibited uses in the floodway.
1274.02	Finding of fact.	1274.08	Permitted uses in the floodway fringe.
1274.03	Definitions.	1274.09	Prohibited uses in the floodway fringe.
1274.04	Scope and application.	1274.10	Development standards for flood hazard reduction.
1274.05	Administration.		
1274.06	Development standards.		

1274.01 PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of flood waters in the Village of Baltimore by restricting or prohibiting uses which are dangerous to health, safety of property in times of flooding or cause excessive increases in flood heights or velocities, requiring that uses vulnerable to floods be protected from flood damage at time of initial construction, controlling the filling, grading, dredging and other development which may increase flood damage, and controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1274.02 FINDING OF FACT.

The flood hazard areas of the Village of Baltimore 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, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by:

(a) The cumulative effect of obstructions in flood plains, causing increased flood heights and velocities.

(b) The occupancy of flood hazard areas by uses vulnerable to floods and which are not adequately elevated or protected from flood damage.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1274.03 DEFINITIONS.

(a) AArea of special flood hazard@ means the land in the flood plain adopted by the municipality, including that identified by the Federal Emergency Management Agency (FEMA), which is subject to a 1% or greater chance of flooding in any given year. Flood hazard maps are available at the office of the Municipality and at the Fairfield County Regional Planning Commission.

(b) ABase flood@ means the flood having a 1% chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100-year flood.

(c) ADevelopment@ means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations located within the area of special flood hazard.

(d) AEncroachment@ means any intrusion into the floodway that by itself or in conjunction with other intrusions could decrease the floodway's ability to carry and discharge the base flood or could increase the surface elevation of the base flood.

(e) AExisting manufactured home park@ or Amanufactured home subdivision@ means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets), is completed before the effective date of this Zoning Code.

(f) AExpansion to an existing manufactured home park or manufactured home subdivision@ means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(g) AFederal Emergency Management Agency (FEMA)@ means the agency with the overall responsibility for administering the National Flood Insurance Program.

(h) AFlood@ or Aflooding@ means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(i) AFlood Insurance-Rate Map (FIRM)@ means an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Municipality.

(j) AFlood Insurance Study@ means the official report provided by the Federal Emergency Management Agency that includes flood profiles, floodway boundaries, and the water surface elevation of the base flood.

(k) AFlood protection elevation@ means the elevation not less than one and one half feet above the base flood elevation to which uses regulated by the special Flood Hazard Regulations are required to be elevated or floodproofed to compensate for the many unknown factors that could contribute to flood elevations greater than that calculated for a base flood. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, of base flood elevations determined and/or approved by the floodplain administrator.

(l) AFloodway@ means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.

(m) ANew manufactured home park@ or Amanufactured home subdivision@ means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities either final site grading or the pouring of concrete pads, and the construction of streets), is completed on or after the effective date of this Zoning Code. This definition shall exclude any house trailer park, as defined in Ohio R.C. 3733.01 over which the Public Health Council has exclusive rule making power.

(n) AStart of construction@ means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the Astart of construction@ includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, Astart of construction@ means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, Astart of construction@ is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

(o) ASubstantial improvement@ means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition Asubstantial improvement@ is considered to occur when the first alteration of any wall, ceiling, floor, or the first other structural part of the building commences, whether or not

that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided the alteration will not preclude the structure's designation as a historic structure.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1274.04 SCOPE AND APPLICATION.

(a) Applicable Lands. This chapter shall apply to all lands within the Municipal boundaries shown on the official Zoning District Map within the boundaries containing areas of special flood hazard and as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map Number 390159 0001B dated December 17, 1991, and any revision thereto as adopted by reference and declared to be a part of this Zoning Code. All lands annexed by, and under the jurisdiction of, the municipality are subject to these regulations.

(b) Overlay District Designation.

(1) The flood plain constitutes two overlays which are hereby established for and effective in the floodway and floodway fringe of the Municipality and which shall be subject to the regulations of this chapter. These overlays, the floodway overlay and the floodway fringe overlay, are detailed on the flood profile and Flood Insurance Rate Map (FIRM) contained in the Flood Insurance Study and are subject to the provisions of this chapter. These two overlays distinguish between the hazards to life and property associated with that portion of the flood plain required to carry and discharge the waters of a base flood (the floodplain overlay) and the remaining portion of the flood plain that is subject to inundation during a base flood (the floodway fringe overlay).

(c) Delineation of Floodway and Floodway Fringe Overlay.

(1) The selection of the floodway overlay shall be based on the principle that the area chosen for the floodway must be sufficient to carry the waters of the base flood without increasing the water surface elevation of that flood more than 'A foot at any point within the watercourse or an affected watercourse reach. This floodway overlay designation is established on the Flood Insurance Rate Map (FIRM).

(2) The landward boundary of the floodway fringe overlay shall be that of the base flood. The channelward boundary of the floodway fringe overlay shall be that of the abutting floodway.

(d) Warning and Disclaimer of Responsibility. The degree of flood protection required by this Zoning Code is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Zoning Code does not imply that areas outside the Flood Plain Overlay

District boundaries or land uses permitted within such district will be free from flooding or flood damages. This Zoning Code shall not create liability on the part of the Village of Baltimore or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(e) Abrogation. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1274.05 ADMINISTRATION.

(a) Flood Plain Development Permit. A flood plain development permit shall be obtained before the start of construction or development of land in the Flood Plain Overlay District. This permit shall be in addition to the zoning permit required in Chapter 1284 of this Zoning Code. Application for a flood plain development permit shall be made concurrently with the application for a zoning permit, on forms as furnished by the Zoning Administrator.

(b) Contents of Application for Flood Plain Development Permit. The application for a flood plain development permit shall contain the following information:

(1) Plans in duplicate drawn to scale showing the location, dimensions, and topography of the area in question, existing and proposed structures, fill, storage of materials, drainage facilities and the location pf the foregoing.

(2) Elevation in relation to mean sea level of the lowest floor, including basement of all proposed structures.

(3) Elevation in relation to mean sea level to which any proposed structure will be floodproofed.

(4) Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria in Section 1274.10 of this chapter.

(5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development that the flood carrying capacity of the watercourse will not be diminished.

(6) Base flood elevation data as provided by the Federal Emergency Management Agency. If such base flood elevation data is not available from that source, the applicant shall provide base flood elevation data available from another federal or state agency, or the Fairfield County Regional Planning Commission. Where such base flood elevation data is not available from any other source, the applicant can supply the base flood elevation data in accordance with a hydrologic and hydraulic engineering analysis, performed and certified by a professional engineer, who shall demonstrate that the technical methods used correctly reflect currently accepted technical practices.

(7) Other information as requested by the Zoning Administrator to determine conformance with this Zoning Code.
(8) Application fee, as established by separate ordinances.

(c) Exemption From Filing a Flood Plain Development Permit. An application for a flood plain development permit shall not be required for maintenance work such as roofing, painting, basement sealing, or for small development activities (except for grading and filling) valued at less than five thousand dollars ($5,000.00).

(d) Duties and Responsibilities of Zoning Administrator. The duties of the Zoning Administrator, in processing the flood plain development permit, shall include the following. In the performance of these duties, the Zoning Administrator may receive input from the Chairperson of the Planning and Zoning Commission, and the Municipal Engineer, as needed:

(1) Review all flood plain development permits to assure that the requirements of this chapter have been met.
(2) Review all flood plain development permits to assure that all necessary permits have been received from those federal, state, and local agencies from which prior approval is required.
(3) Review all flood plain development permits involving alterations or relocations of watercourses to assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
(4) Review all flood plain development permits to determine if the proposed development is located within the floodway component of the Flood Plain Overlay District. If the proposed development is located within the designated floodway as shown on the Flood Boundary and Floodway Map, assure that the encroachment provisions of Section 1274.06(c) of this chapter is complied with.
(5) Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
(6) Obtain and maintain all information concerning actual elevation of new or substantially improved structures.

(e) Variances and Appeals. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter, in conformance with the criteria, standards, and procedures stated in Chapter 1286 of this Zoning Code. In deciding appeals and variances from the requirements of this chapter, the Board of Zoning Appeals shall consider the following items in addition to the criteria stated in Chapter 1286:

(1) The danger that materials may be swept onto other lands to the injury of others.
(2) The danger to life and property due to flooding or erosion damage.
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.
(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
(6) The necessity to the facility of a waterfront location, where applicable.
(7) The compatibility of the proposed use with existing and anticipated development.
(8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water and the effects of wave action, if applicable, expected at the site.
(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
(12) No variance shall be issued within the floodway if any increase in flood levels during the base flood discharge would result.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1274.06 PERMITTED USES IN THE FLOODWAY.

(a) Within a floodway, no buildings or structures shall be used and no buildings or structures shall be erected, constructed, altered or enlarged for any purpose and no premises shall be used which are arranged, intended, or designed to be used for other than one of the following uses as permitted by the underlying zoning district.

(1) Agricultural use;
(2) Public or private recreational use;
(3) Public or private water oriented facility for recreational or navigational use and water measuring or control device;
(4) Public utility such as an underground culvert or pipe, street or railroad not requiring fill, and watercourse crossing bridge or transmission line above the flood protection elevations.

(b) No building, alteration of an existing building, structure or other encroachment, whether public or private, shall be permitted in the floodway which acting alone or in combination with existing or reasonably anticipated uses would impair the designated floodway's ability to carry and discharge the water resulting from the base flood.

(c) No structure with uses listed in division (a)(1) to (a)(4) of this section, including the supporting members of bridges and other public facilities crossing a watercourse, shall be permitted unless an engineering analysis by a registered engineer demonstrates that encroachment will not result in any increase in the water surface elevation during the base flood.

(d) Any building expansion or structure in addition to being floodproofed in accordance with Section 1274.10 shall meet the following requirements:

(1) Have a low flood damage potential;
(2) Be located on the site outside the floodway whenever possible;
(3) Be aligned so as to minimize its potential as an obstruction to the flow of water;
(4) Minimize the barrier effect of appurtenant works such as fences and walls;
(5) Maintain the terrain.

(Ord. 2005-18. Passed 4-25-05.)

1274.07 PROHIBITED USES IN THE FLOODWAY.

(a) Within the floodway no building, structure or premises shall be used, and no building or structure shall be erected which is designed to be used for overnight accommodations by human habitants.

(b) Any alteration of the floodway terrain through the shifting, addition or removal of material acting alone or in combination with other reasonably anticipated alterations would impair the designated floodway's ability to carry and discharge the waters resulting from the base flood is prohibited. The applicant shall provide an engineering analysis performed in accordance with standard engineering practices for any proposed alteration of the floodway terrain.

(c) Storage of hazardous material.

(Ord. 2005-18. Passed 4-25-05.)

1274.08 PERMITTED USES IN THE FLOODWAY FRINGE.

(a) Any use expressly permitted by the underlying zoning district is also permitted in the floodway fringe.

(b) Any building, structure or premises located on any portion of any parcel that is within, or partially within, the floodway fringe shall be erected, arranged or designed to be used as specified by the underlying zoning district and in accordance with the following specifications.

(1) Residential. Each residential building or alteration of an existing residential building shall be elevated such that the lowest floor, including the basement, cellar or crawl space, is equal to or above the flood protection elevation for the site. A residential building shall have a means of ingress and egress to land outside the flood plain that is above the flood protection elevation and substantial enough for both pedestrian and vehicular access during a base flood.

(2) Commercial, manufacturing and other. New construction of, or substantial improvement to, any building, structure or appurtenant work shall be elevated as provided for in division (b)(1) of this section, or, together with attendant utility and sanitary facilities, shall be floodproofed as provided in Section 1274.10 to a point at or above the flood protection elevation. Accessory land uses such as yards, railroad tracks and parking lots may be at lower elevations.

(3) Public streets. Public streets shall be at a point equal to or above the flood protection elevation, or in developed areas shall meet the maximum elevation already established.

(4) Railroads, transmission lines, pipes, well fields and related facilities. Protection to a point equal to or above the flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area.

(5) Storage of material. Material that, in time of flooding, is buoyant, flammable, explosive or could be injurious to human, animal or plant life shall be stored at or above the flood protection elevation, floodproofed or protected by structural measures consistent with the standards set forth in Section 1274.10.

(6) Utilities. Any new or replacement water supply system or sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system. Any new or replacement sanitary sewage system shall also be designed to minimize discharge from the system into flood waters. An on-site waste disposal system shall be located so as to avoid impairment or contamination during flooding. (Ord. 2005-18. Passed 4-25-05.)

1274.09 PROHIBITED USES IN THE FLOODWAY FRINGE.

(a) Within the floodway fringe no building, structure or premises shall be used and no building or structure shall be erected in such a manner as to result in an encroachment into the floodway.

(b) Landfill is prohibited in the floodway fringe unless associated with a specific site development the extent of which shall be fully detailed on the application for a certificate of zoning clearance and the certificate issued therefore.
(Ord. 2005-18. Passed 4-25-05.)

1274.10 DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

(a) General Standards. The following development standards apply to all areas within the floodway fringe.

(1) Anchoring.

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(2) Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision proposals.

A. All subdivision proposals, including manufactured home subdivision, shall be consistent with the need to minimize flood damage.

B. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

C. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage.

D. All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of division (d) of this section.

(5) Residential construction. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(6) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the flood protection elevation; or where flood protection data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade; or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the flood protection level the structure is watertight with walls substantially impermeable to the passage of water.

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection.

(b) Manufactured Home Standards.

(1) The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of Ohio R.C. 3733.01.

A. Manufactured homes shall be anchored in accordance with division (a)(1) of this section.

B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

(c) Enclosures Below the Lowest Floor.

(1) The following standards apply to all new and substantially improved residential and nonresidential structures which are elevated to the base flood elevation using pilings, columns or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall:

A. Be certified by a registered professional engineer or architect; or

B. Must meet or exceed the following criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other openings provided that they permit the automatic entry and exit of floodwaters.

(2) Any enclosure which meets these criteria shall be considered as having met the requirements of division (a)(1) of this section.

(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1275
(MSO) Market Street Overlay District

1275.01	General.	1275.05	Permitted uses.
1275.02	District boundaries.	1275.06	Conditional uses in downtown sub-district only.
1275.03	Applicability.		
1275.04	Procedures.	1275.07	Development standards.

1275.01 GENERAL.

It is the purpose of the Market Street Overlay District to provide overlay requirements to ensure that existing and anticipated district land uses will be developed in a manner that protects the health and safety of residents, maintains the historic character of the downtowns, and the residential character between the two downtowns. The purpose of allowing flexible uses for existing structures is to encourage successful reuse of buildings that may otherwise be vacant and to encourage a compatible mix of uses through the standards of an overlay district.

The intent of the district is as follows:

(a) Allow for residential uses in commercial zoned districts for structures that were originally intended for residential uses;

(b) Allow greater flexibility to include more than one use on a site through live-work scenarios and utilization of accessory structures for appropriate residential or commercial uses;

(c) Create building and site standards for the district which will maintain the character of existing structures and the district;

(d) Maintain existing residential pockets on Market Street and mitigate use impacts from any commercial uses that are adjacent;

(e) Manage parking requirements within the district so as not to negatively impact adjacent residential uses.

(Ord. 2008-55. Passed 11-24-08.)

1275.02 DISTRICT BOUNDARIES.

(a) The boundaries of the Market Street Overlay District are to include those parcels of land within the (DB) Downtown Business District and those fronting on Market Street between Company Street and Granville Street.

(b) The Market Street Overlay District may be sub-divided into districts to better meet the goals of the overlay district. Two sub-districts comprise the district and include the:

(1) Downtown Sub-District;

(2) Market Street Mixed-Use Sub-District.

(Ord. 2008-55. Passed 11-24-08.)

1275.03 APPLICABILITY.

(a) Except as modified by this overlay district, the provisions of the applicable base-zoning district shall apply to all parcels within the boundary of the designated overlay district and sub-districts. If regulations conflict, the applicable overlay zoning district regulations shall prevail over the base zoning.

(b) No building shall be erected, demolished, converted, expanded, reconstructed or structurally altered except in accordance with the procedures, uses and development standards of this district. Modifications made to existing structures must also meet all procedures, uses and development standards.

(c) Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this district.
(Ord. 2008-55. Passed 11-24-08.)

1275.04 PROCEDURES.

(a) The Planning and Zoning Commission shall review all plans meeting requirements of applicability. The Commission shall exercise all powers granted in the powers of the Planning and Zoning Commission or the Board of Zoning Appeals with respect to the Market Street Overlay District. Two additional members appointed to the Planning and Zoning Commission shall assist in planning and development review of applications within the overlay district. Recommended membership of the two additional members may include, but shall not be limited to, architects, landscape architects, contractors, carpenters, engineers, historic preservationists, or public historians.

(b) The Commission, in reviewing such plans and specifications, shall examine the site plan, building composition (including design elements such as entrance, windows, storefronts, exterior materials, mechanical screening), the location of uses within the site, lighting, parking, buffering and dumpster screening, and the impact of the site on neighboring properties.

(c) The Commission, in deciding whether to approve an application under this section, shall determine that the site and design plans for buildings, structures, and spaces as proposed by the applicant are in keeping with the purpose and intent of the Market Street Overlay District, and the design standards.

(d) As long as permitted uses within the district and sub-districts are met, the site plan review contemplated by this chapter does not include the right to approve or disapprove proposed or existing uses or changes to the interior of an existing building or structure which do not change the external appearance of a building or site.

(e) Project involving only interior changes to existing buildings and structures are subject to the standard plan review and building permit procedures.
(Ord. 2008-55. Passed 11-24-08.)

1275.05 PERMITTED USES.

(a) Downtown Sub-District.

(1) Permitted uses listed in Section 1262.02.

(2) One, two, or three residential dwelling units with residential use permitted on the ground floor.

(3) Multiple family structures having three or more dwellings per structure.

(4) Live-work units.

(5) Permitted uses listed in Section 1262.02(a) and Section 1262.02(b) contained within an accessory structure.

(6) Mother-in-law suites contained within an accessory structure.

(7) Bed and Breakfasts.

(8) Hotels and motels.

(9) Physical fitness centers and private gyms.

(10) Dry cleaning establishments.

(11) Self-service laundries.

(b) Market Street Mixed-Use Sub-District.

(1) Permitted uses listed in Section 1264.02.

(2) One, two, or three residential dwelling units.

(3) Live-work units.

(4) Permitted uses listed in Section 1262.02(a) and Section 1262.02(b) contained within an accessory structure.

(5) Mother-in-law suites contained within an accessory structure.

(c) All parcels within the overlay district with the underlying zoning of R-4 Single Family Residential District must retain the appearance and site arrangement of a single-family structure. (Ord. 2008-55. Passed 11-24-08.)

1275.06 CONDITIONAL USES IN DOWNTOWN SUB-DISTRICT ONLY.

(a) Automotive services when all business, including most storage, is performed inside. (Ord. 2011-2. Passed 2-28-11.)

1275.07 DEVELOPMENT STANDARDS.

(a) Buildings.

(1) The front yard setback shall conform with that of the buildings on both sides. If buildings do not exist on either side, the front yard setback shall be the average of the nearest five buildings on each side. Front yards, if they exist, shall remain open and maintained with landscape.

(2) Buildings in the Market Street Mixed-Use Sub-District should maintain a residential character in massing, proportions, and detail.

(3) Any building with frontage on Market Street should have its front or primary facade on this frontage.

(4) The building shall provide a primary pedestrian entrance to Market Street.

(5) The building shall contain fenestration of at least sixty (60) percent of the front facade and comprised of clear windows.
(6) Building mechanicals and utilities must be screened from view at their full height.
(7) Appliance vents, exhaust fans, and similar roof penetrations should be located so as to not be visible from the street. The placement of mechanical penetrations, especially exhaust vents, should consider the visual impacts on nearby residential uses.
(8) Structures and additions should utilize traditional exterior building materials such as brick, stone, wood or comparable products similar in appearance.

(b) Parking and Circulation.
(1) Curb cuts from Market Street to lots with rear alley and side street access shall not be permitted. On lots without such access, vehicular driveways shall be permitted on or adjacent to lot lines with appropriate driveway/access easements as determined by the Planning and Zoning Commission, anticipating shared access to limit future curb cuts.
(2) No parking or maneuvering shall be permitted between the primary building and any public street.
(3) The minimum parking setback from an alley shall be zero feet. Head-in parking directly accessed through an alley may be permitted.
(4) Driveway widths to a street may be no more than twenty-four feet wide. There is no maximum width for parking access off an existing built alley.
(5) Not more than seventy-five (75) percent of the rear yard can be of an impervious surface for parking.
(6) All lighting for parking areas must utilize a fixture that is decorative in nature on a pole height that is no more than fifteen feet. Fixtures must be cut-off in type and prevent light spillage onto adjacent properties.
(7) Minimum parking requirements listed in Section 1280.07 shall be allowed a twenty-five (25) percent reduction for those uses within the District.
(8) If on-street parking is located within two hundred feet of a use requiring off-street parking, a parking credit of one-half to the number of on-street spots available may be granted.

(c) Service/Dumpsters.
(1) Dumpsters must be confined to the back of the principal structure or lot or accessed from a side street. Commercial dumpsters must be screened from view.
(Ord. 2008-55. Passed 11-24-08; Ord. 2011-2. Passed 2-28-11.)

CHAPTER 1276
Special Regulations

1276.01 General.
1276.02 Regulation of satellite dish antennas.
1276.03 Regulation of amusement arcades.
1276.04 Regulation of adult entertainment businesses.
1276.05 Regulation of swimming pools as accessory uses.
1276.06 Regulation of long-term parking facilities as accessory uses.
1276.07 Regulation of home occupations.
1276.08 Mobile homes.
1276.09 Fences and hedges.
1276.10 Small wind energy systems.

1276.01 GENERAL.

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1276.02 REGULATION OF SATELLITE DISH ANTENNAS.

This section shall apply to the location and construction of dish-type satellite signal receiving antennas as herein defined. However, this section shall not apply to satellite dish antennas less than three feet in diameter.

(a) Purpose. It is the purpose of this section to regulate the location and construction of dish-type satellite signal-receiving antennas within the Municipality in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of the accumulation of noxious weeds and debris, the safety considerations associated with windloads, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

(b) Definitions. The following definitions shall apply in the interpretation of this section:

(1) ADish@ shall mean that part of a satellite signal-receiving antenna which is shaped like a saucer or dish, whether it is spherical, parabolical, or similar in shape.

(2) ADish-type satellite signal-receiving antennas,@ to include earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more, of the following:

A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
C. A coaxial cable, whose purpose is to convey or transmit signals to a receiver.

(3) ARecei ver@ shall mean the apparatus whose purpose is to obtain a signal from a cable or like source and transform it to a television signal.

(c) Zoning Permit Required. No person, firm or corporation shall undertake the construction, erection or installation of any satellite dish without a zoning permit issued in accordance with the provisions of this Zoning Code. In addition to the requirements of Chapter 1286 of this Zoning Code the application for such permit shall include the following:

(1) A description of the type of earth station proposed including details of the method of assembly and construction of the proposed earth station;
(2) A plot plan of the lot, premises, or parcel of land showing the location of the proposed earth station and all other structures thereon;
(3) Plans depicting the specifications and elevations of the proposed location;
(4) The address of the property, and the name, address and telephone number of the owner and occupant of the property. If the applicant is not the owner of the premises, the application shall include a statement by the owner giving the applicant written consent to install the satellite dish antenna on the premises.
(5) A fee as required according to Section 1284.13 for the review of plans and specifications and the inspection of construction.
(6) A landscaping plan showing the size, quantity and types of landscaping materials to be used for screening.

(d) Regulations. No satellite dish antenna permit shall be issued, and no satellite dish antenna shall be installed or maintained, unless the satellite dish antenna complies with the following regulations:

(1) Residential uses.
A. Satellite dish antennas shall be permanently mounted and located only in rear yards. No rooftop installations or mobile satellite dish antennas mounted on trailers or vehicles are permitted.
B. Satellite dish antennas shall be located not closer than 20 feet to the rear lot line and 20 feet to the side lot line.
C. The maximum diameter of a satellite dish antenna shall not exceed 12 feet. The maximum height of the satellite dish antenna shall not exceed 15 feet from grade level.
D. The satellite dish antenna, including mounting hardware and guy wires, shall be permanently screened by landscaping a minimum of five feet in height which visually screens the dish on all sides during all seasons from adjacent residences. Any guy wires attached to a satellite dish apparatus shall be enclosed by an approved fence.

E. The satellite dish antenna foundation shall be concrete. The satellite dish antenna shall consist of metal supports and/or galvanized construction. The structure, including foundation, shall be designed to withstand wind forces up to 75 mph and shall comply with all requirements of the National Electric Code.

F. Any driving motor shall be limited to 110 volt maximum power and shall be encased in a protective guard.

G. The satellite dish apparatus shall be painted a color which complements its environment, and shall bear no advertisement, lettering, picture, or visual image.

H. All wiring between the apparatus and any other structure shall be placed underground in approved conduit.

(2) Nonresidential uses. Except as to the following, the regulations set forth for residential uses in division (d) of this section shall apply:

A. Rooftop installations shall be permitted, provided that the satellite dish antenna, including mounting hardware and guy wires, are permanently screened so as not to be visible from the street level. The apparatus, its mounting and all supporting devices shall not be mounted upon a spire, tower, turret, chimney, pole, or any appurtenances thereto attached

B. When adjacent to a residential district, a satellite dish antenna shall be located not closer than 50 feet to the rear and/or side lot line.

C. The maximum diameter of a satellite dish antenna shall not exceed 12 meters. (Ord. 2005-18. Passed 4-25-05.)

1276.03 REGULATION OF AMUSEMENT ARCADES.

The following regulations shall apply to amusement arcades as herein defined.

(a) Purpose. The purpose of this section is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of this section to coordinate the provisions of this Zoning Code with the requirements of Chapter 802 of this code, governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail.

(b) Definition. The following definitions shall apply in the interpretation of this section:

(1) AAmusement arcade@ means a place of business within a building or any part of a building having more than five mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

(2) AExhibitor@ means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his or her own place of business, irrespective of the ownership of such device.

(3) AMechanical or electronically operated amusement device@ means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

(c) Conditional Use Permit Required. No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1238 of this Zoning Code. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

(1) Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.

(2) Amusement arcades shall have an adult who is 18 years of age or over on the premises and supervising the amusement arcade at all times during its hours of operation.

(3) Amusement arcades shall have necessary security personnel as required by the appropriate law enforcement agency to police the interior and exterior of the premises.

(4) The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two feet of area on each side plus an area of four feet in front of the device.

(5) Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.

(6) If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan.

(7) In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.

(8) No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment business.

(9) The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person 14 years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

(d) Zoning of Amusement Arcades. Amusement arcades shall be conditionally permitted uses but only in the following districts: DB, GB.

(e) Maintenance of a Nuisance Prohibited. It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

(f) Restricted Access to Certain Minors. No amusement arcade exhibitor shall permit, on days when school is in session, any person 14 years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousels. Violation of this provision shall be a minor misdemeanor.

(g) Complaints Regarding Amusement Arcades.

(1) Any resident of the Municipality may submit a written notice of complaint regarding the operation of any amusement arcade to the Zoning Administrator. The notice of complaint shall include the name and address of the complainant, the address of the location of the amusement arcade, and the specific reasons why the individual is complaining.

(2) If the Zoning Administrator determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complaint appear to be proper grounds for suspension or revocation of the conditional use permit, he or she shall refer the matter to the Board of Zoning Appeals.

(h) Revocation of Conditional Use Permit. The Zoning Administrator shall revoke the conditional use permit for any amusement arcade in the event that the license to operate such amusement arcade is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Municipal Council, according to the provisions of division (i) below, of this section.

(i) Procedure for Revocation. The Zoning Administrator shall notify in writing the Board of Zoning Appeals whenever he or she has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Zoning Code. Within 30 days from the notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this

hearing shall be served on the amusement arcade exhibitor and, if the Zoning Administrator referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to the Court of Common Pleas within ten days of its issuance of the decision.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1276.04 REGULATION OF ADULT ENTERTAINMENT BUSINESSES.

The following regulations shall apply to adult entertainment business as herein defined.

(a) Purpose. The purpose of this section is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these sections to regulate entertainment 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, residentially zoned areas, schools, churches, parks and playgrounds within the Municipality.

(b) Definitions. The following definitions shall apply in the interpretation of this section:

(1) AAdult book store@ means an establishment which utilizes 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 electronically, electrically or mechanically controlled still 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 adult materials as defined in this section.

(2) AAdult entertainment business@ means an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.

(3) AAdult material@ means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:

A. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

B. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

(4) AAdult motion picture drive-in theater@ means an open air drive-in theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

(5) AAdult motion picture theater@ means an enclosed motion picture theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.

(6) AAdult only entertainment establishment@ means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

(7) ABottomless@ means less than full opaque covering of male or female genitals, pubic area or buttocks.

(8) ANude@ or Anudity@ means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breasts with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

(9) ASexual activity@ means sexual conduct or sexual contact, or both.

(10) ASexual contact@ means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(11) ASexual excitement@ means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

(12) ATopless@ means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

(c) Conditional Uses Permit Required. No building shall be erected, constructed, or developed, and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Chapter 1238 of this Zoning Code. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

(1) Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located;

(2) No adult entertainment business shall be permitted in a location which is within 1,000 feet of another adult entertainment business;

(3) No adult entertainment business shall be permitted in a location which is within 1,000 feet of any church, synagogue or permanently established place of religious services, any public or private school, any park, any playground, library, or any social services facility or neighborhood center attended by persons under 18 years of age;

(4) No adult entertainment business shall be permitted in a location which is within 1,000 feet of any residence or boundary of any residential district;

(5) No adult entertainment business shall be permitted in a location which is within 200 feet of any boundary of any residential district in a local unit of government abutting the Municipality.

(6) No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.

(7) All building openings, entries, windows, etc., for adult 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. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

(8) No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

(9) Hours of operation shall be limited to the hours between 8:00 a.m. and 11:00 p.m.

(d) Zoning of Adult Entertainment Businesses. Adult entertainment businesses shall be conditionally permitted only in the LM district.

(Ord. 2005-18. Passed 4-25-05.)

1276.05 REGULATION OF SWIMMING POOLS AS ACCESSORY USES.

This section shall apply to the location and maintenance of swimming pools.

(a) Purpose. It is the purpose of this section to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

(b) Private Swimming Pools. No private swimming pool, exclusive of portable swimming pools with a depth of less than 24 inches, a diameter of less than 12 feet or with an area of less than 150 square feet, or of a farm pond, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

(1) The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.

(2) The pool shall be located only in rear yards, and shall not be located closer than ten feet to any property line or easement.

(3) The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than 40 inches in height, measured from the level of the ground where located, for in-ground pools, and no less than 24 inches, measured from the deck level, for above-ground pools. At no time shall any fence be less than 40 inches above ground level. The fence shall be maintained in good condition and affixed with an operable self-closing gate and lock.

(4) No swimming pool shall be constructed without a property owner first obtaining a permit from the Village of Baltimore and paying the cost thereof as established by Municipal Council.

(5) No lights, diving boards, or other accessories shall project more than ten feet above the average grade of the pool site.

(6) All lights used for illuminating such pool or the surrounding areas shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting properties.

(c) Community or Club Swimming Pools. A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

(1) The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

(2) The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than 75 feet to any property line or easement.

(3) The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.

(4) Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.

(5) Such pool facilities shall not be operated prior to 8:00 a.m. in the morning or after 11:00 p.m. in the evening.

(6) Provision shall be made for drainage of the pool into a public storm sewer.

(Ord. 2005-18. Passed 4-25-05; Ord. 2007-53. Passed 12-10-07.)

1276.06 REGULATION OF LONG-TERM PARKING FACILITIES AS ACCESSORY USES.

This section shall apply to the location and operation of any long-term parking facility as an accessory use.

(a) Purpose. It is the purpose of this section to regulate long-term parking facilities constructed, operated, or maintained as accessory uses in order to promote the public health, safety, and welfare.

(b) Conditional Use Permit Required. No person shall establish, operate or maintain on any premises as an accessory use a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six days without obtaining a conditional use permit for such accessory use.

(c) Permit Requirements. In addition to complying with all other provisions of this Zoning Code, particularly the requirements of Chapters 1238 and 1280, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

(1) That no boundary of the proposed parking area is within 50 feet of a residential district boundary.

(2) That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.

(3) That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.

(4) That fencing and lighting of the facility will be sufficient to provide for its reasonable security.

(5) That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1276.07 REGULATION OF HOME OCCUPATIONS.

This section shall apply to the location, operation, and maintenance of home occupations.

(a) Purpose. It is the purpose of this section to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of this section to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

(b) Definition. AHome occupation@ means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood.

(c) Home Occupation as a Permitted Use. A home occupation shall be a permitted use if it complies with the following requirements:

(1) The external appearance of the structure in which the use is conducted shall not be altered.

(2) No sign is erected on the premise advertising the home occupation.

(3) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.

(4) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.

(5) Not more than 25% of the gross floor area of the dwelling shall be devoted to the use.

(6) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

(7) No additional parking demand shall be created.

(8) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

(d) Home Occupation as a Conditionally Permitted Use. A person may apply for a conditional use permit for a home occupation which does not comply with the requirements of division (c) of this section. The criteria for the issuance of such a permit for a home occupation are as follows:

(1) There shall be no more than two nonresidential employees or volunteers to be engaged in the proposed use.

(2) Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.

(3) The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.

(4) No outside storage shall be permitted.

(5) Not more than 30% of the gross floor area of any residence shall be devoted to the proposed home occupation.

(6) The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one sign no larger than two square feet shall be mounted flush to the wall of the structure.

(7) Minor or moderate alterations in accordance with applicable codes may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.

(8) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

(9) No more than two additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

(e) Invalidation of Home Occupation Conditional Use Permit. For the purposes of this Zoning Code, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of the permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1276.08 MOBILE HOMES.

Mobile homes and mobile home parks shall not be permitted within the Village of Baltimore. The use of a mobile home, tractor-trailer or other similar type trailer or structure shall not be permitted as an office, structure, storage facility or business structure whether for commercial, industrial or residential use except as stated in Section 1246.21.

(Ord. 2005-18. Passed 4-25-05.)

1276.09 FENCES AND HEDGES.

(a) Definitions and Application. The words Afence@ and Awall@ mean any structure composed of wood, metal, stone, brick or other material erected in such a manner and position as to enclose, partially enclose or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers or other vegetation when erected in such a position as to enclose, partially enclose or divide any premises or any part of any premises shall also be considered a fence. The provisions of this section shall apply to any single family residential zoning district and to no other districts. In all other zoning districts, fences shall be approved as part of the site plan or development plan review.

(b) Regulations.

(1) Chain link, mesh wire, barbed wire or similar sharp point fences are prohibited. Exceptions: Galvanized chain link fence with rolled over top wires with a top horizontal support tube will be permitted in any residential district, other than planned districts.

(2) Electrically charged fences shall be forbidden in all districts except on sites of more than ten acres used to confine livestock.

(3) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the fence and property line shall be well maintained.

(4) All fences and walls must present the finished non-structural face outward.

(5) No fence or wall may be placed within the sight visibility triangle defined in Section 1246.15

(6) No fence or wall shall be permitted to encroach upon public rights-of-way or easements.

(7) No fence shall be constructed on the property line nor shall any fence be constructed on or within any easement. All fences shall be a minimum of one foot from the property line.

(8) No fence or wall shall be constructed in any platted no-build zone, conservation/no disturb zone, floodway, floodplain or drainage easement for any parcel or subdivision, which would be detrimental to the public health, safety and welfare. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.

(9) All fences on a parcel shall have a unified style.

(10) Guard rails shall not be used as fencing.

(11) No fence shall exceed six feet in height except fences in the front yard that may not exceed three feet in height.

(12) No fence shall be constructed in the absence of surveyor pins being directly visible on the site. If surveyor pins are not directly visible on the site, a survey must be done.

(c) Permit Required. No fence shall be constructed, altered or reconstructed without a permit from the Zoning Administrator and after such application has been approved.

(d) Inspections. It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans approved by the Municipality, and such fence does not encroach upon another lot or parcel of land nor is it in violation of any deed restrictions. The Municipality shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for permit, provided, however, that the issuance of the permit by the Municipality shall not be construed to mean that the Municipality has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him therein.

(e) Exemptions for Temporary Fences. The following temporary fences shall be exempt from the provisions of this section:

(1) Temporary construction fences when such fence is indicated on an approved site plan.

(2) Temporary fences used for Special Events and shown on an approved plot plan for said event.

(3) Temporary snow fence installed by any Government agency.

(4) Temporary fences installed for the protection of the public from any obvious danger. (Ord. 2005-18. passed 4-25-05; Ord. 2005-74. Passed 1-23-06.)

1276.10 SMALL WIND ENERGY SYSTEMS.

The following regulations apply to small wind energy systems.

(a) Purpose. It is the purpose of this section to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. This section provides, by ordinance, for the installation of small wind energy systems, as specified, and to issue a permit for this purpose. If any portion of the proposed small wind system does not meet the requirements set under this section, a zoning variance will be required.

(b) Definitions. The following definitions shall apply in the interpretation of this section:

(1) ASmall wind energy system@ shall mean a system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rating capacity appropriate to the on-site electric usage of the end-user.

(2) ATurbine@ shall mean the parts of a wind system including the blades, generator and tail.

(3) ATower height@ shall mean the height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

(c) Regulations. No small wind energy system permit shall be issued, and no small wind energy system shall be installed or maintained, unless the small wind energy system complies with the following regulations:

(1) Notice of an application for installation of a small wind energy system shall be provided to property owners within 200 feet of the property on which the system is to be located.

(2) Tower heights of not more than 140 feet shall be allowed on parcels up to five acres. For property sizes of five acres or more, there is no limitation on tower height, except as imposed by FAA regulations, provided that the application includes

evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

(3) Setbacks for the system tower shall be no closer to the property line than the height of the system and no part of the system, including guy wire anchors, may extend closer than ten feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of six feet above the guy wire anchors.

(4) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

(5) Decibel levels for the system shall not exceed sixty decibels (dBA) measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.

(6) The application shall include standard drawings and an engineering analysis of the system's tower, and certification by a professional mechanical, structural, or civil engineer. However, a wet stamp shall not be required, provided that the application demonstrates that the system is designed to meet the most stringent wind requirements.

(7) The system shall comply with all applicable Federal Aviation Administration requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.

(8) No grid-interconnected wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt of this requirement.

(9) For those small wind energy systems that do not meet the above criteria, a variance will be required in addition to a conditional use permit.

(Ord. 2009-43. Passed 10-26-09.)

CHAPTER 1278
Wireless Telecommunications Facilities

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1278.01 PURPOSE.

The purpose of this chapter is to protect the health, safety and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunication market place through the establishment of requirements for the installation of Wireless Communication Facilities.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.02 MUNICIPAL OBJECTIVES.

The following are the Municipality's objectives:

(a) To comply with the Telecommunications Act of 1996 including any follow-on rules and/or rule interpretations by the appropriate state, federal agencies and the courts.

(b) To work pro-actively with the various wireless telecommunications service providers to ensure rapid and reliable deployment of their services and technologies while minimizing the negative impacts on the Municipality.

(c) Protect residential areas and land uses from potential adverse impacts of towers and antennas.

(d) Encourage the location of towers in non-residential areas.

(e) Minimize the total number of towers throughout the community.

(f) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single use towers.

(g) Encourage the owners and operators of wireless towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.

(h) Encourage owners and operators of Wireless Communications Facilities and antennas to configure them in a way that minimizes the adverse impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques to be sure that, to the greatest extent feasible, that wireless towers and antennas and ancillary facilities are compatible with surrounding land users.

(i) Consider the public health and safety of Wireless Communications Facilities.

(j) Avoid potential damage to adjacent properties caused by Wireless Communications Facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed.

(k) To make available appropriate Municipal owned property and structures for Wireless Communications Facilities.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.03 DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words Ashall@ and Awill@ are mandatory and Amay@ is permissive. Words not defined shall be given their common and ordinary meaning.

(a) AAntenna@ means any exterior apparatus used for transmitting and receiving, mounted on a tower, alternative tower structure, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(b) AAntenna tower@ means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. The term also includes the structure and any support thereto.

(c) AAntenna tower alternative structure@ means trees, clock towers, bell steeples, and similar alternative-design mounting structures that substantially camouflage or conceal the presence of antennas or towers such that one would not identify the structure as an antenna tower.

(d) AAntenna tower height@ means, when referring to a tower or other structure within the provisions of this chapter, the distance measured from the average grade plane of the antenna tower base to the highest point on the tower or other structure, including any

antenna and additional height required for co-location. Lightning rods up to six feet in length and 1.25 inches in diameter may extend above the maximum height measured. When roof-mounted, antenna tower height shall be measured from the average grade plane of the building to the highest point on the tower or other structure, including any antenna and additional height required for co-location.

(e) AAverage grade plane@ means a reference plane representing the average of finished ground level adjoining the structure or building at all exterior surfaces.

(f) ABackhaul network@ means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(g) ACo-location@ means the use of wireless communications facilities by more than one wireless communications provider.

(h) AConditional use@ means a use, although often desirable, which will more intensely affect the surrounding area in which such facility is located than is permitted in such zoning district. A conditional use may be permitted through a permit by the Board of Zoning Appeals after a public hearing.

(i) AEngineer@ means a registered professional engineer licensed in the State of Ohio to provide any information of an engineering nature whether civil, electrical or mechanical.

(j) AFAA@ means the Federal Aviation Administration.

(k) AFCC@ means the Federal Communications Commission.

(l) AFacility@ see Awireless communications facility@.

(m) AForce majeure@ means a strike, acts of God, acts of public enemies; administrative, judicial or regulatory orders or regulations of any kind of the United States of America and/or the State of Ohio or any of their departments, agencies or political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the disabled party, but only to the extent that the disabled party notifies the other party as soon as practicable regarding such force majeure.

(n) AMonopole@ means a single pole with no above ground lateral support from secondary structural members in either tension or compression.

(o) ANo-impact wireless communication facility@ means a facility which is either:

(1) Virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or

(2) Camouflaged so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna.

(p) APersonal communications services tower@. See Awireless communications facility@.

(q) APre-existing towers and pre-existing antenna@ means any tower or antenna for which a building permit has been properly issued prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(r) APublic property@ means real estate owned, leased, or otherwise controlled by the Municipality, Joint Fire District or the School District.

(s) AStealth Design@ means any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antennas and monopoles surrounded or obscured by existing and/or proposed trees and landscaping and antenna structures designed to look like light poles.

(t) ATower@ see Aantenna tower/wireless communications facility@.

(u) AWireless communication facility@ is an all encompassing term that includes towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes and/or any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower or antenna support structure. However, the term Awireless telecommunications facilities@ shall not include:

(1) Any satellite earth station antenna two meters or less in diameter or less that is located in an area zoned industrial or commercial;

(2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category;

(3) Antennas used by amateur radio operators.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.04 APPLICABILITY.

All towers, antenna support structures and wireless communications facilities, any portion of which are located within the Municipality, are subject to this chapter. The provisions of this chapter are to be supplemented by specific regulations for the zoning districts in which such towers, support structures and wireless communications facilities are located. Except as provided in this chapter, any use being made of a pre-existing tower or antenna support structure on the effective date of this chapter (herein referred to as Anonconforming structures@) shall be allowed to continue, even if in conflict with this chapter. All re-construction or modifications to a nonconforming structure being undertaken shall be required to conform with the provisions of this chapter.

(a) New towers and antennas. All new tower and antenna sites and facilities within the Village of Baltimore shall be subject to these regulations.

(b) Pre-existing towers or antennas. Pre-existing towers or pre-existing antennas shall not be required to meet the requirements of this chapter other than the requirements of other applicable sections of the Village of Baltimore Zoning Code. No additions, alterations or modifications shall be made to any pre-existing wireless communication towers or antennas facilities that do not comply with this chapter without Board of Zoning Appeals review and approval, except for repairs and routine maintenance.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.05 LOCATIONS AND SPECIFIC REQUIREMENTS FOR TOWERS AND ANTENNAS.

(a) Wireless towers and antennas shall be permitted as conditional uses in the AOI and AGB@ Districts provided they are combined with another use or located on the same parcel as a permitted use for the zoning district in which they are located and meet the following requirements:

(1) Minimum lot area. Wireless telecommunication facilities which include a tower to support the antenna shall utilize a monopole tower and shall be located on a lot of not less than one acre in area.

(2) Setback. The minimum setback from all property lines is the height of the tower proposed. Such setback shall apply to all elements of the wireless communications facility including equipment shelters and other above ground appurtenances.

(3) Maximum height. The maximum height of any tower and antenna shall not exceed one hundred feet. The height for equipment shelters associated with a wireless telecommunications facility shall meet the requirements for maximum building height for the district in which it is located.

(4) If attached to an existing structure or building, no portion of the wireless telecommunications facility shall extend more than ten feet above that portion of the building or structure on which it is attached.

(5) Any equipment shelter associated with a wireless telecommunications facility not located within an existing building shall be effectively screened by a wall of not less than six feet in height or solid landscape screening utilizing evergreen plantings not less than six feet on center and a minimum of six feet in height at time of planting.

(b) Wireless towers and antennas shall be permitted as conditional uses in the ADB@ district and on public facilities in residential districts provided they are attached to an existing building or structure and meet the following requirements:

(1) No portion of the wireless telecommunication facility shall extend more than ten feet above that portion of the building or structure on which it is attached.

(2) Any equipment shelter associated with a wireless telecommunications facility not located within an existing building shall be effectively screened by a wall of not less than six feet in height or solid landscape screening utilizing evergreen plantings not less than six feet on center and a minimum of six feet in height at time of planting.

(c) Wireless towers and antennas shall be permitted as conditional uses in the ALM@ district provided that the facility meet all the requirements of the Code for the District and in addition meets the following requirements:

(1) Minimum lot area. Wireless telecommunication facilities which include a tower to support the antenna shall utilize a monopole tower and shall be located on a lot of not less than one acre in area.

(2) Setback. The minimum setback from all property lines is the height of the tower proposed. Such setback shall apply to all elements of the wireless communications facility including equipment shelters and other above ground appurtenances.

(3) Maximum height. The maximum height of any tower and antenna shall not exceed 130 feet in height. The height for equipment shelters associated with a wireless telecommunications facility shall meet the requirements for maximum building height for the district in which it is located.

(4) If attached to an existing structure or building, no portion of the wireless telecommunications facility shall extend more than 20 feet above that portion of the building or structure on which it is attached.

(5) Any equipment shelter associated with a wireless telecommunications facility not located within an existing building shall be effectively screened by a wall of not less than six feet in height or solid landscape screening utilizing evergreen plantings not less than six feet on center and a minimum of six feet in height at time of planting. (Ord. 2005-18. Passed 4-25-05.)

1278.06 GENERAL REQUIREMENTS.

The following use regulations shall apply to all wireless communications facilities services antennas and towers:

(a) Any wireless communications facility antenna that is mounted upon an existing structure as stated above shall match or other wise be compatible with, the structure on which it is located.

(b) Any wireless communications facility and its appurtenances located on the roof of a building are to be set back one foot from the edge of the roof of the building for each one foot in height of the wireless communications facility. However this setback requirement shall not apply to antennas less than two inches in diameter which are mounted to the sides of any antenna support structures and which do not protrude more than six inches from the side of such antenna support structure. The setback mentioned in this division (b) does not apply to any wireless telecommunications facility that is located on an elevator penthouse of said building, provided that such facilities meet FCC and FAA requirements.

(c) A wireless communications facility, tower or antenna shall not be attached to a building or structure that is listed on a historic register.

(d) All other uses ancillary to the wireless tower or antenna including, but not being limited to, business offices, maintenance depots, and material and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the wireless tower or antenna is located or proposed to be located

(e) Wireless towers and antennas sites shall not be located in any single family or multifamily residential zoning district unless attached to a public facility.

(f) All towers shall be of monopole construction. Lattice towers and guyed towers are not permitted.

(g) In all cases a license or lease authorizing a wireless tower or antenna on public property or institutional property must be approved by the Municipal Council.

(h) The equipment cabinet or structure associated with the wireless communication facility shall be located according to the following:
  (1) The equipment cabinet or structure shall be designed to minimize its visual impact and shall be screened in accordance with the zoning requirements in the district in which it is located.
  (2) The maximum height of the equipment cabinet or structure will be in conformance with the zoning district in which said cabinet or structure is located.
  (Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.07 SUBMITTAL REQUIREMENTS.

Permit applicants for conditionally permitted wireless communication facilities shall submit the following information:

(a) Survey of Existing Conditions. A survey for the property to be leased to or otherwise under the control of the provider shall be prepared by a surveyor licensed to practice in the State of Ohio. This survey shall indicate all observable physical features on the site and on property abutting the site, ownership of the property and of all property abutting the site, underground and overhead utilities, easements, deed restrictions, property line bearings and distances. Topography at two foot intervals shall be shown for the entire property or within at least a 150-foot radius of the tower, whichever is less. Spot elevations may be used when contour intervals are impractical.

(b) Legal Description. Legal description of the parent tract and leased parcel if applicable.

(c) Site Development Proposal. A scaled site plan and specifications of no less than one inch equals 100 feet shall be submitted clearly indicating the location of all new and existing underground and overhead facilities. The plan shall indicate all land uses and buildings that are within 200 feet of the proposed facility. This shall include, but not be limited to, the proposed tower, antenna and associated buildings, uses and structures on the same and adjacent properties, underground and overhead utilities, and exterior lighting. Adjacent roadways, proposed means of access, parking and other information deemed necessary by the Board of Zoning Appeals for a review of the application shall also be shown. Setback dimensions shall show the distance between each property line and the closest point on the perimeter of the tower structure, excluding guy wires and other similar miscellaneous stabilizers whose collapse would not endanger surrounding property.

(d) Grading and Landscaping Plan. A proposed site grading and landscape plan showing specific landscape materials and species proposed. Land contours shall be shown at two foot intervals and the surface drainage concept shall be indicated for the entire property, or within at least a 150 foot radius of the tower, whichever is less. Spot elevations may be substituted where contour elevations are impractical. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment.

(e) Antenna and Towers. Plans, elevation drawings and material specifications for all proposed antenna tower and antenna.

(f) Buildings. Building plans, elevation drawings and material specifications for all proposed buildings, structures, fences, walls and gates.

(g) Fence Plan. Shall include a plan and elevations drawn to scale together with a material specification for all security enclosures. Use of barbed wire is permitted if compatible with the applicable zoning requirements and surrounding land uses where the wireless telecommunications facility is to be located. Use of razor wire as part of any fencing is prohibited. The Municipality and co-locators shall have reasonable access. No fence shall be required on the top of a building or other structure if access to the roof or top of the structure is secure. The Municipality reserves the right to require specific fencing in any visually sensitive areas.

(h) Certification of Compliance. A written certification from the owner or operator of the wireless telecommunications facility that the facility is in compliance with all applicable federal, state, county and local laws including FCC regulations for non-ionizing electromagnetic radiation (NIER).

(i) Co-Location Statement. A notarized statement by a registered professional engineer hired by the applicant that verifies that construction of the tower will accommodate co-location of additional antennas for future use and also states the ultimate height needed for the co-location capacity required.

(j) Lease Agreement. For all facilities to be located on Municipal owned or any public property, a copy of the proposed antenna tower site lease agreement including all easements and access rights.

(k) Inventory.

(1) List of applicant locations. Each applicant for an antenna and/or tower shall provide to the Board of Zoning Appeals an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Village of Baltimore or within three miles of the border thereof, including specific information about the location, height, and design of each tower.

(2) Specification of backhaul providers. Identification of the entities providing the backhaul network for the tower(s) or antenna(s) described in the application and other telecommunication wireless sites owned or operated by the applicant within the Municipality.

(l) Justification. A description of the suitability of the use of existing towers, other structures or technology not requiring the use of the proposed new tower. New towers shall be approved only when other preferable alternatives are not available. The applicant must demonstrate to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or other alternative is available to fulfill the communication requirements. Such evidence may include, but not be limited to, the following:

(1) Existing facilities not available. A demonstration that a technically suitable location is not reasonably available on an existing tower, building or structure; or

(2) Existing towers or structures do not have sufficient height to meet applicant's engineering requirements, or have insufficient structural strength to support applicant's proposed antenna and related equipment; or

(3) The applicant's proposed antenna would cause frequency interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; or

(4) The fees, costs, or contractual provisions required by the owner of the existing structure in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable; or

(5) Co-location rejected. If another tower is technically suitable the applicant must show that the applicant has made a written offer to allow the owner to co-locate an antenna on another tower within the Municipality owned by the applicant on reciprocal terms and the offer was not accepted.

(m) Radio Frequency (RF) Engineer Testimony. Testimony shall be made by a radio frequency engineer at all required public hearings and he/she shall attest to the engineering need for the tower height regulated.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.08 DESIGN STANDARDS

For the protection of the public health, welfare and safety, all principally and conditionally permitted wireless communication facilities shall meet or exceed the following standards.

(a) Co-Location. As a condition of issuing a permit to construct and operate a tower in the Municipality, the owner/operator of the tower is required to allow co-location until the tower has reached full antenna capacity, but in no event shall the tower be able to accommodate fewer than one additional antenna for one additional provider. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony of a radio frequency engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to support this co-location capacity, and the tower must be designed to accommodate this extension capability. The antenna tower setback defined in division (c) below must be based on the ultimate co-location tower height planned. This ultimate height must be specified on the drawings submitted. Tower height shall not be extended until co-locators are installed. Agreement to this provision must be included in the lease by the landowner, if different from the owner/operator of the wireless tower or antenna. Written documentation must be presented to the Board of Zoning Appeals evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this section as well as the requirements, regulations and standards established in this chapter. As an additional condition of issuing the permit to construct and operate the wireless tower or antenna in the Municipality, the owner/operator of the tower is required to sign a statement that all disputes with future providers concerning co-location and the terms and conditions of co-location shall be submitted to commercial arbitration under a system selected by the parties but if the parties are unable to agree, then under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.

(b) Separation. There shall be a separation of at least one quarter mile between new antenna towers. The Board of Zoning Appeals may waive this requirement for the purposes of clustering of towers and placement of towers on electric high tension towers or if the tower being considered for co-location is not capable of supporting additional antennas.

(c) Exceptions to Antenna Tower Height and Setback Requirements.

(1) New and replacement antennas located on or attached to any existing or new municipal water tower(s) located within the Village of Baltimore.

(d) Antenna Tower Design. All new and replacement wireless towers or antennas in the Municipality shall be an approved design. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and its supporting equipment as unobtrusive as possible as determined by the Municipality.

(e) Materials. Towers shall maintain a galvanized steel finish, noncontrasting gray or similar color that will minimize its visibility. The Municipality reserves the right to require that these towers be painted a color so as to reduce visual obtrusiveness. If required by the FAA, towers may be painted pursuant to FAA or ODOT requirements.

(f) Service Equipment. The Board of Zoning Appeals may require that all cable, conduit, piping, equipment and miscellaneous devices serving wireless telecommunication facilities shall be either buried or concealed within the structures involved if the aesthetics of the surrounding area dictate, except when otherwise required by the Ohio Basic Building Code and the National Electric Code. Towers located in commercial, industrial or manufacturing areas shall meet the requirements of the zoning district in which they are located.

(g) Accessory Structures. All principal structures, accessory structures, buildings, shelters and equipment enclosures, together with supporting development including, but not limited to, fence enclosures, driveways, gates and miscellaneous pavement serving and supporting the operation of the antenna tower(s) and antenna(s) shall meet the following requirements:

(1) Compatibility. All development including, but not limited to, buildings, shelters, enclosures, driveways, gates and miscellaneous pavement located shall meet the zoning standards of the underlying zone. Buildings, shelters, enclosures, driveways, gates and miscellaneous pavement located in other zones shall meet the zoning standards of the underlying zone and shall be aesthetically and architecturally compatible with the surrounding environment, as approved by the Board of Zoning Appeals.

(2) Board of Zoning Appeals' Authority. When the antenna and antenna tower is a conditional use the Board of Zoning Appeals shall review and approve the final design of all accessory buildings, shelters and enclosures for compliance with this chapter prior to the issuance of a permit. The Board of Zoning Appeals may require additional plans, design modifications, material specification changes and impose conditions of approval as are felt to be necessary to ensure building and/or shelter compatibility with the surrounding area.

(h) Storage. Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited.

(i) Fences. Screen fencing shall be provided for aesthetic and public safety reasons when the wireless communication facility, tower or antenna is ground based. ANo impact@ facilities are not subject to this requirement. A fence six feet in height will be erected completely around the communication tower and any related support facilities. Fencing should be appropriate for the area in which the tower or antenna is to be located and compatible with the surrounding environment and the applicable Municipal codes.

(j) Landscape. A landscaped buffer area compatible with the surrounding environment and the zoning district in which the facility is to be located shall be provided. If the tower is to be located in close proximity to a residential district, the Board of Zoning Appeals may require landscaping consistent with that of the adjacent area. Such landscaping may include, but shall not be limited to:

(1) A landscape buffer of not less than ten feet in depth shall be placed between the wireless tower or antenna and the public rights-of-way, residential zoning districts, and any adjacent residential uses when the wireless facility is ground based.

(2) The ten foot landscape buffer shall consist of a tight screen fence of hardy evergreen shrubbery not less than six feet in height.

(3) The landscaping shall be continuously maintained and any dead material shall be promptly removed and replaced with living material of the same species. Additional or alternative landscaping buffers may be required by the Board of Zoning Appeals to meet the goals of the Village and to be consistent with the surrounding area. ANo impact@ facilities and roof-top facilities are not subject to this requirement.

(k) Illumination. Except as required by law, a wireless tower or antenna shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by FAA regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting for security purposes shall be permitted at the wireless communication facility with prior approval of the review authority specified in this chapter for the application involved.

(l) Advertising. No advertising shall be permitted on any wireless communication facility.

(m) Security. No trespassing signs shall be posted around the wireless communication facility with a telephone number of a person to contact in the event of an emergency.

(n) Certification. Towers and antennas shall be designed and sealed by a registered professional engineer in accordance with the provisions of the Ohio Basic Building Code and the National Electrical Code.

(o) Building Codes; Safety Standards. The owner of a wireless communications facility as defined in this chapter shall ensure that the facility is maintained in compliance with standards contained in all applicable state or local building codes and the applicable standards for such facilities published by the Electronic Industry Association as now exist

or may hereafter be amended. If, upon inspection, the Municipality determines that the facility fails to comply with any such codes or standards and constitutes a danger to persons or property, then upon written notice being provided to the owner of the facility, the owner shall have 30 days to bring the facility into compliance with such codes and standards. Failure to bring said facility into compliance within the 30 days shall constitute grounds for the removal of the facility at the owner's expense.

(p) License to Operate. Owners and operators of wireless communications facilities shall submit copies of all franchises, certifications, licenses, and permits required by law for the design, construction, location and operation of wireless communications facilities within the Village of Baltimore. Owners and operators shall be required to maintain same and to provide evidence of renewal or extension thereof when requested by the Municipality.

(q) Underground Equipment Shelters. Underground equipment shelters will be required where appropriate screening of such shelters cannot be accomplished.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.09 CERTIFICATION OF REGISTERED PROFESSIONAL ENGINEER.

Prior to action by the review authority specified in this chapter, the Municipality and the owner or operator of the wireless communications facility may agree to require a review/report by an independent registered professional engineer engaged by the Municipality and paid for by the applicant pursuant to its reimbursement of Municipal expenses in accordance with this chapter. Among other things, the engineer may review and recommend the written certification of the applicant's engineer filed pursuant to this chapter, may review and recommend the applicant's propagation studies showing the necessity for the location of the tower, and may review and recommend the structural integrity, electrical integrity and electrical safety of the wireless communication facility in its projected uses so as to assure the protection of the health, safety and welfare of the citizens of the Municipality.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.10 REIMBURSEMENT OF EXPENSES.

The applicant shall be responsible for all expenses incurred by the Municipality for any technical engineering services deemed necessary by Municipal Council, the Municipal Solicitor, or the Board of Zoning Appeals to perform the reviews required by this chapter.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.11 DENIAL OF REQUEST.

Any decision to deny a request to place, construct or modify a wireless tower or antenna shall be in writing and supported by substantial evidence contained in a written record of the proceedings of the Board of Zoning Appeals and Municipal Council, if applicable. If a location request is denied pursuant to this section, the applicant shall be entitled to file an appeal in accordance with the existing Board of Zoning Appeals procedures that are hereby incorporated by reference into this chapter.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.12 PERMIT.

A wireless communication facility may not be constructed or erected except where located in compliance with this chapter. The Board of Zoning Appeals shall authorize the issuance of permits required by the chapter and shall collect the fees therefore.
(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.13 TIME LIMITATIONS FOR BEGINNING OF CONSTRUCTION.

After issuance of a permit to construct a wireless tower or antenna, the permit holder shall begin construction within 180 days and shall complete construction within 360 days or the permit and approval shall expire. In the case of Municipal owned or public property, the Board of Zoning Appeals shall require the permit holder to certify that if construction is not commenced within 180 days or completed within 360 days that the site shall be available for another wireless communications facility provider. Should such delay in beginning or completing construction be due to force majeure, the delayed party shall take all necessary and reasonable steps to overcome the force majeure and shall keep the Municipality advised of the reason for the delay and the steps being taken to reduce the delay. If the delay is due to force majeure, the Municipality and the delayed party shall agree to a new construction date which new date shall then be subject to the time limits as stated in this section.
(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.14 STATE OR FEDERAL REQUIREMENTS.

All towers/antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall so notify the Village of Baltimore and shall bring such facilities into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state, county or federal agency. Failure to bring such towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner or operator's expense.
(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.15 ABANDONMENT OF TOWER.

All providers utilizing wireless towers or antennas shall present a report to the Municipality or its designee notifying them of any wireless tower or antenna located in the Municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Municipal Administrator may declare the facility abandoned (excluding any dormancy period between construction and the initial use of the facility). The facility's owner/operator will receive written notice from the Municipality or its designee and be instructed to either reactivate the facility's use within 180 days, or dismantle or remove the facility. In the case of a multi-use tower, this provision shall not become effective until all of the users cease to use the tower. However, the Municipality may cause the abandoned portions of the systems on the mufti-use tower to be removed in accordance with this section.

(a) Removal. The owner or operator shall agree to remove a nonfunctioning facility within 180 days of ceasing its use and return the site to its pre-exiting condition.

(b) Notice Requirements. The Municipality must provide the tower or antenna owner or operator 90 days notice and an opportunity to be heard before the Board of Zoning Appeals before the Municipality can initiate removal of the facility. After such notice the Municipality shall have the authority to initiate proceedings either to acquire the tower and any appurtenances attached thereto at the then fair market value, or in the alternative, to order the demolition of the tower and all appurtenances.

(c) Public Hearing. The Municipality shall provide the tower owner with the right to a public hearing before the Board of Zoning Appeals which public hearing shall follow the 90 days notice required in division (b) above. All interested parties shall be allowed an opportunity to be heard at the public hearing.

(d) Acquisition/ Removal of Tower. After a public hearing is held pursuant to division (c), the Board of Zoning Appeals may order the acquisition or demolition of the tower. The Municipality shall also exercise its rights related to any bonding requirements stated in division (e) of this section.

(e) Bond. The owner or operator shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the Municipal Solicitor of not less than one hundred dollars ($100.00) per vertical foot from natural grade of the wireless communication facility. Said bond shall warrant that an abandoned, obsolete or destroyed wireless communication facility will be removed within 180 days of cessation of use and abandonment. If the wireless communication facility is not removed within 180 days of cessation of use or abandonment, the owner or operator shall forfeit this bond, but the obligation to remove the wireless communication facility and restore the site to its pre-existing condition shall remain. In the event that the facility is not removed within 180 days of cessation of operations at a site, the facilities may be acquired or removed by the Municipality and the costs of removal assessed against the property or recovered by other legal means from the owner or operator. Any co-locator shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the co-locator occupies the tower.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.16 NONCONFORMING USES.

(a) Conforming Use. Towers that are constructed, and antennas that are installed in accordance with the provisions of this chapter shall be deemed to constitute the conforming uses or structures even when such new facilities are being added to a nonconforming installation.

(b) Pre-existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height serving the same purpose) shall be permitted on such pre-existing towers. A replacement tower must be constructed within 180 days following any removal of the initial facility. New construction other than routine maintenance on a pre-existing tower shall comply with the provisions of this chapter.

(Ord. 2005-18. Passed 4-25-05.)

1278.17 CIVIL ACTION.

Whenever any person fails, neglects or refuses to comply with any order of the Board of Zoning Appeals or other designated official, under the provisions of this chapter, or when any building or other structure is used or occupied so as to be in violation of or not in conformity with any provision of this chapter, the Municipal Administrator, or a designee may, at their sole discretion, institute an appropriate action in law or in equity to prevent any violation of this chapter or to prevent the occupation or use of such building or other structure.
(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.18 CUMULATIVE REMEDIES.

The exercise of the rights and remedies granted in this chapter shall in no way preclude or limit the Municipality from exercising any other right or remedy now or hereafter granted to it under the laws of Ohio or the ordinances of the Village of Baltimore. If any provision of this chapter or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provisions or application. Should any such provisions later be determined to be valid said provision shall thereupon return to full force and effect and shall thereafter be binding on the Municipality and all owners or operators of wireless communications facilities within the Municipality.
(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.19 PROCEDURE FOR DISTRICT DESIGNATION.

Municipal Council, in accordance with the procedures for amending Zoning set forth in the Codified Ordinances of the Municipality, may designate any additional area, after review and recommendation by the Board of Zoning Appeals, for a wireless communications facility. Such review shall include all requirements set forth in the existing procedures for properly changing zoning requirements and districts that are hereby incorporated by reference into this chapter. Such review may include, but not be limited to, the following considerations:

(a) The area is a nonresidential zone with surrounding buildings and equipment that will obscure the wireless communication tower and antenna from view.

(b) The area includes internal tree masses and/or buildings that will obscure a wireless communication facility from view.

(c) The area contains an existing building or structure which can accommodate a stealth designed antenna and tower installation.
(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.20 LIABILITY.

In the case of all leases concerning Municipal owned or public property the following provisions shall apply:

(a) Hold Harmless. An owner or operator of a wireless communications facility shall indemnify and hold harmless the Village of Baltimore as set forth in its lease at all times during the life of said lease and will pay all damages and penalties which the Municipality may be required to pay as a result of granting said lease to the owner or operator of wireless communications facilities.

(b) Insurance.

(1) An owner or operator of wireless communications facilities shall, at all times, during the lifetime of its lease carry and require its contractors and subcontractors to carry public liability, property damage, worker's compensation, and vehicle insurance in such form and amount as shall be determined by the Municipality as set forth in the lease agreement. Insurance coverage should be obtained from an insurance carrier with an insurance industry rating of no less than AA@ from A. M. Best. All required insurance coverage shall provide for 30 days written notice to the Municipality of any material alteration or cancellation of such coverage.

(2) In the case of cancellation of said insurance coverage the owner or operator of said wireless communications facilities shall provide written notice to the Municipality of adequate replacement insurance coverage within 30 days of such material alteration and/or notice of cancellation. Failure of the owner or operator to provide adequate insurance coverage, as evidenced by a certificate of such coverage, to the Village of Baltimore within 60 days after execution of a lease shall render such lease null and void.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

1278.99 PENALTY.

Any person violating any provision of this chapter shall be deemed, upon conviction of the first offense, guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than 60 days or both. Any person convicted of a subsequent violation of this chapter shall, upon conviction, be deemed guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000.00) or imprisoned not more than six months or both. Such person shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this chapter is committed, permitted or continued.

(Ord. 2000-25. Passed 10-23-00; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1280
Off-Street Parking and Loading Facilities

1280.01	General parking requirements.	1280.06	Parking of disabled vehicles.
1280.02	Off-street parking design standards.	1280.07	Parking space requirements.
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1280.01 GENERAL PARKING REQUIREMENTS.

(a) In all districts, except the Downtown Business District, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of this chapter. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate. If a building is constructed without a tenant at the time of construction, then the Zoning Administrator will determine the minimum number of parking spaces required and the owner/developer will be required to set aside vacant land where additional parking can be provided if needed once the sue of the structure is determined.

(b) Except in the Downtown Business District, whenever a building or use constructed or established after the effective date of this Zoning Code is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Zoning Code is enlarged to the extent of 50% or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein:

(c) If a building is constructed without a tenant or use established at the time of construction, the Zoning Administrator will determine the minimum number of parking spaces required and the owner/developer will be required to set aside vacant land where additional parking can be provided if needed once the use of the structure is determined.
(Ord. 2005-18. Passed 4-25-05; Ord. 2005-74. Passed 1-23-06.)

1280.02 OFF-STREET PARKING DESIGN STANDARDS.

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

(a) Parking Space Dimensions. Parking spaces shall conform to the following minimum area and dimensions exclusive of driveways and aisles.

		Minimum Width (feet)	*Minimum Length (feet)*
(1)	90 degree parking	9	19
(2)	Parallel parking	7	23
(3)	60 degree angle parking	9	19
(4)	45 degree angle parking	9	19

(b) Access. There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:

(1) For one single-, two- or three-family residential dwellings, the access drive shall be a minimum of nine feet in width.

(2) For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.

(3) All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

(4) Parking aisles adjacent to parking spaces shall contain the following minimum widths:

Parking pattern	*Minimum aisle width (feet)*
90 degrees	22'
60 degrees	18' (one way)
45 degrees	12' (one way); 22' (two way)
Parallel	12' (one way); 22' (two way)

(c) Setbacks. The location of off-street parking facilities for more than five vehicles may be located in required yards except front yards in residential districts as specified elsewhere in this Zoning Code, notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall the parking area be located closer than three feet to any street or alley.

(d) Screening. In addition to the setback requirements specified in this Zoning Code for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Chapter 1299 of this Zoning Code.

(e) Paving. All required parking spaces, concrete, asphaltic concrete, premixed asphalt pavement, blacktop, brick or grass pavers or the equivalent so as to provide a durable and dustless surface. Pervious surface materials may be used for spill over parking. Off-street parking area designs shall be reviewed and approved by the Zoning Administrator prior to issuance of a zoning permit.

(f) Drainage. All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

(g) Barriers. Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

(h) Visibility. Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.

(i) Marking. All parking areas for 20 or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator, and shall be maintained in a clearly visible condition.

(j) Maintenance. Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.

(k) Signs. Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

(l) Lighting. Any parking area with 20 or more off-street parking spaces, including residential, shall be illuminated during poor visibility to provide an average intensity of one-half foot candles of light as measured from the parking surface area. All lighting for vehicular use areas shall be full cutoff type. All outdoor lighting shall be of constant intensity and shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's rights.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1280.03 DETERMINATION OF REQUIRED SPACES.

In computing the number of parking spaces required by this Zoning Code, the following rules shall apply:

(a) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a nonresidential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas.

(b) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 18 lineal inches of benches, or pews, except where occupancy standards are set by the fire marshal.

(c) Fractional numbers shall be increased to the next whole number.

1280.04 JOINT OR COLLECTIVE PARKING FACILITIES.

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

(a) All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.

(b) Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.

(c) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.

(d) When a commercial or mixed use center is constructed, the Zoning Administrator may reduce the total number of parking spaces required by an amount not to exceed 35%.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2005-74. Passed 1-23-06.)

1280.05 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES.

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

(a) Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.

(b) Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.

(c) Self-serve automobile washing facilities shall provide no less than three storage spaces per stall. All other automobiles washing facilities shall provide a minimum of six storage spaces per entrance.

(d) Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1280.06 PARKING OF DISABLED VEHICLES.

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1280.07 PARKING SPACE REQUIREMENTS.

For the purposes of this Zoning Code the following parking space requirements shall apply, except within the Downtown Business District, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals.

(a) Residential Uses.
- (1) Single-family or two-family dwelling: Two for each unit.
- (2) Apartments, townhouses or multi-family dwellings: Two for each unit.
- (3) Bed and breakfasts: Two plus one per guest room.
- (4) Family and group care homes: One per four residents.
- (5) Retirement villages and senior citizen housing: One and a half per unit.

(b) Business Related Uses.
- (1) Animal hospitals and kennels: One for each 600 square feet of floor area and one for each two employees.
- (2) Motor vehicle repair station: One for each 500 square feet of floor area and one for each employee.
- (3) Motor vehicle salesroom: One for each 600 square feet of floor area and one for each employee.
- (4) Motor vehicle service stations: One for each service bay and one for every two gasoline pumps.
- (5) Car washing facilities (not self service): One for each employee.
- (6) Banks, financial institutions, post offices, and similar uses: One for each 250 square feet of floor area and one for each employee.
- (7) Barber and beauty shops: One for each chair.
- (8) Carry-out restaurants: One for each 200 square feet of floor area and one for each two employees.
- (9) Drive-in restaurants: One for each 125 square feet of floor area and one per each two employees.
- (10) Hotels, motels: One for each sleeping room plus one space for each two employees.
- (11) Boarding, rooming home: One for each sleeping room.
- (12) Furniture, appliance, hardware, machinery or equipment sales and service and wholesale establishments: Two plus one additional space for each 200 square feet of floor area over 1,000 square feet.
- (13) Consumer and trade service uses not otherwise specified: One for each employee.
- (14) Funeral homes, mortuaries and similar type uses: One for each 50 square feet of floor area in slumber rooms, parlors, or service rooms.

(15) Laundromats: One for every two washing machines.
(16) Administrative, business and professional office uses: One for each 200 square feet of floor area.
(17) Sit-down restaurants, taverns, night clubs, and similar uses: One for each three persons of capacity.
(18) Retail stores: One for each 300 square feet of floor area.
(19) All other types of business or commercial uses permitted in any business district: One for each 300 square feet of floor area.

(c) Recreational and Entertainment Uses.
(1) Bowling alleys: Four for each alley or lane; one for each three persons of capacity of the area used for restaurant, cocktail lounge, or similar use.
(2) Dance halls, skating rinks: One for each 100 square feet of floor area used for the activity; one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge.
(3) Outdoor swimming pools - public, community or club: One for each ten persons of capacity, and one for each three persons of capacity for a restaurant.
(4) Auditoriums, sport arenas, theaters, and similar uses: One for each four seats.
(5) Miniature golf courses: One for each hole.
(6) Private clubs and lodges: One for each ten members.
(7) Tennis facilities, racquetball facilities or similar uses: Two for each playing area; and one for each 100 square feet of other activity area.

(d) Institutional Uses.
(1) Churches and other places of religious assembly: One for each eight seats in main assembly room, or one for each classroom, whichever is greater.
(2) Hospitals: One for each three beds.
(3) Sanitariums, homes for the aged, nursing homes, rest homes, similar uses: One for each three beds.
(4) Medical and dental clinics: One for every 200 square feet floor area.
(5) Libraries, museums, and art galleries: Ten, and one for each 300 square feet floor area in excess of 2,000 square feet.

(e) Educational Institution (Public, Parochial, or Private) Uses.
(1) Elementary schools, and kindergartens: Three for each classroom and room used for administration.
(2) High schools and middle schools: One for every ten students, or one for each teacher and employee, or one for every four seats in auditoriums, assembly areas or sports fields, whichever is greater.
(3) Business, technical and trade schools: Ten per classroom.
(4) Child care centers, nursery schools, and similar uses: Four for each classroom.

(f) Manufacturing Uses.
(1) All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district: One per 1,000 square feet for the first 25,000 square feet of floor area or less and 0.5 spaces per 1,000 square feet of floor area over 25,000 square feet.

(2) Cartage, express, parcel delivery, and freight terminals: One for every one employee (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

(3) Research and development: One and one half spaces per 2,000 square feet of floor area.

(Ord. 90-61. Passed 2-14-91: Ord. 2005-18. Passed 4-25-05; Ord. 2005-74. Passed 1-23-06.)

1280.08 HANDICAPPED PARKING.

(a) Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

Total Spaces in Lot/Structure	***Number of Designated Accessible Spaces***
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

(b) All such handicapped parking spaces shall be designated by freestanding signs as provided for pursuant to the Ohio Manual of Uniform Traffic Control Devises, Type R-59-A and/or R-59-B. (Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1280.09 OFF-STREET LOADING SPACE REQUIREMENTS.

In any district, except for the Downtown Business District, in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet. (Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1280.10 OFF-STREET LOADING DESIGN STANDARDS.

All off-street loading spaces shall be in accordance with the following standards and specifications:

(a) Loading Space Dimensions. Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.

(b) Setbacks. Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any DB or GB District provided that not more than 75% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than five feet from any street or alley.

(c) Screening. In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Chapter 1299 of this Zoning Code.

(d) Access. All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.

(e) Paving. All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with concrete, asphaltic concrete, premixed asphalt pavement or blacktop, so as to provide a durable and dustless surface.

(f) Drainage. All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

(g) Lighting. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1282
Signs

1282.01	General.	1282.07	Gasoline station signs.
1282.02	Prohibited signs.	1282.08	Temporary signs.
1282.03	General requirements for all signs and districts.	1282.09	Joint identification signs.
1282.04	Permit required.	1282.10	Nonconforming signs and structures.
1282.05	Exemptions and limitations.	1282.11	Loss of legal nonconforming status.
1282.06	Permanent signs.	1282.12	Violations.

1282.01 GENERAL.

The purpose of this chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1282.02 PROHIBITED SIGNS.

All sign types not expressly permitted in this chapter or exempt from regulation pursuant to 1282.05 are prohibited in the Village of Baltimore. Such signs and similar devices include, but are not limited to the following:

(a) Off-premise signs.
(b) Portable signs except in the Downtown Business District.
(c) Billboards.
(d) Signs mounted on the roof or above the roof line of any building or structure. The roof line shall be defined as the uppermost line of the roof of the building, or in the case of any extended building facade, the uppermost height of the facade.
(e) Ghost signs where the remaining image of the previous sign is still visible.
(f) Neon signs.
(g) Changeable copy (except for gasoline station price signs, drive-thru menu boards, and signs for institutional uses).
(h) Flashing or blinking signs.
(i) Marquee signs with computer generated messages.
(j) Except as otherwise permitted, handwritten, paper, cardboard, chalk, shoe polish or whiteboard signs, including signs inside of windows, are prohibited.
(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1282.03 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

The regulations contained in this section shall apply to all signs and all use districts.

(a) Lighting.

(1) A sign, if illuminated shall be illuminated only by the following means:

A. By a white, steady, stationary light or reasonable intensity, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

B. By a white interior light or reasonable intensity with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.

(2) No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights.

(3) In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(4) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall conform to the specifications of the National Electric Code.

(b) No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention;

(c) Colors. No more than four colors may be incorporated into the design of the sign, including black and white;

(d) No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two feet, including those projecting from the face of any theater, hotel, or motel marquee;

(e) No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1282.08 herein;

(f) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons; streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign. One banner sign may be displayed for advertising purposes for use as a temporary promotional sign for businesses;

(g) No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20% of the window surface;

(h) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escapes or any door or window giving access to any fire escape;

(i) Any multi-faced sign shall consistently display the name and message on all faces used;

(j) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign;

(k) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property;
(l) All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect;
(m) All signs shall be secured in such a manner as to prevent significant movement due to wind;
(n) No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter;
(o) No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature;
(p) No sign shall be attached in such manner that it may interfere with any required ventilation openings;
(q) No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing;
(r) No sign shall be located nearer than eight feet vertically or four feet horizontally from any overhead electrical wires, conductors, or guy wires;
(s) No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like. (Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2005-74. Passed 1-23-06.)

1282.04 PERMIT REQUIRED.

(a) No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this chapter have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Zoning Code shall be required for each sign unless specifically exempted in this chapter.

(b) A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.

(c) The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1282.05 EXEMPTIONS AND LIMITATIONS.

The following signs are exempt from this chapter and are not subject to permit, but are subject to a sign compliance review:
(a) The flag, pennant or insignia of any nation, state, city or other political subdivision.
(b) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.

(c) Signs in the nature of cornerstones, commemorative tables and historical signs, provided such signs are limited to six square feet or less and are not illuminated.

(d) Signs clearly in the nature of decorations customarily associated with any national, state, local or religious holiday to be limited to sixty days in any one year, and to be displayed not more than sixty consecutive days. Such signs may be illuminated, provided no safety or visibility hazards are created.

(e) Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election provided they are removed no later than three days after such election. Such signs shall not exceed six square feet in size, shall not be illuminated in any manner, shall not create a safety or visibility hazard, nor be affixed to any public utility pole, tree, or natural object, nor be located within a public right of way. Political signs larger than six square feet shall require a permit.

(f) Signs not exceeding one square foot in area, bearing only property numbers, postal box numbers or names of occupants or premises.

(g) Signs indicating the sale, rental or lease of real estate, provided such signs are limited in size to seven square feet with one sign per street front. Such signs shall be placed on the property referred to and shall not be placed in public rights of way unless the Zoning Inspector determines that such signs, by virtue of lot landscaping, screening, shape or other unusual lot feature or condition, cannot be seen if located upon the lot outside of the rights of way. Such signs shall be removed within fourteen days after sale, rental or lease has occurred. If located within the public rights of way, such a sign shall be located immediately adjacent to the property to which it refers and shall be placed so as not to obscure traffic or constitute a safety hazard.

(h) Signs for the promotion of school, community service or church activities of community wide functions for a maximum period of thirty days per activity. No one sponsor shall display such promotional sign for more than ninety days in any one year.

(i) Window signs may be maintained for any business or use located in a nonresidential district in addition to any permitted wall or ground sign, provided that such signs conform with the following:

(1) Definition. Window signs are signs incorporated into a window display of a business, or applied directly to the window glass, and include signs, posters, symbols and any other identification of or information about the occupant or the activity and/or use of the premises, when used in such manner.

(2) Placement. Window signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building and has no first floor occupancy.

(3) Size. Window signs consisting of lettering or other graphic with a clear background, or lettering or other graphic placed directly upon the window glass and using it as a background, shall obscure no more than 50% of the window area.

(4) A business or use may have up to two window signs, each not exceeding 12 inches by 24 inches maximum size, illuminated by a steady burning light. Use of such signs shall be subject to, and such signs shall be included in the calculations pertaining to, the limitations imposed by this section and any other sign size or area limitations provided in this Zoning Ordinance.

(5) Extensive paper, plastic or similar signs and advertising attached to windows of a building, either inside or outside of window, are prohibited. Only twenty-five

percent of the total window area for a building is allowed to have paper, cardboard, plastic or similar attachments. The signage/advertising/notices shall be presented in a professional manner such as uniform national advertising. Handwritten signage shall not be permitted.

(j) Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to four square feet in area and three feet in height, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto highways or thoroughfares and contain no information other than the word Ain@, Aenter@, Aentrance@, Aout@, or Aexit@ and/or arrows indicating desired traffic movement.

(k) Window signage with a total area of less than two square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g., American Express, Master Card, Visa, Golden Buckeye Card, Discover).

(l) A business or use located in a nonresidential district may have one Aopen@ sign. Such sign shall indicate only the words Aopen@ and Aclosed@ and shall not exceed three square feet in area and one and one-half feet in height.

(m) Real estate open house directional signs.

(Ord. 2005-18. Passed 4-25-05; Ord. 2009-43. Passed 10-26-09.)

1282.06 PERMANENT SIGNS.

All permanent signs shall also comply with the following requirements.

(a) Wall Signs. Wall signs are permitted for any business or use located in a nonresidential district.

(1) Placement.

A. Wall signs shall not protrude more than ten inches from the building wall or face.

B. A wall sign may not extend above the window sill of the second story. If wall signs, either box or separated letters, are placed in a space between windows, the height of such signs may not exceed two-thirds of the distance between the top of the window and the sill of the window above, or major architectural details related thereto. If individual letters or a boxed graphic is placed between window spandrels, the height of the letters or box may not exceed two-thirds of the height of the spandrel.

C. Signs may be attached to a building wall or extension which faces a street, parking lot or service drive, or may be attached to a canopy, marquee or roof which projects beyond the building, provided that no part of the sign may extend above the roof, canopy or marquee.

(2) Maximum Area in Residential District. The maximum allowable area in square footage in a residential district shall be 20 square feet.

(3) Maximum Area in Nonresidential District. The maximum allowable area in square footage in a nonresidential district shall be one square foot of sign area for each lineal foot of width of the building face to which the sign is attached, but shall not exceed the following standards established by use below:

	General use category	***Maximum area (square footage)***
A.	Public use, quasi public use, office (administrative, professional, other)	25
B.	Personal Service	35
C.	General commercial, warehousing, industrial, wholesaling, transportation, research and development.	80

(4) Maximum Height. The maximum height of a wall sign shall be 15 feet.

(5) Number. Wall signs shall be limited in number to one per building or use. For buildings or uses on corner lots on two rights of way, a sign is permitted facing each right of way. The main sign facing the front of the building or use shall conform to this chapter as to size and the sign facing the other right of way shall not exceed 12 square feet for each use, or a maximum overall size of 48 square feet.

(b) Ground Signs. A ground sign is permitted only when the use is freestanding on its individual lot. Ground signs shall be classified as either monument or pylon and shall comply with the standards below.

(1) Ground signs are not permitted in the Downtown Business District.

(2) Pylon signs are not permitted in Residential Districts.

(3) Setback. All ground signs shall be set back a minimum of ten feet from any public right of way or property boundary line.

(4) Number. Each parcel shall be permitted one ground sign (either monument or pylon). Parcels on corner lots with at least 100 feet of frontage on two public rights-of-way shall be entitled to one ground sign (either monument or pylon) along each right-of-way, unless otherwise prohibited below provided the combined total of the signs does not exceed one and a half times the maximum area. When two signs are permitted there shall be no less than 75 feet between signs.

(5) Maximum area in residential district. The maximum allowable area in square footage in a residential district shall be 20 square feet.

(6) Maximum area in nonresidential district. The maximum allowable area in square footage in a nonresidential district shall be as outlined below:

	General use category	***Maximum area (square footage)***
A.	Public use, quasi-public use or office (administrative, professional, other)	20
B.	Personal Service	35
C.	General commercial, warehousing, industrial, wholesaling, transportation, research and development.	80

(7) Maximum height of a monument sign in residential district. Monument signs in residential districts shall not exceed 6 feet in height, excluding the base. The base shall be a maximum of three feet from the finished grade.

(8) Maximum height of a monument sign in nonresidential district. Monument signs in a nonresidential districts shall not exceed 8 feet in height, excluding the base. The base shall be a maximum of three feet from the finished grade.

(9) Maximum height of a pylon sign. Pylon signs shall not exceed 10 feet in height, including the height of the pole.

(10) Shape. No ground sign shall be in the shape of a logo or commercial product.

(11) Landscaping. The base of all permanent ground signs shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscaped area shall extend at least three feet beyond all faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screen with evergreen shrubbery to the top of the anchor bolts. The landscaped area shall include all points where sign structural supports attach to the ground.

(c) Projecting Signs. A projecting sign is any sign attached to a building in such a way that the sign face is not parallel to the building face. Projecting signs are permitted only in the Downtown Business District.

(1) Projecting signs shall be limited in number to one per business or use for each public right of way that the business or use faces.

(2) Projecting signs shall not exceed nine square feet in area or project more than three feet from the building face or hang lower than eight feet above the level of the pedestrian walkway.

(Ord. 2005-18. Passed 4-25-05.)

1282.07 GASOLINE STATION SIGNS.

Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those hereinabove authorized. Such signs shall be limited to the following:

(a) One non-illuminated, double-faced sign not exceeding five square feet on a side is permitted for each set of motor fuel pumps identifying Aself service@ or Afull service.@

(b) Price and grade information can be displayed only on the permitted sign, in manually changeable copy. Changeable copy for these purposes shall include liquid crystal display (LCD), light emitting diodes (LED), or other similar electro/mechanical displays. These are the only circumstances in which changeable copy may be used.

(c) Signs limited to the identification of the brand name, logo or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps. Fuel pumps shall not be illuminated. No signs projecting above the pumps may be permitted, except as required by law.

(d) Any other such signs as may be required by law.

(Ord. 2005-18. Passed 4-25-05.)

1282.08 TEMPORARY SIGNS.

Temporary signs shall include signs indicating or promoting the development of land, facilities or structures. Such signs must comply with the provisions of Section 1282.03 with the exception that temporary signs shall not be illuminated. They shall be limited to 32 square feet in area and eight feet in height and be a minimum of eight feet from the public right-of-way. Application shall be made to the Zoning Administrator for review. Approval shall be for a period not to exceed one year and may be renewed upon application.
(Ord. 2005-18. Passed 4-25-05.)

1282.09 JOINT IDENTIFICATION SIGNS.

One joint identification free standing sign may be authorized by the Planning and Zoning Commission to identify a complex or mix of uses as opposed to a single use, provided that such identification sign shall not exceed the following requirements:

(a) Maximum Area. 100 square feet.
(b) Maximum Height. 20 feet.
(c) Minimum Setback. 10 feet or the height of the sign, whichever is greater.
(d) Such signs may list individual uses within the development or may only serve as a means of identification of the overall center of development. If the joint identification sign lists individual uses within the development, then no other ground signs shall be permitted within the development. Wall signs, however, shall be permitted in accordance with the requirements of Chapter 1282. If the joint identification sign only serves as a means of identification of the overall center of development, then ground and wall signs shall be permitted in accordance with the requirements of Chapter 1282.
(Ord. 2005-18. Passed 4-25-05.)

1282.10 NONCONFORMING SIGNS AND STRUCTURES.

Advertising signs and structures in existence prior to the effective date of this Zoning Code which violate or are otherwise not in conformance with the provisions of this chapter shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this chapter. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1282.11 LOSS OF LEGAL NONCONFORMING STATUS.

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this chapter or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1282.12 VIOLATIONS.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Zoning Code. Failure to comply with any of the provisions of this chapter shall be deemed a violation and shall be punishable under Section 1286.99 of this Zoning Code. Political signs posted in violation of Section 1282.05(e) of this Zoning Code are subject to removal by the Zoning Administrator five days after written notice of violation of Section 1282.05(e) has been given.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1284
Administration

1284.01 Purpose.
1284.02 General provisions.
1284.03 Zoning Administrator.
1284.04 Responsibilities of Zoning Administrator.
1284.05 Planning and Zoning Commission.
1284.06 Proceedings of Planning and Zoning Commission.
1284.07 Duties of Planning and Zoning Commission.
1284.08 Board of Zoning Appeals.
1284.09 Proceedings of the Board of Zoning Appeals.
1284.10 Duties of the Board of Zoning Appeals.
1284.11 Duties of Zoning Administrator, Board of Zoning Appeals, Legislative Authority and courts on matters of appeal.
1284.12 Municipal Council.
1284.13 Schedule of fees.

CROSS REFERENCES

Rules and procedures of Planning and Zoning Commission - see ADM. Ch. 246
Schedule of fees - see ADM. Ch. 260

1284.01 PURPOSE.

This chapter sets forth the powers and duties of the Planning and Zoning Commission, the Board of Zoning Appeals, the Municipal Council, and the Zoning Administrator with respect to the administration of the provisions of this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.02 GENERAL PROVISIONS.

The formulation, administration and enforcement of this Zoning Code is hereby vested in the following offices and bodies within the Village of Baltimore government:

(a) Zoning Administrator;
(b) Planning and Zoning Commission;
(c) Board of Zoning Appeals;
(d) Municipal Council;
(e) Solicitor.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.03 ZONING ADMINISTRATOR.

A Zoning Administrator designated by the Municipal Council shall administer and enforce this Zoning Code. He or she may be provided with the assistance of such other persons as the Municipal Council may direct.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.04 RESPONSIBILITIES OF ZONING ADMINISTRATOR.

For the purpose of this Zoning Code, the Zoning Administrator shall have the following duties:

(a) Enforce the provisions of the Baltimore, Ohio Zoning Code and will advise the Village Council, Planning and Zoning Commission, and the Board of Zoning Appeals as needed.

(b) Maintain zoning maps and file pertinent letters and architectural drawings.

(c) Oversee field inspections for proper compliance with the Code.

(d) Assist the Village Administrator with statistical and other information concerning growth and economic trends in the Village.

(e) Issue all permits and certificates related to zoning and building. The Administrative Assistant for the Zoning Administrator will collect the fees and handle the paperwork involved with the permit application.

(f) Advise developers, contractors, etc. concerning zoning matters and drawings.

(g) Prepare reports for the Village Administrator and Village Solicitor when needed and will prepare reports for the Planning and Zoning Commission and the Zoning Board of Appeals when necessary.

(h) Coordinate public hearings, technical review committee meetings, etc.

(i) Check and approve development plans for conformity with zoning codes and will notify the Village Administrator concerning these matters.

(j) Be in charge of drive-by inspections of local property to be sure that the Property Maintenance Codes are being followed and will have letters issued for noncompliance. The Zoning Administrator will also take the complaints of local residents and respond to them, and then follow up with inspections and appropriate letters.

(k) Notify by certified mail the property owners and those violating this Zoning Code and any related ordinances of any noncompliance situations and shall order actions to correct or remedy said violations; shall order by certified mail the discontinuance of illegal uses of land, buildings, or structures in violation therein; shall order by certified mail in accordance with legal procedures the removal of illegal buildings and structures or illegal additions or structural alterations; shall order the discontinuance by certified mail of any illegal work under way; shall take any other action authorized by the Zoning Code, any related code or ordinance, and/or the Village Solicitor to ensure compliance and prevent violations, including issuance of and actions on any zoning permits or certificates and other similar duties. The Zoning Administrator will notify in writing the Village Administrator and Solicitor of all violations of this Zoning Code and any related codes/ordinances.

(Ord. 90-61. Passed 2-14-91; Ord. 2004-32. Passed 5-24-04.)

(l) Attend all Planning and Zoning Commission and Board of Zoning Appeals meetings.

(Ord. 2005-18. Passed 4-25-05.)

1284.05 PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission shall be composed of five members (see Ohio R.C. 713.01) who reside in the incorporated area of the Municipality and shall include the Mayor, one member of Municipal Council to be appointed by the Mayor for the remainder of his or her term as such member of Municipal Council, and three additional citizens to be appointed by the Mayor. The terms of the citizen members shall be of such length and so arranged that the term of one member will expire every second year.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.06 PROCEEDINGS OF PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Code. Commission meetings shall be held at the call of the chairperson and at such other times as the Commission may determine. All meetings shall be open to the public. 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 facts and shall keep records of its examinations arid other official actions all of which shall be a public record and be immediately filed in the office of the Commission. The presence of three members shall constitute a quorum. The concurring vote of three members of the Commission shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator or the Planning and Zoning Commission.

(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.07 DUTIES OF PLANNING AND ZONING COMMISSION.

For the purpose of this Zoning Code the Planning and Zoning Commission shall have the following duties:

(a) Recommend the proposed Zoning Code, including text and Official Zoning District Map to the Municipal Council for formal adoption.

(b) Initiate advisable Official Zoning District Map changes, or changes in the text of this Zoning Code where same will promote the best interest of the public in general through recommendation to the Municipal Council.

(c) Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Municipal Council as specified in Chapter 1240.

(d) Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Code.

(e) Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.
(Ord. 90-61. Passed 2-14-91.)

(f) Review and approve site development plans.

(g) Initiate and participate in planning activities.

(h) Review and approve final development plans, amended and revised development plans and plan refinements for planned districts.
(Ord. 2005-18. Passed 4-25-05.)

1284.08 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall consist of five members appointed by the Mayor and confirmed by Council, three of the members being current members of the Planning and Zoning Commission and two of the members being residents of the incorporated portions of the Municipality. Except as otherwise specifically set forth herein, the term of all members shall be four years. The terms for the members from the Planning and Zoning Commission shall be the same as their terms for the Commission. The terms for the two residents shall be four years, except that the initial term shall be two years for one resident and four years for the second resident, so that the resident terms are staggered. Each member shall serve until his or her successor is appointed and

qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten days prior to the hearing either personally or by registered mail, or by leaving the same at his or her place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2010-32. Passed 9-13-10.)

1284.09 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

(a) The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Code. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

(b) Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members of the Board shall be necessary to reverse an order of determination of the Zoning Administrator, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Zoning Code, authorize conditional use permits, or to grant any variance from the requirements stipulated in this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.10 DUTIES OF THE BOARD OF ZONING APPEALS.

For the purpose of this Zoning Code the Board of Zoning Appeals has the following specific responsibilities:

(a) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator;

(b) Authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardship, and so that the spirit of this Zoning Code shall be observed and substantial justice done.

(c) Authorize such conditional uses as the Board of Zoning Appeals is specifically authorized to pass on by the terms of the Zoning Ordinance.

(d) Review design and location of wireless communication facilities as outlined in Chapter 1278.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.11 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL.

It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Zoning Code that the duties of the Municipal Council in connection with this Zoning Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Zoning Code. Under this Zoning Code the Municipal Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Zoning Code as provided by law, and of establishing a schedule of fees and charges as stated in Section 1284.13 of this Zoning Code. Nothing in this Zoning Code shall be interpreted to prevent any official of the Municipality from appealing a decision of the Board to the courts as provided in Ohio R. C. Chapters 2505 and 2506. Any such appeal shall be made within ten days of the Board's written decision.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.12 MUNICIPAL COUNCIL.

The power and duties of the Municipal Council pertaining to this Zoning Code are as follows:

(a) Approve the appointments of members to the Planning and Zoning Commission;

(b) Approve the appointments of members to the Board of Zoning Appeals;

(c) Initiate or act upon suggested amendments to this Zoning Code text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be preceded by an advertised public hearing.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1284.13 SCHEDULE OF FEES.

The Municipal Council shall by ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Zoning Code after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Municipal Council. Until all such appropriate fees, charges, and expense have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1286
Enforcement

1286.01	General.
1286.02	Zoning permits required.
1286.03	Contents of application for zoning permit.
1286.04	Approval of zoning permit.
1286.05	Expiration of zoning permit.
1286.06	Certificate of occupancy.
1286.07	Temporary certificate of occupancy.
1286.08	Record of zoning permits and certificates of occupancy.
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1286.10	Construction and use to be as provided in applications, plans, permits and certificates.
1286.11	Complaints regarding violations.
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1286.13	Stop work order.
1286.14	Zoning permit revocation.
1286.15	Notice of violation.
1286.16	Ticketing procedure.
1286.17	Additional remedies.
1286.99	Penalty.

1286.01 GENERAL.

This chapter stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.02 ZONING PERMITS REQUIRED.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.03 CONTENTS OF APPLICATION FOR ZONING PERMIT.

The application for zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

(a) Name, address, and phone number of applicant;
(b) Legal description of property;
(c) Existing use;

(d) Proposed use;
(e) Zoning district;
(f) Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
(g) Building heights;
(h) Number of off-street parking spaces or loading berths, and their layout;
(i) Location and design of access drives;
(j) Number of dwelling units;
(k) If applicable, application for a sign permit, or a conditional, special, or temporary use permit, unless previously submitted;
(l) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.04 APPROVAL OF ZONING PERMIT.

Within 30 days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Zoning Code. All zoning permits shall, however, be conditional upon the commencement of work within one year from date of approval. One copy of the plans shall be returned to the applicant by the Zoning Administrator, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his or her signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.05 EXPIRATION OF ZONING PERMIT.

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.06 CERTIFICATE OF OCCUPANCY.

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 occupancy shall have been issued

therefor by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Zoning Code. The issuance of a use certificate in no way relieves the recipient from compliance with all the requirements of this Zoning Code and other regulations.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.07 TEMPORARY CERTIFICATE OF OCCUPANCY.

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.08 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.

The Zoning Administrator shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished, upon request and upon payment of the established fee, to any person.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.09 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY.

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.10 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.11 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.12 ENTRY AND INSPECTION OF PROPERTY.

The Zoning Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the Solicitor in securing a valid search warrant prior to entry.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.13 STOP WORK ORDER.

Subsequent to his or her determination that work is being done contrary to this Zoning Code, the Zoning Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of this Zoning Code.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.14 ZONING PERMIT REVOCATION.

The Zoning Administrator may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.15 NOTICE OF VIOLATION.

(a) Whenever the Zoning Administrator or his or her agent determines that there is a violation of any provision of this Zoning Code, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

(1) Be in writing;
(2) Identify the violation;
(3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated; and
(4) State the time by which the violation shall be corrected.

(b) Service of notice of violation shall be as follows:

(1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
(2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

(3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.16 TICKETING PROCEDURE.

(a) If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

(1) Be served personally by a Village police officer;
(2) Be in writing;
(3) Identify the violation;
(4) State the time, date and place for appearance in court; and
(5) State the amount of the fine payable in lieu of a court appearance.

(b) If the ticket cannot be served personally, the Zoning Administrator shall request that a summons be issued by the Court.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.17 ADDITIONAL REMEDIES.

Nothing in this Zoning Code shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Administrator, the Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05.)

1286.99 PENALTY.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm or corporation who violates this Zoning Code or fails to comply with any of its requirements shall, upon conviction thereof, and unless otherwise provided in this Zoning Code, be guilty of a misdemeanor of the first degree and shall be fined not more than two hundred fifty dollars ($250.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
(Ord. 90-61. Passed 2-14-91; Ord. 2005-18. Passed 4-25-05; Ord. 2009-50. Passed 10-12-09.)

CHAPTER 1288
Planned Districts

1288.01	Purpose and intent.	1288.03	Conditions applicable to all planned districts.
1288.02	Procedures and regulations for planned districts.	1288.04	Procedures for approval of planned district development plans.

1288.01 PURPOSE AND INTENT.

(a) It is the purpose and intent of the Planned Districts to promote the progressive, well-organized development of land and construction thereon and to encourage imaginative architectural design and layout, flexibility in building styles and types, and sensitivity to the natural environment.

(b) The Planned Districts are designed to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty and provides supporting community facilities in the development of diverse, sound urban environments consistent with accepted land planning, landscape architecture practices and engineering principals. Such developments should:

(1) Provide a more useful pattern of open space and recreation areas.

(2) Preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, while preventing disruption of normal drainage patterns.

(3) Provide a more efficient pattern of development that reduces investments in utility lines, streets, and similar infrastructure.

(4) Promotes a development pattern in harmony with the Municipal land use objectives and priorities.

(Ord. 2005-18. Passed 4-25-05.)

1288.02 PROCEDURES AND REGULATIONS FOR PLANNED DISTRICTS.

(a) Procedures for the Establishment of a Planned District. Planned Districts may be established by application in accordance with the provisions of Chapter 1240 and the requirements of procedure of the Planned District petitioned.

(b) Regulation of the Use and Development of Land and Structures. Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the Planned Districts in Chapter 1242, and as may be drawn on the Zoning District Map, are hereby established and adopted.

(c) Rules of Interpretation. The planned development regulations set forth in this chapter shall be interpreted and enforced according to the following rules:

(1) Identification of uses. Listed uses are to be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Code.

(2) Permitted uses. Only uses designated as a permitted use shall be allowed as a matter of right in a Planned District and any use not so designated shall be prohibited except, when in character with the proposed development, such additional uses may be approved as part of the development plan.

(3) Procedures. The procedures and conditions set forth for the determination of Planned Districts and development therein shall be followed.

(4) Development standards. The development standards set forth shall be the minimum allowed for development in a Planned District. All other applicable standards of the Subdivision Regulations and Zoning Code relating to parking and loading, landscaping, signage, lighting, etc. shall be met unless superseded herein.

(5) Conditional uses. Uses specified as conditional uses in Planned Districts shall be approved by the Board of Zoning Appeals which shall issue conditional use permits for those districts only upon the recommendation of the Planning and Zoning Commission, and in conjunction with development plan approval by the Planning and Zoning Commission and Council, following the same criteria and processes as in all other districts.

(Ord. 2005-18. Passed 4-25-05.)

1288.03 CONDITIONS APPLICABLE TO ALL PLANNED DISTRICTS.

(a) Project Ownership. The planned development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subchapter a single entity includes the following: an individual, a husband and wife; corporation; partnership; or two or more property owners enjoined as a single entity.

(b) Open Space; Recreational Facilities.

(1) All natural drainage courses, the 100 year flood plain, woodlands, and lands with slopes in excess of six percent shall be retained, with their vegetation in its natural state, in natural scenic open space preserves.

(2) Required common open space areas reserved in a Planned District Development Plan shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or shall be dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses, or shall be dedicated to public ownership and use for such purposes.

(3) Legal articles relating to the organization of a homeowners' association are subject to review and approval by the Planning and Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas and facilities. Covenants assuring perpetual maintenance of private properties as permanent natural preserves are equally subject to review and approval by the Planning and Zoning Commission.

(4) Public utility and similar easements and right-of-ways are not acceptable for common open space dedication in a Planned District Development Plan unless such land and right-of-ways are to be used for trail or other purposes. Alternative systems of providing common open space must be specifically approved by the Planning and Zoning Commission.

(5) The ownership of, and responsibility for the maintenance of, all open spaces in a Planned District Development Plan shall be specified by the developer before approval of the final development plan.

(c) Circulation System. The circulation system and parking facilities provided in a Planned District shall be designed to fully accommodate vehicular, pedestrian, bicycle, and, where applicable, equestrian movement with safety and efficiency; innovative roadway design is encouraged to insure the preservation of natural features, the creation of a variety of vistas and views, and retention/creation of a natural rural, green and open- space-focused environment. The circulation and parking systems shall show points of access and egress from properties, all public and private drives, parking areas, pedestrian/jogging/bicycle paths, and equestrian paths if applicable. Planned District Plans shall be designed to minimize circulation conflict points between vehicular, pedestrian, bicycle, and equestrian traffic.

(d) Utilities.

(1) The following utility equipment shall be provided, constructed and installed underground within a planned development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines.

(2) All utility boxes shall be screened.

(e) Arrangement of Commercial, Office, Industrial, and Warehouse/Wholesale Uses. Where Planned Districts include commercial, office, industrial, and/or warehouse/ wholesale uses, such buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential conflict points and accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the development areas consisting of these uses where they abut residential areas, church sites, or public lands. The plan of the project shall provide for the integrated and harmonious design of buildings, and for internal traffic circulation, landscaping, coordinated signage, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas all as determined and designated by the Planning and Zoning Commission. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner as may be specified by the Planning and Zoning Commission.

(f) Development Phasing. The first phase of development of a Planned District, according to an approved Planned District Development Plan and development timetable, shall in no case be less than five (5) acres or the entire tract, whichever is smaller. The Planning and Zoning Commission may require larger first phase commitments where it deems appropriate. All sections of the planned development tract not planned for development in the phase submitted shall be clearly designated as to future intended sub-district use, area and density.

(g) Additional Requirements. The Planning and Zoning Commission and/or the Council may impose special additional conditions relating to the development of a Planned District Development with regard to the type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open spaces; and any other pertinent development characteristics.

(h) Required Approval of Planned District Development Plan. No development shall be undertaken, no construction and/or earth moving of any kind shall be begun, and/or no new land uses shall be initiated in a Planned District unless consistent with an approved Planned District Development Plan including a preliminary subdivision plat, when appropriate.

(i) Conflict With Other Chapters. Because of the special characteristics of Planned Districts, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this Zoning Code, the more restrictive provisions shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Zoning Code.
(Ord. 2005-18. Passed 4-25-05.)

1288.04 PROCEDURES FOR APPROVAL OF PLANNED DISTRICT DEVELOPMENT PLANS.

Planned District Development Plans shall be approved in accordance with the procedures established herein in this section.

(a) Pre-application Meeting. The developer shall meet with the Municipal Administrator and Zoning Administrator prior to submission of a preliminary development plan. The purpose of such meetings is to discuss early and informally the purpose and effect of this Zoning Ordinance and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations; it being understood that no statements by officials made in such informal meetings shall be binding on either party.

(b) (Editor=s Note: this division (b) was repealed by Ord. 2008-53, passed 11-24-08.)

(c) Preliminary Planned District Development Plan Application Requirements. An application for preliminary Planned District Development Plan approval shall be filed with the Zoning Administrator by the owner of the property for which Planned District development is proposed. At a minimum, the application shall contain the following information, which shall be filed in 15 copies. Where any of this information is missing or incomplete, the Zoning Administrator shall so notify the applicant and no additional actions need be taken until such missing material is provided.

(1) Name, address, and phone number of applicant;

(2) Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;

(3) A list containing the names and mailing addresses of all owners of property contiguous to, directly across the street from and within 250 feet of the property in question;

(4) Legal description of the property;

(5) A description of present use(s) on and of the land;

(6) A vicinity map at a scale approved by the Zoning Administrator showing all property lines, existing streets and alleys, approved future streets and land uses on adjacent Planned District areas, transportation and land use elements of the Municipality's adopted Comprehensive Plan, current zoning classifications and boundaries, and current land uses on the site of the proposed Planned District development and in the surrounding areas to the physical extent deemed necessary by the Zoning Administrator, but no less than 250 feet beyond the limits of the proposed Planned District Development Plan.

(7) A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter and other relevant chapters of the zoning code shall apply to the proposed development.

(8) A preliminary development plan at a scale of 1" to 100' unless otherwise approved by the Zoning Administrator illustrating:

A. The property line definition and dimensions of the perimeter of the site;

B. Right-of-ways and paving widths of all existing, currently platted, and previously approved Planned District streets and alleys adjacent to, on, or abutting the site;

C. The area of the site and its sub-areas, if any, in acres;

D. The topography of the site and abutting areas at no more than five foot contour intervals;
E. Existing surface drainage ways and surface sheet flow patterns;
F. 100 year flood plain, riparian corridor, wetlands, and areas of ground slope in excess of six percent;
G. Existing vegetation on the site with specific tree spots for all trees six inches in diameter or greater, measured 24 inches from the ground.
H. Existing easements on the site with notations as to their type, extent, and nature;
I. Historic and archeological sites;
J. The location and dimensions of existing utilities on and adjacent to the site, including the nearest sanitary sewer, with manhole invert elevations;
K. Projected development schedule by sub-areas of the entire planned development site, and for the first, or next, phase of development, including land uses, public areas, natural and scenic reserves, streets, buildings, utilities, and other facilities, indicating the relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
L. An overall traffic scheme, illustrating points of access, parking areas, including the number of parking spaces and indicating visitor, employee and service traffic flow, illustrating calculated peak hour traffic use for residents and employees as well as deliveries and other transport and the effect of this traffic on the community traffic ways.
M. If to be developed in phases, the entire site development shall be described in outline and diagrammatic plan form, and in a complementing detailed text in a manner calculated to assure Municipal officials that Planned Development requirements and other requirements of this Zoning Code shall be met in the detailed development of the phases to follow, and that the entire Planned Development area will meet all of the requirements of this Zoning Code, such diagrams and descriptive texts being accepted with, and becoming a part of the extended zoning plan for the entire site;

(d) In approving a preliminary development plan, the Planning and Zoning Commission shall consider:

(1) If the proposed development is consistent with the intent and requirements of this Zoning Code;
(2) The appropriateness of the proposed land uses with regard to their type, location, amount, and intensity, where not specifically specified in this Zoning Code;
(3) The relationships between uses, and between uses and public facilities, streets, and pathways;
(4) Adequacy of provisions for traffic and circulation, and the geometry and characteristics of street and pathway systems;

(5) Adequacy of yard spaces and uses at the periphery of the development;
(6) Adequacy of open spaces and natural preserves and their relationships to land use areas and public access ways;
(7) The order, or phases, in which the development will occur and the land uses and quantities to be developed at each phase;
(8) Estimates of the time required to complete the development and its various phases;
(9) Improvements to be made by the Municipality, if any, and their cost;
(10) The community cost of providing public services to the development; and
(11) Impacts of the development on surrounding or adjacent areas.

(e) The Planning and Zoning Commission may require the staging of the planned development to minimize early stage major impacts on the community infrastructure and services systems, and may require the staging of land uses to be generally consistent with the phased development of supporting land uses and public services and facilities.

The Commission's approval of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval of the preliminary development plan shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

(f) Submission of Final Development Plan. After approval of the preliminary development plan, the developer shall submit fifteen copies of the final development plan to the Zoning Administrator. The final development plan shall be in general conformance with the preliminary development plan that was approved. For the purposes of this Zoning Code, submission of a final development plan is a formal request for an amendment addition to the zoning of the property in question, and upon final approval by Council becomes the zoning of the property in question in addition to the other requirements of this Zoning Code.

(g) Final Development Plan Application Contents. An application for approval of the final development plan shall be filed with the Zoning Administrator by the owner of the property for which planned district development is proposed. The application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. The application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two years from the date of issuance of the approval. At a minimum, the application shall contain:

(1) All of the information required for submission of the preliminary planned district development plan application;
(2) All plan materials rendered on an engineering survey of the proposed development site, showing the dimensions and bearings of property lines, property areas in acres, topography, existing features of the development site including major wooded areas, structures, easements, utility lines, land uses, and maximum building footprint areas for all non-residential uses and residential uses other than single-family detached and two-family dwellings;

(3) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earthwork required for site preparation and development;
(4) A detailed landscape plan showing existing and proposed future landscape materials, ground cover, paving patterns and materials;
(5) A detailed lighting plan;
(6) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained; and
(7) A final development plan fee as established by ordinance.

(h) Before making its recommendation, the Planning and Zoning Commission shall find that the facts submitted with the application and presented establish that:
(1) The proposed planned district development phase can be initiated within two years of the date of approval and can be completed within five years;
(2) The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled;
(3) The streets proposed are suitable and adequate to carry the anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned district plan area;
(4) Proposed non-residential developments can be justified at the location and in the amounts proposed;
(5) Housing densities are warranted by amenities and conditions incorporated in the final development plan and are in accordance with these planned district development requirements;
(6) Lands to be dedicated to public use are of acceptable and usable size, shape, and location;
(7) The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development;
(8) The existing and proposed utility services are adequate for the population densities and uses proposed; and
(9) Adequate provision has been made for the detention and channelization of surface drainage runoff.

(i) Supplementary Conditions and Safeguards. In approving any Planned District Development Plan Application, both the Planning and Zoning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Zoning Code and shall be punishable as such.

(j) Expiration of Approval Period. The approval of a Final Development Plan for a Planned District Development shall be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and development of the project. Where a project is completed within five years, the approved final development plan shall remain as the effective zoning control over the area included in the plan, in addition to the requirements of this Zoning Code. If required plats are not properly recorded within nine months of final development plan approval and/or if no construction has begun on the site within two years of such approval, the approved final development plan shall be void, and the land shall revert to the original district zoning regulations unless an application for a time extension is submitted and approved, which approval may be withheld for good cause.

(k) Extension of Time Limit. An extension of the time limits set in division (j) of this section, as a modification of the approved final development plan, may be approved by Council upon the recommendation of the Planning and Zoning Commission. Such approval shall be granted only upon a finding of a valid purpose and necessity for such extension and evidences of reasonable and diligent efforts toward accomplishment of the original development plan within the originally established time limits, and upon finding that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Administrator not later than 90 days before the expiration of the time limits set in division (j) of this section.

(l) Amendment or Alteration of Approved Planned District Development Plans. Once a final development plan for a Planned District has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute plan and repatriation of the procedures established in these sections. ASubstantial change@ for the purposes of this section shall mean any modification of an approved planned district development plan, as determined by the Zoning Administrator, that results in:

(1) Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
(2) Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
(3) Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than 30 feet;
(4) Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;
(5) Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;
(6) Any circumstance below the minimum requirements established in this Zoning Code or as required in the approval of a conditionally permitted use in a Planned District.

(m) Plat Required.

(1) In a Planned District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations

(2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring the expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.

(n) Administrative Review. All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, to the Planning and Zoning Commission, and to the Council or to their designated technical advisors upon request for administrative review to assure substantial compliance with the final approved development plan. (Ord. 2005-18. Passed 4-25-05; Ord. 2008-53. Passed 11-24-08.)

CHAPTER 1290
Planned Residential District (PRD)

1290.01	Purpose.	1290.03	Density and open space requirements.
1290.02	Uses.	1290.04	Conservation development principles.

1290.01 PURPOSE.

The Municipality, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, historic preservation, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Baltimore.
(Ord. 2005-18. Passed 4-25-05.)

1290.02 USES.

(a) Permitted Uses.
- (1) All permitted uses as listed in Chapters 1250, 1252, 1254, 1256, 1258;
- (2) Cluster homes, patio homes, condominiums, or any reasonable variation on these themes; and
- (3) Zero lot line development.

(b) Conditional Uses.
- (1) All conditional uses as listed in Chapters 1250, 1252, 1254, 1256, 1258.
(Ord. 2005-18. Passed 4-25-05.)

1290.03 DENSITY AND OPEN SPACE REQUIREMENTS.

(a) Maximum Gross Density.
- (1) Two units per acre if the development is exclusively single family.
- (2) Five units per acre if the development is a mix of residential types.
- (3) Ten units per acre if the development is exclusively multi-family. Conservation developments may not be exclusively multi-family and therefore are not eligible for the density increase as outlined in Section 1290.03(a)(4) herein.
- (4) A maximum gross density increase of 25% will be granted if the development utilizes conservation development principles as outlined in Section 1290.04 herein.

(b) Open Space Requirements. A minimum of 20% of the site shall be set aside as common open space unless conservation development principles as outlined in Section 1290.04 herein are utilized. Additional open space will not be required as specified in Section 1214.15(b) of the Subdivision Regulations.
(Ord. 2005-18. Passed 4-25-05.)

1290.04 CONSERVATION DEVELOPMENT PRINCIPLES.

A conservation development shall incorporate the following design features:

(a) 50 percent of the gross developable site is set aside as common open space. Additional open space will not be required as specified in Section 1214.15(b) of the Subdivision Regulations.

(b) A maximum of 50 percent of the common open space may be used for active recreational activities, and neighborhood or community facilities such as schools. Detention ponds and other stormwater management facilities as well as 25 percent of the street rights-of-way will be counted as a part of the common open space.

(c) A minimum of 50 percent of the house lots shall abut the open space.

(d) Native vegetation should be retained or replanted along stream corridors and adjacent to wetlands.

(e) Existing hedge and tree lines should be preserved.

(f) Scenic views and vistas should be preserved.

(g) Natural drainage swales and creeks should be preserved. No construction should occur inside the 100 year floodplain.

(h) Significant tree stands should be preserved.

(i) The development should minimize the impact to surrounding agricultural uses by clustering development away from agricultural activities.
(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1292
Planned Commercial District (PCD)

1292.01 Purpose
1292.02 Uses.
1292.03 General development standards.

1292.01 PURPOSE.

The purpose of the Planned Commercial District is to encourage the design and development of non-residential uses in a manner which enhances the Municipality's image through the application of design and architectural principles, high-quality construction techniques, preservation of existing natural resources, and the provision of aesthetic amenities. The Planned Commercial District also gives the Municipality the ability to permit a broad range of non-residential uses in a manner that ensures that such uses are compatible with the surrounding environment, specifically residential uses.
(Ord. 2005-18. Passed 4-25-05.)

1292.02 USES.

(a) Permitted Uses. All permitted uses allowed in Chapters 1260, 1262, and 1264, as provided for in this Zoning Code.

(b) Conditional Uses. All conditional uses permitted in Chapters 1260, 1262, and 1264, as provided for in this Zoning Code.

(c) The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the Planned Commercial District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of occupancy will not be issued for uses not listed in the development standards text without approval of the Planning and Zoning Commission.
(Ord. 2005-18. Passed 4-25-05.)

1292.03 GENERAL DEVELOPMENT STANDARDS.

In addition to the other provisions of the Zoning Code, the following standards for arrangement and development of land and buildings are required in the Planned Commercial District.

(a) Minimum Area. Three acres for a Planned Commercial District; one-half acre minimum for lots within a Planned Commercial District.

(b) Minimum Lot Width. None, except that such a site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of 100 feet.

(c) Enclosure and Screening. A use allowed in this district shall entirely enclose its primary operation within a structure. No open storage will be permitted. Open sales, service areas and loading docks shall be screened per the requirements of Chapter 1299.

(d) Side Yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in Chapter 1242. Such required side yards shall equal one-fourth the sum of the height and width of the structure but in no case shall be less than 50 feet.

(e) Rear Yards. A rear yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in Chapter 1242. Such required rear yards shall equal one-fourth the sum of the height and depth of the structure, but in no case shall be less than 50 feet.

(f) Arrangement of Areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the Planned Commercial District, in addition to achieving the standards of this subsection, shall be accomplished in accordance with an approved development plan established to assure compatibility with the existing and future land use development in the vicinity. The development plan shall include walks, fences, landscaping and other devices which will meet the purpose and intent of the Planned Commercial District.

(g) Reserve Areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as reserve area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with Section 1288.04(1). Reserve areas shall be landscaped or otherwise maintained in a neat and orderly manner.

(h) Parking and Loading. Off-street parking, loading and service areas shall be provided in accordance with Chapter 1280. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the development plan.

(i) Maximum Lot Coverage. Structures, pedestrian areas, parking areas, and other hard-surfaced or paved areas shall not cover more than 75% of the lot. Maximum coverage of the lot by structures, not including unenclosed loading docks, shall not exceed 50%.

(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1294
Planned Industrial District (PID)

1294.01 Purpose.
1294.02 Uses.
1294.03 General development standards.

1294.01 PURPOSE.

The purpose of the Planned Industrial District is to encourage the design and development of areas where industrial, office, and limited commercial uses are located. Uses in the Planned Industrial District should not conflict with surrounding land uses and the overall site should be designed in a manner that protects existing natural resources, encourages sound traffic patterns, and incorporates high-quality construction techniques and the provision of aesthetic amenities.
(Ord. 2005-18. Passed 4-25-05.)

1294.02 USES.

(a) Permitted Uses. All permitted uses allowed in Chapters 1260, 1264, and 1270, as provided for in this Zoning Code.

(b) Conditional Uses. All conditional uses permitted in Chapters 1260, 1264, and 1270, as provided for in this Zoning Code.

(c) The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the Planned Industrial District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of zoning compliance will not be issued for uses not listed in the development standards text without approval of the Planning and Zoning Commission.
(Ord. 2005-18. Passed 4-25-05.)

1294.03 GENERAL DEVELOPMENT STANDARDS.

In addition to the other provisions of this Zoning Code, the following standards for arrangement and development of land and buildings are required in the Planned Industrial District.

(a) Minimum Area. 20 acres.

(b) Minimum Lot Width. None, except that such a site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of 100 feet.

(c) Enclosure and Screening. A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage areas will only be permitted with a conditional use permit as provided for in this Zoning Code. Open sales, service areas and loading docks shall be screened per the requirements of Chapter 1299.

(d) Side Yards. For main and accessory structures, including open storage, service and loading areas, the required side yards shall equal one-third the sum of the height and depth of the structure, but in no case shall be less than 75 feet from any residential zoning district or planned residential district as listed in Chapter 1242.

(e) Rear Yards. For main and accessory structure, including open storage, service and loading areas, the required rear yards shall equal one-third the sum of the height and width of the structure, but in no case shall be less than 75 feet from any residential zoning district or planned residential district as listed in Chapter 1242.

(f) Arrangement of Areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the Planned Industrial District, in addition to achieving the standards of this division, shall be accomplished in accordance with an approved development plan established to assure compatibility with the existing and future land use development in the vicinity. The development plan shall include walks, fences, landscaping and other devices which will meet the purpose and intent of the Planned Commercial District.

(g) Reserve Areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as reserve area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with Section 1288.04(l). Reserve areas shall be landscaped or otherwise maintained in a neat and orderly manner.

(h) Parking and Loading. Off-street parking, loading and service areas shall be provided in accordance with Chapter 1280. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the development plan.

(i) Intensity of Use. Maximum lot coverage: Structures, pedestrian areas, parking areas, and other hard-surfaced or paved areas shall not cover more than 80% of the lot. Maximum coverage of the lot by structures, not including unenclosed loading docks, shall not exceed 60%.

(j) Landscape Easement. An easement 25 feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved landscape plan. Such plan shall provide plantings which will achieve a height of ten feet or more and an opaqueness of at least 75% within five years of normal growth. This easement, when adjacent to a street right-of-way 80 feet or more in width, or other industrial zoning district, may be reduced to 15 feet, a 25% opaqueness, and two feet in height. The landscape plan shall be submitted with the subdivision plat and shall be subject to approval in the same manner as required of the subdivision plat.

(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1296
Planned Mixed Use District (PMUD)

1296.01 Purpose.
1296.02 Uses.
1296.03 Density and open space requirements.
1296.04 Traditional neighborhood development (TND) principles.

1296.01 PURPOSE.

The purpose of the Planned Mixed-Use District (PMUD) is to provide a permissive, voluntary, alternate zoning and subdivision platting procedure, in order to encourage imaginative architectural design, flexibility in building styles and types, proper relationships between buildings and between buildings and the land, to permit development of the land in an orderly, coordinated and comprehensive manner by preserving the natural quality and beauty of the land and to provide supporting community facilities in the development of diverse, sound, urban environments consistent with accepted land planning, landscape architecture practices and engineering principles under conditions of approved site and development plans.
(Ord. 2005-18. Passed 4-25-05.)

1296.02 USES.

(a) Permitted Uses. All permitted uses allowed in all standard zoning districts except Chapter 1270, as provided for in this Zoning Code.

(b) Conditional Uses. All conditional uses allowed in all standard zoning districts except Chapter 1270, as provided for in this Zoning Code.

(c) Prohibited uses. Drive-throughs are prohibited in traditional neighborhood developments.

(d) The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the PMU District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of zoning compliance will not be issued for uses not listed in the development standards text without approval of the Planning and Zoning Commission.
(Ord. 2005-18. Passed 4-25-05.)

1296.03 DENSITY AND OPEN SPACE REQUIREMENTS.

(a) Maximum Residential Gross Density.

(1) Five units per gross residential acre unless traditional neighborhood development (TND) standards are utilized; eight units per gross residential acre if TND standards are utilized.

(b) Open Space Requirements. 20% of the gross site shall be common open space if TND standards are not utilized. 15% of the gross site shall be common open space if TND standards are utilized.

(Ord. 2005-18. Passed 4-25-05.)

1296.04 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) STANDARDS.

(a) Design Objectives. TND projects should establish a neighborhood which:

(1) Is physically recognizable and limited in size.

(2) Residential, commercial, office, institutional, and recreational uses are in close proximity to one another thereby maximizing transportation choice and reducing the number and length of motor vehicle trips, traffic congestion, and need for road widening. Compatibility of buildings, uses, and other improvements is determined by their arrangement, scale, character, and landscaping to establish a livable, harmonious, and diverse environment.

(3) Establishes a hierarchy of streets serving equitably the needs of the pedestrian, the bicyclist, and the motorist. Streets are interconnected and blocks are small.

(4) Places civic buildings and squares in prominent locations that act as landmarks, symbols and focal points for community identity. Such buildings and squares provide places of assembly for social activities.

(5) Links civic buildings, squares, and parks with pedestrian paths and greenways to provide places for social activity and recreation. Includes private buildings forming a consistent, distinct edge, spatially delineating the public street space and the private block interior.

(6) Includes architecture and landscape that are consistent with the unique character of the region.

(7) Provides defined public spaces such as streets and squares, allowing citizens to know each other and watch over their collective security.

(8) Provides a full range of housing types and work places, allowing all age groups and economic classes to integrate in an authentic community.

(9) Provides trees of the same size, shape or type to create visual continuity and a unified appearance.

(b) Design Criteria.

(1) The entire land area of the TND shall be divided into blocks, streets, and lots, and optional edge areas.

(2) The development shall contain a mix of residential, commercial, office, and recreational uses. When a TND is adjacent to or complements an existing commercial/office area, commercial and office uses may be omitted from the development pending approval of the Planning and Zoning Commission and provided adequate automobile and pedestrian linkages are established that integrates the areas.

(3) Similar land uses (uses within the same land use category) shall generally face across streets. Dissimilar uses, when adjacent, shall abut at rear lot lines.
(4) The TND shall contain a square generally within the center of each neighborhood or as deemed appropriate by the Planning and Zoning Commission.
(5) Neighborhoods shall be limited in size or shape to allow residents to walk to the neighborhood square.
(6) Alleys shall be permitted and encouraged. However, no residential lot shall front on an alley.
(7) All streets and alleys shall connect to other streets within the TND. All streets shall connect to existing and projected streets outside the TND, when possible. Cul-de-sacs, T-turnarounds and gated or dead-end streets are not permitted within the TND.
(8) Sidewalks, pedestrian paths, bicycle paths, and local streets shall connect a neighborhood's residences, shopping, employment, and recreation areas.
(9) Streets shall be 12 feet in width per travel lane. No street shall exceed two travel lanes.
(10) The design speed of streets shall not exceed 25 miles per hour.
(11) Parallel parking shall be located adjacent to commercial and office lots when such lots front a square, park, or plaza. Otherwise, parallel parking is encouraged. Consistent build-to lines shall be established along all streets and public space frontages. This build-to line shall determine the width and ratio of enclosure desired for each street or public space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
(12) All buildings shall have their main entrance opening to a street or square (except outbuildings).
(13) No more than 20 feet of horizontal distance of wall shall be provided without facade articulation or architectural relief for building walls and frontage walls facing the street. Façade articulation or architectural relief can include, but is not limited to, pilasters, windows, pedestrian entrances, arcades, awnings, shutters and canopies, or other types of building massing that modulates the building mass or surface texture. Facade articulation shall maintain a distinction between the street-level story and upper stories.
(14) The rhythm established by the repetition of the facade elements shall be maintained.
(15) All outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.
(16) A comprehensive sign program is required for the entire TND which establishes a uniform sign theme. Signs shall share a common style (color scheme, type, size, material), as approved by the Planning and Zoning Commission.
(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1298
Site Development Plans

1298.01 Purpose and intent.
1298.02 Site development plans required.
1298.03 Definitions.
1298.04 Minor site plan.
1298.05 Major site plan.

1298.01 PURPOSE AND INTENT.

(a) Site development plans are intended to insure ample provisions for the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development. They are further intended to supplement the provisions of the Subdivision Regulations and to further the purposes and provisions of this code for developments other than subdivision developments.

(b) The purposes of this chapter are to state the specific additional requirements applicable to the development of land in certain zoning districts, and to prescribe the standards for the preparation and submission of site development plan drawings and for the design and construction of required improvements.
(Ord. 2005-18. Passed 4-25-05.)

1298.02 SITE DEVELOPMENT PLANS REQUIRED.

Prior to issuance of a zoning permit for all developments other than single family residential and two-family residential developments, a site plan as defined herein shall be submitted to the Village of Baltimore for review and approval.
(Ord. 2005-18. Passed 4-25-05.)

1298.03 DEFINITIONS.

The following definitions apply to this chapter.

(a) ADevelopment@. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; the construction, expansion or modification of any parking areas, loading areas, access drives or other paved surfaces; any mining, excavation, landfill or other modification of the natural landscape; any changes to approved landscape plans including plant materials, grading, walls or fences.

(b) AMajor site plan@. A plan for a development which meets one of the following definitions:

(1) A development involving any new construction other than one or two family residential structures;

(2) A development involving an addition of more than 20% of the gross floor area of a structure or more than 5,000 square feet of impervious surface;

(3) A development involving more than 10,000 square feet of impervious surface;
(4) A development impacting or adjacent to a historic, archaeological, or environmentally sensitive feature;
(5) A development impacting a non-residential site adjacent to a residential zoning district;
(6) A development which conflicts with an adopted Village plan;
(7) A development of a non-conforming site or site which does not meet the development standards of the zoning district in which it is located.
(8) A development which generates sufficient volumes of traffic, unusual patterns, or types of traffic that result in lowering the level of service of affected streets or intersections; or
(9) Other unusual or unique impacts which, in the professional opinion of the Zoning Administrator, warrant public review.

(c) AMinor site plan@. A plan for a development which does not qualify as a Major Site Plan.
(d) ASite plan@. A plan, to scale, that illustrates the proposed physical changes for parcel or parcels of land.

(Ord. 2005-18. Passed 4-25-05.)

1298.04 MINOR SITE PLAN.

(a) Application. An application for a minor site plan shall be filed by the applicant on a form provided by the Zoning Administrator. In order to defray the cost of examination of plans and inspection, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.

(b) Submittal Requirements.
(1) A survey showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper of more than six inches in diameter, and the location of utilities, including storm water drainage.
(2) The sketch plan shall indicate buildings, service areas, parking, fencing, landscaping, and all required setbacks.
(3) All parking and loading areas shall be shown, including typical dimensions of parking stalls, aisles and loading spaces.
(4) All driveways and curb cuts shall be indicated, including major aisle ways and service routes. Pedestrian circulation shall also be indicated.
(5) Handling of all waste and refuse materials shall be indicated.
(6) Proposed landscaping shall be shown, as per the Zoning Code.
(7) Signage may be required to be shown, as per the Zoning Code.
(8) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.
(9) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples shall also be made available for inspection.

(c) Procedure.

(1) Any applicant requesting approval of a minor site plan as defined herein shall submit to the Zoning Administrator four copies of the application, including the items specified in 1298.04(b) submittal requirements and the prescribed fee.

(2) Within 30 days of filing a complete application, the Zoning Administrator shall approve the application for site plan review based upon adopted regulations and standards, design guidelines contained herein or determine that the application is a major site plan. If the application if approved the Zoning Administrator will issue a zoning permit for the building or structure. If the application is determined to be a major site plan, the Zoning Administrator will schedule a review by Planning and Zoning Commission.

(Ord. 2005-18. Passed 4-25-05.)

1298.05 MAJOR SITE PLAN.

(a) Application. An application for a major site plan shall be filed by the applicant with the authorization of the property owner on a form provided by the Zoning Administrator. Nothing shall prevent the concurrent submittal of an application for a major site plan with the submittal of an application for a zoning map amendment. Approval of a major site plan submitted concurrently with an application for zoning map amendment may not become effective until the zoning map amendment application has been approved by Council. In order to defray the cost of examination of plans and inspection, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Council.

(b) Submittal Requirements. The following items are required at the time that a site plan is submitted. The Zoning Inspector may waive select requirements if the site is part of a planned district that has received final development plan approval.

(1) A survey showing boundary information, existing and proposed development, existing and proposed easements, rights-of-way, location of existing water bodies, streams, drainage ditches, stands of trees and trees with a caliper of more than six inches in diameter, and the location of utilities, including storm water drainage.

(2) The site plan shall indicate all proposed uses and the location of structures, showing square footages and tenant types for the first phase of the development plan. Structures planned for subsequent phases shall be schematically indicated. All required setbacks shall also be indicated.

(3) A detailed parking layout for off-street parking, loading, and service areas must be shown, including the following:

A. Number of spaces indicated by total number of on-site spaces and to be summed by row;

B. Access points and expected movement through and between separate parking lot areas;

C. Expected pedestrian access routes from parking areas to structures.

(4) The proposed provision of all utilities including storm drainage retention or detention shall be specifically detailed.
(5) All major circulation routes, including arterials, adjacent curb cuts, collector and local streets, driveways and curb cuts, and including major aisle ways and service routes shall be indicated. Major pedestrian circulation routes shall also be indicated, including dimensions of path and pedestrian crossings, etc., plus any attempts at separating vehicular and pedestrian/recreation movement.
(6) Handling of all waste and refuse materials shall be indicated.
(7) Proposed landscaping shall be shown, as per a landscape plan required by Chapter 1299.
(8) All signage and graphics may be required to be shown, as per Chapter 1282.
(9) All exterior lighting shall be shown, including parking lot, pedestrian, and building accent lighting. Lighting intensity and installation height shall be indicated.
(10) Exterior building design and surface treatments shall be indicated, including building material and color. Color and material samples may also be requested.
(11) Traffic impact study as requested by the Planning and Zoning Commission.
(12) All reserve parcels and anticipated development phases shall be indicated.
(13) Environmental analysis if any portion of the site meets one or more of the following criteria:
A. Any portion of the site is located in the 100-year floodplain.
B. The site contains one or more wetlands.
C. 25% or more of the site contains hydric soils.
D. The parcel contains an agricultural drainage ditch.
E. 25% or more of the total area of the site has slopes over 20%.
F. 25% or more of the site is wooded.
(14) The use of land and location of structures on adjacent property.

(c) Procedure.
(1) Any applicant requesting approval of a major site plan as defined herein, shall submit eight copies of the application to the Zoning Administrator, including the items specified in Section 1298.05(b) of this chapter, the prescribed fee, and any other information as determined appropriate by the Planning and Zoning Commission within 30 days of their next regularly scheduled meeting.
(2) It shall be the duty of the Planning and Zoning Commission to review the major site plan and determine whether it complies with the adopted regulations and standards of the Village. Such determination shall be made within a reasonable time at a regular meeting of the Planning and Zoning Commission in accordance with the submission and hearing schedule established by the Commission.
(3) The Planning and Zoning Commission shall either approve, approve with modification, or disapprove an application for a major site plan.

(d) Modifications of the Major Site Plan.

(1) Development shall be in conformance with the site plan and construction of site improvements must be commenced within two years of Planning and Zoning Commission approval; otherwise no development of the land shall take place until a new site plan is approved pursuant to this Section.

(2) Approval of the Planning and Zoning Commission is required before any modification of the approved site plan may be made. Development of land shall not proceed prior to final approval of the site plan. Once the site plan is approved the Zoning Administrator will issue a zoning permit. Any development undertaken without such final approval is in violation of this zoning ordinance.

(e) Appeal. Decisions of the Planning and Zoning Commission in approving, approving with modifications or disapproving applications for site plans are appealable to Village Council.
(Ord. 2005-18. Passed 4-25-05.)

CHAPTER 1299
Landscaping and Screening

1299.01 Intent.
1299.02 Purpose.
1299.03 Sites affected.
1299.04 Minimum landscape requirements.
1299.05 Landscape materials.
1299.06 Plan submission and approval.
1299.07 Street trees.
1299.08 Tree preservation.
1299.09 Tree Preservation Plan.
1299.10 Removal of major trees.
1299.11 Replacement of removed trees.
1299.12 Exemptions from replacement.
1299.13 Planting and maintenance requirements.
1299.14 Preconstruction activities.
1299.15 Construction activities.
1299.16 Landscaping definitions.

CROSS REFERENCES

Trees - see S.U. & P.S. Ch. 1004
Trees, shrubs, and other plants - see S.U. & P.S. Ch. 1050

1299.01 INTENT.

The intent of this chapter is to:

(a) Improve the appearance of vehicular use areas and property abutting public rights-of-way;
(b) Require buffering between noncompatible land uses;
(c) Protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhoods;
(d) Promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

(Ord. 2005-18. Passed 4-25-05.)

1299.02 PURPOSE.

It is further the purpose of this chapter to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development, and to promote the proper utilization of landscaping as an ease between certain land uses to minimize the opportunities of nuisances.
(Ord. 2005-18. Passed 4-25-05.)

1299.03 SITES AFFECTED.

(a) Individual Single Family Lots Exempted. Individual single family lots are exempt from the requirements of this chapter following the transfer of ownership from the developer or builder to the homeowner except that single family lots must maintain street trees and the landscaping provided by the developer and comply with the requirements of Chapter 1004 and 1050 of the Codified Ordinances.

(b) New Sites. No zoning permit shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use except where landscaping for such development and construction has been approved as required by the provisions of this chapter.

(c) Existing Sites. No building, structure, or vehicular use area shall be constructed, altered, or expanded unless the minimum landscaping required by the provisions of this chapter is provided. In the case of an alteration or expansion, such landscaping shall be provided to the extent required by only by the alteration or expansion, unless the alteration or expansion is substantial. If the alteration or expansion is substantial, then the minimum landscaping required shall be provided to the entire property. An alteration or expansion to an existing property is substantial when:

(1) In the case of a building or structure expansion which does not involve additional land, the square footage of the alteration or expansion exceeds 25% of the square footage of the existing building exclusive of the alteration or expansion; and

(2) In the case of an alteration or expansion involving both an existing building or structure and additional land, and, if applicable, additional structures or buildings, the area or square footage of the expanded or altered land or structure or building, respectively, exceeds 25% of the area or square footage of the existing land or structure or building, respectively, exclusive of the alteration or expansion.

(3) ALand@ as use herein, includes land used for space, parking, or building purposes. (Ord. 2005-18. Passed 4-25-05.)

1299.04 MINIMUM LANDSCAPE REQUIREMENTS.

(a) This section describes the minimum landscape requirements that shall be met in regard to perimeter landscaping for noncompatible land use areas, landscaping or service areas, and interior landscaping for businesses, buildings, structures, or other new developments of the land. For the purposes of this section, the following shall be considered Anoncompatible@:

(1) The location of a residential land use area adjacent or contiguous to a business, commercial, or industrial land use area;

(2) The location of a business or commercial land use area adjacent or contiguous to a residential or industrial land use area; or

(3) The location of an industrial land use area adjacent or contiguous to a residential, business, or commercial land use area;

(4) The location of a multi-family residential land use area adjacent or contiguous to a single family residential land use area.

(b) Perimeter Landscaping Requirements. Unless otherwise provided, landscape materials, fences, or walls used to meet this requirement shall be installed to provide 100% year round opacity within four years after installation. Landscape materials must be an evergreen species. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use areas.

(1) Property perimeter requirements. Refer to Table 1.

(2) Vehicular use area perimeter requirements. Refer to Table 2.

Table 1. Property Perimeter Requirements

(1) Six feet shall be the least dimension for any commercial or industrial zone, with three feet as the least dimension for any other zone.
(2) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.
(3) Tree sizes are as defined in section 1299.09.
(4) AOFT@ means Aor fraction thereof@. Trees do not have to be equally spaced, but may be grouped.

A. When the following:	B. Adjoins the following, or vice versa	C. The minimum landscape, within a buffer zone of this average width (with 3 ft. as the least dimension), is required(1)	D. Which will contain this material(2), to achieve opacity required
1. Any residential zone	Any office zone	6 ft. adjacent to all common boundaries except street frontage	1 large(3) or medium tree per 40 ft. of lineal boundary OFT(4), plus a continuous 6 ft. high planting hedge, fence, wall or earth mound
2. Any residential zone	Any business zone	10 ft. located as above-1C	Same as in 1D
3. Any residential zone	Any industrial zone	15 ft. located as above-1C	Same as in 1D, except use only large trees
4. Any business or office zone	Any industrial zone	15 ft. located as above-1C	Same as in 1D
5. Any zone except rural zone	A freeway or arterial street prohibiting driveways	20 ft. for residential zones and 10 ft. for all other zones adjacent to freeway or arterial	1 large or medium tree per 30 ft. of lineal boundary OFT, plus a continuous 6 ft. high planting, hedge, fence, wall or earth mound
6. Any zone except agricultural and industrial zones	Railroads (except spur tracks)	Same as 5C, adjacent to railroad boundaries	Same as in 5D
7. Any property boundary, including street rights-of-way	Utility substation, communications tower, sewage plants or similar uses	15 ft. adjacent to all boundaries	Same as in 5D
8. Any single or two-family residential zone	Multi-family residential zone with more than 8 units	15 ft. located as above-1C	Same as in 1D

Table 2. Vehicular Use Area Perimeter Requirements

(1) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.
(2) AVehicular Use Area@ is defined in Section 1299.09.
(3) Tree sizes are as defined in Section 1299.09.
(4) AOFT@ means Aor fraction thereof'
(5) The intent of these requirements is to improve the appearance of vehicular use areas and property abutting areas. The vehicular use area perimeter requirement for vehicular sales facilities allows creation of Apicture frame(s)@ along streets for vehicular sales display. The following formula shall be used to determine the display area allowed per street frontage: Linear distance of street frontage (from lot line to lot line or lot line to corner in feet) x .25 = display area (in feet). Vehicles in the display area shall be located behind the 12 inch planting and all vehicles shall be parked at grade. Screening requirements for the remaining vehicular use areas that adjoin a street frontage shall be similar to those for other uses with two exceptions. The size of trees at installation is increased and the spacing between trees is reduced. These requirements will help to mitigate the glare from artificial lights.

A. When the following:	B. Adjoins the following, or vice versa	C. The minimum landscape easement of this width is required	D. Which will contain this material(1) to achieve opacity required
1. Any property in any zone except DB	Any vehicular use areas(2) on any adjacent property	4 ft. minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for other areas, adjacent to portion of vehicular use area that faces building on adjacent property	1 large(3), medium or small tree per 40 ft. of lineal boundary of vehicular use area OFT(4), plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound
2. Any public or private street right-of-way or access road or service road, except freeways	Any vehicular use area, outside of DB (except vehicular sales facilities) in any zone	Same as 1C, except applies to vehicular use area portion facing public or private street	1 large or medium tree per 40 ft. of lineal boundary OFT, plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound

A. When the following:	B. Adjoins the following, or vice versa	C. The minimum landscape easement of this width is required	D. Which will contain this material[1] to achieve opacity required
3. Same as 2A	Any vehicular use area in a vehicular sales facility[5]	Same as 2C above	1 large or medium tree per 30 ft. of lineal boundary OFT, with at least a 3 inch caliper along the entire street frontage, plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound along at least 75% of the street frontage. The remaining street frontage, not to exceed 25% shall include a 12 inch height vegetative planting
4. Same as 2A	Any vehicular use area (except loading and unloading areas) in B3 zones	3 ft. strip adjacent to portion of vehicular area that faces a public or private street right-of-way	3 ft. average height continuous planting, hedge, fence or wall

(3) Landscape buffer zone. The landscape buffer zone and material required adjacent to any street under this chapter shall be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right of way. When adjacent to other common boundaries, the landscape buffer zone and materials:

A. May be placed on either adjoining parcel, or astride the boundary, if both are owned and being processed by the same owner; or

B. Generally shall be placed on the activity listed under column B in Table 1 or Table 2 of this chapter, when adjoining parcels have different owners; or

C. May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Zoning Administrator, as a public record; or

D. Shall be placed on the activity or parcel being processed when adjoining property is already developed, with the exception of lines 5 and 6 in Table 1 of this chapter; or

E. Shall not be required along the common boundary if the requirements of this chapter have been fully complied with on the adjoining property, in fulfillment of the requirements of this chapter.

(4) Requirements conflict. Whenever a parcel or activity falls under two or more of the categories listed in Table 1 or Table 2 of this chapter, only one category, that with the most stringent requirements shall be enforced.

(5) Landscape buffer zone conflicts. The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet, and wheel stops or curbs shall be required.

(6) Existing landscape material. Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Planning and Zoning Commission, such material meets the requirements and meets the objectives of this chapter.

(c) Interior Landscaping for Vehicular Use Areas. Any open vehicular use area, excluding loading, unloading, and storage areas in an industrial zone or business zone, containing more than 6,000 square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.

(1) Landscape area. For each 100 square feet or fraction thereof, of vehicular use area, a minimum total of five square feet of landscaped area shall be provided.

A. Minimum area. The minimum landscape area permitted shall be sixty-four square feet with a four-foot minimum dimension to all trees from the edge of pavement where vehicles overhang.

B. Maximum contiguous area. In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from the edge of pavement where vehicles overhang. Individual landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum total.

(2) Minimum trees. The following minimums are required, based upon total ground coverage of structures and vehicular use areas:

A. Up to 20,000 square feet: A minimum of one tree per 5,000 square feet of ground coverage, and a total tree planting equal to one inch in tree trunk size for every 2,000 square feet of ground coverage.

B. Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 square feet in ground coverage.

C. Over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage, and a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage.

D. Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.

(3) Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet, as long as concrete or other wheel stops are provided to ensure no greater overhang of the landscaped area. See the illustration in Appendix B.

(d) Landscaping for Service Structures. Service structures shall be screened in all zoning districts. For the purposes of this section, service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, and other equipment or elements providing service to a building or site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures.

(1) Location of screening. Screening shall have a one hundred percent opacity and consist of a continuous planting, hedge, fence, or wall of earth except dumpsters. Dumpsters must be screened with a wall or fence on three sides with a lockable gate on the fourth side. Screening shall enclose the service structure on all sides, unless the service structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed seven feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure, if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count toward the fulfillment of the required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

(2) Curbs to protect screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

(e) Interior Landscaping for All New Developments. All new developments, regardless of the type, and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.

(1) Preservation of existing landscaping materials. All trees having a trunk diameter of six inches or greater as measured twenty-four inches from ground level shall be preserved, unless one or more of the following exceptions applies:

A. Trees within public rights-of-way. These trees are required to be removed.

B. Trees within utility easements.

C. Trees within temporary construction easements as approved by the Village Engineer.

D. Trees within the ground coverage of proposed structures or within 12 feet of the perimeter of such structures.

E. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home.

F. Trees that in the judgment of the Zoning Administrator are damaged, diseased, over mature, which interfere with utility lines, or are an inappropriate or undesirable species for that specific location.

(2) Location of trees. It is encouraged that trees subject to destruction due to the above exceptions be preserved by relocation and replanting of such trees on a lot.

(3) Preservation of wooded areas. It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures, and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.

(4) Tree planting requirements.

A. For all new developments, the following landscape requirements shall apply:

Use	***Requirements***
All Residential Districts except Single-Family	There shall be tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by structures. Such plantings shall be required within the property lot lines of each structure.

Use	*Requirements*
Business and Community Shopping Uses per lot	In addition to the requirements of division (c) of this section for vehicular use areas, the following shall apply: there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building ground coverage area, or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches, or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
Office-Institutional Uses	In addition to the requirements of division (c) of this section for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 1,500 square feet of building ground coverage area, or fraction thereof.
Industrial Uses	In addition to the requirements of division (c) of this section for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage area, or fraction thereof.

B. Parking Lots. See division (c) of this section.

C. No new tree plantings shall be required if the existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this chapter, and providing that such trees are evenly distributed throughout the developed area and not confined to either out-of-the way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than one and one-half inch in trunk diameter.

D. For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a zoning permit. Failure to comply with the landscaping requirements shall be in violation of this section and be subject to such penalties as provided in Chapter 1286.

(Ord. 2005-18. Passed 4-25-05.)

1299.05 LANDSCAPE MATERIALS.

The landscaping materials shall consist of the following, and should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The type of shade or sun should be considered in selecting plant materials.

(a) Walls and Fences. Walls and fences shall be structurally sound and constructed of stone, brick, or wood.

(b) Earth Mounds. Earth mounds shall be physical barriers which block or screen the view, similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

(c) Plants. Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements:

(1) Quality. Plant materials used in conformance with the provision of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

(2) Deciduous trees. Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen feet in Central Ohio, and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections, where eight feet clear wood requirement shall control. Trees having an average mature crown spread of less than fifteen feet may be substituted by grouping of the same so as to create the equivalent of a fifteen foot crown spread. A minimum of ten feet overall height or a minimum caliper (trunk diameter measured at four feet above the ground) of at least one and three-fourths inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen feet to such public works, unless the root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four inch thick, reinforced concrete.

(3) Prohibited trees. Shall be those listed in the latest ODNR publication.

(4) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliper of one and one-half inches immediately after planting.

(5) Shrubs and hedges. Shall be at least two feet for Section 1299.04 (b)(2), and three feet for Section 1299.04 (b)(1), in average height when planted and shall conform to the opacity and other requirements within four years after planting.

(6) Vines. Shall be at least 12 or 15 inches high at planting, and generally used in conjunction with walls or fences.

(7) Grass or ground cover. Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Central Ohio, and may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used. Nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in a manner as to present a finished appearance and 75% of complete coverage after two complete growing seasons, with a maximum of eight inches on center. In certain cases, when approved by the Planning and Zoning Commission, ground cover may consist of rocks, pebbles, sand, and similar approved materials.

(d) Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three months. Violation of these installation and maintenance provisions shall be grounds for the Zoning Administrator to refuse to issue a certificate of occupancy or to institute legal proceedings.

(e) Pruning. Landscaping materials used to fulfill code requirements, or conditions of approval, as authorized by Council, Planning and Zoning Commission, Board of Zoning Appeals, or other appropriate body may not be pruned or otherwise treated so as to reduce height or level of opacity to less than required by this chapter. Landscape materials are intended to grow, spread, and mature over time, and pruning or other inhibiting measures, including removal, may only be practiced to ensure the public safety, to maintain a neat and attractive appearance, and to preserve the health of the material involved.
(Ord. 2005-18. Passed 4-25-05.)

1299.06 PLAN SUBMISSION AND APPROVAL.

Whenever any property is affected by these landscape requirements, the property owner or developer shall prepare a landscape plan for submittal to the Zoning Administrator for review. Where such plans are part of an application for rezoning, variance, conditional use, or other matters which must be approved by the Planning and Zoning Commission or the Board of Zoning Appeals, such plans shall be submitted to the Zoning Administrator 15 business days before the first meeting of the approving body, or along with the application if there are other required plans. All other landscape plans shall be approved by the Zoning Administrator prior to issuance of a building permit.

(a) Plan Content. The contents of the plan shall include the following:

(1) Plot plan, drawn to an easily readable scale no smaller than one inch equals 20 feet, showing and labeling by name and dimensions:

A. All existing and proposed property lines;
B. Easements;
C. Buildings, and other structures;
D. Vehicular use areas, including parking stalls, driveways, service areas, square footage, etc.;
E. Locations of structures on adjoining parcels;
F. Water outlets;
G. Landscape material, including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used;
H. All existing trees.

(2) Typical elevations and/or cross sections as may be required;

(3) Title block with pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow (generally orient plan so that north is to top of the plan), and zoning district.

(b) Zoning Permit and Certificate of Occupancy.

(1) Where landscaping is required, no zoning permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Zoning Administrator, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted.

(2) If the required landscaping has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.

(3) All trees and plantings shall meet the requirements of Section 1299.04, including the restrictions of Tables 1 and 2, and a written certification to this effect shall be submitted by the landscaper upon completion.

(c) Posting of Bond or Irrevocable Letter of Credit. After a bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Zoning Administrator upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three such one-month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

(Ord. 2005-18. Passed 4-25-05.)

1299.07 STREET TREES.

In all zoning districts, developers shall plant and maintain shade trees along public and private streets in compliance with the following:

(a) The tree to be planted shall be an approved street tree as listed in this section.

(b) One tree shall be provided for every 40 linear feet of frontage, or fraction thereof, along each road.

(c) The minimum spacing between trees shall be 40 feet for large trees, 30 feet for medium trees and 20 feet for small trees.

(d) The maximum spacing between trees shall be 45 feet for large trees, 35 feet for medium trees, and 25 feet for small trees.

(e) The minimum distance between the tree and the edge of the street shall be two and one-half feet for a large tree, two feet for a medium tree and one and one-half feet for a small tree. In areas where a sidewalk exists or is proposed, the minimum distance between the tree trunk and both the edge of the street and the sidewalks shall be two feet for a large tree, two feet for a medium tree and one and one-half feet for a small tree.

(f) The tree location shall be at least 20 feet from street intersections and ten feet from fire hydrants or utility poles.

(g) A small tree shall be used when planting under or within ten lateral feet of overhead utility wires. A small or medium tree shall be used when planting within ten to 20 lateral feet of overhead utility wires.

(h) Trees are to be planted within the rights-of-way of or roads within and abutting the development as directed by the Planning and Zoning Commission.

(i) Each tree at the time of installation shall have a minimum caliper of 1.75 inches and a clear trunk height of at least six feet.

(Ord. 2005-18. Passed 4-25-05.)

1299.08 TREE PRESERVATION.

In all zoning districts, all major trees shall be preserved and/or replaced in compliance with the provisions of this chapter, unless exempted herein. No trees shall be removed from any parcel of land until a tree clearance permit has been issued by the Village Administrator or designee, unless specifically exempted by the provisions of this chapter.

(a) Clearing of Land. No trees shall be removed from any parcel of land until a tree clearance permit has been issued signifying compliance with the regulations of this chapter. A fee of one hundred fifty dollars ($150.00) shall be charged for each tree removed from the site. Said fee shall be placed in a Tree Bank Fund.

(b) Clearing of Land Prior to Annexation. Trees removed from any parcel of land within two years prior to its annexation to Baltimore shall be subject to a tree replacement plan as if the parcel had been a part of the Village when the tree removal occurred.

(c) New Development or Construction. No building permit or certificate of zoning compliance shall be issued for any development or the construction of any building, structure or vehicular use without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.

(d) Substantial Alteration or Expansion of Existing Development. No building, structure or vehicular use area shall be substantially altered or expanded without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.

(Ord. 2005-18. Passed 4-25-05.)

1299.09 TREE PRESERVATION PLAN.

A tree preservation plan which includes a tree survey shall be filed in connection with the following projects: excavation, earth moving, demolition, road widening, road construction, road extensions, parking lots, utility service lines, utility structures, bikepaths, sidewalks, the construction of new buildings, the construction of building additions, and the construction of detached accessory buildings. The tree preservation plan and tree survey shall be filed prior to the commencement of any construction activities, including clearing and grading, and must be approved by the Village

Administrator or designee. All structures and construction activity shall be located upon a parcel of land in such a way as to minimize tree damage and/or removal, consistent with the various setback requirements of the Zoning Code and consistent with standard engineering practices for the design of public and private utilities, and with established erosion and sedimentation control practices, and consistent with the Village's stormwater management regulations. The tree preservation plan shall specify the following:

(a) The location, common name, and size (DBH) of all existing major trees. The tree survey shall indicate the location, species, the condition, and the outline of the critical root zone or 15 feet whichever is greater of all major trees. The Village may, at its discretion, accept an estimate of the number and size of trees on a site when the site exceeds three acres. In considering estimates, the Village may allow the use of techniques such as site photographs, aerial photographs, site visits, etc.

(b) Identification of the tree preservation area(s), including all existing major trees that will be preserved and remain on site after construction and development.

(c) Identification of all major trees that will be removed from the site as permitted by Section 1299.10.

(d) The location, common name, and size of all replacement trees to be planted on the site as required by Section 1299.11.

(e) The location of all proposed protective fencing.

(f) Location of all utility lines.

(g) Site grading.

(h) Specified locations for ingress, egress, operation and parking of all construction vehicles and equipment, and storage of solvents, hazardous materials, and soil and material stockpiles.

(i) Specified locations for all clearing, grubbing, grading and excavation.

(j) Other measures such as construction pruning and root pruning of trees directly impacted by construction must also be indicated on the plan or on an accompanying sheet and approved by the city. Pruning shall be performed in accordance with International Society of Arboriculture Standards.

(k) Short term and long term maintenance plans.

(Ord. 2005-18. Passed 4-25-05.)

1299.10 REMOVAL OF MAJOR TREES.

(a) The Village Administrator (or designee) may approve the cutting down, removal, or destruction of a major tree when the tree interferes with the proper development of the lot, provided that the lot is the subject of application for approval of a zoning permit, development plan, variance or conditional use permit; such application is approved; and one of the following applies:

(1) The tree is located within a proposed public right-of way.

(2) The proposed structure cannot be located in a manner to avoid removal of the tree and, at the same time, permit the desirable and logical development of the lot.

(3) The tree is located within the area of a proposed driveway that will service a single-family or two-family home or is within the area of a proposed access drive that will service dwellings in a planned residential development, multifamily development, or planned multi-family development.

(4) The tree is damaged or diseased.

(5) The tree is an undesirable species in its present location.

(b) Removal. A tree shall be deemed removed if one or more of the following occurs:
(1) Damage is inflicted to the root system by machinery, storage of materials and/or soil compaction.
(2) The natural grade is changed above or below the root system or around the trunk. Damage is inflicted on the tree that would permit fungus or pest infection.
(3) The tree is excessively pruned or thinned.
(4) Areas are paved with concrete, asphalt or other impervious material within such proximity to the tree as to be harmful to the tree.
(Ord. 2005-18. Passed 4-25-05.)

1299.11 REPLACEMENT OF REMOVED TREES.

(a) Each major tree with a caliper less than 18 inches removed during the course of the development of a lot shall be replaced by the owner of the lot with two trees, each having a minimum caliper of 3.0 inches and a clear trunk height of at least six feet. Trees with a caliper of 18 inches or more removed from the lot shall be replaced on a one to one caliper basis.

(b) The Village Administrator (or designee) shall approve the caliper, species, and health of all proposed replacement trees.

(c) Failure to replace a major tree within one and one- half years of the approval of the application referred to in division (a) of this section shall be a misdemeanor for each separate failure to replace a tree.

(d) In the event the Village Administrator or designee determines that full replacement would result in the unreasonable crowding of trees upon the lot, a fee equivalent to the cost of the excess aggregate caliper shall be paid into the Tree Fund to be used for reforestation on public property. The fees required to be paid by this section shall be used solely for the planting of trees on publicly owned property. The municipality shall expend additional funds for tree removal and/or tree pruning from other funds.
(Ord. 2005-18. Passed 4-25-05.)

1299.12 EXEMPTIONS FROM REPLACEMENT.

The Village Administrator may approve the removal of a major tree if one of the following applies. Trees removed under the following conditions are exempt from the replacement requirements of Section 1299.11:
(a) The tree is dead, damaged, or diseased as determined by a licensed arborist;
(b) The tree is an undesirable species in its present location, as determined by the Village Administrator (or designee);
(c) The tree poses potential danger to life or property.
(Ord. 2005-18. Passed 4-25-05.)

1299.13 PLANTING AND MAINTENANCE REQUIREMENTS.

All trees to be used as replacement trees shall be of a variety determined to be acceptable by the Village Administrator or designee.

(a) Replacement trees that may reach a height of 30 feet shall not be planted within 20 feet of an overhead power line.
(b) Trees shall be planted an adequate distance from access drives and intersections so that, at full maturity, such planting does not obstruct the visibility of motorists and pedestrians.
(c) The developer/owner shall be required to maintain all replacement trees and to replace any tree that dies within one year.
(d) Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to this chapter.
(e) Where applicable, the Village may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this chapter to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site that trees shall not subsequently be removed from a site except when approved pursuant to this chapter.
(Ord. 2005-18. Passed 4-25-05.)

1299.14 PRECONSTRUCTION ACTIVITIES.

(a) General Regulations. Prior to any construction activities on a site containing major trees, a tree preservation plan including a tree survey, and a tree removal permit (if applicable) must be submitted to the Village for review and approval.

(b) Site Layout and Design. All reasonable efforts shall be undertaken in the architectural layout and site engineering design of the proposed development to preserve existing major trees.

(1) It shall be required that building(s), driveway(s), sidewalks, bikepaths, stormwater management facilities, and parking areas be designed in such a way as to avoid unnecessary removal of major trees.
(2) The required drainage and grading plan, including stormwater management facilities, shall be developed in such a way as to avoid removal of major trees in the tree preservation area thereby causing risk of loss through change in grade or moisture.
(3) Proposed placement of all utility service lines shall be shown on the tree preservation plan. Every effort shall be made to protect existing major trees during the placement of utility service lines including auguring and/or jacking as opposed to open cutting as appropriate. A copy of the tree preservation plan and this chapter shall be submitted at the preliminary plat stage by the applicant to the appropriate public utilities in order to alert said public utilities to the proposed placement of the utility service lines.
(4) Landscape planning shall include the preservation of existing healthy major trees.
(5) Every effort shall be made during architectural and site engineering layout and design, including grading and utility placement, of the proposed development to preserve major trees on adjacent parcels through sensitivity to the critical root zones of said protected trees. The critical root zones of major trees on adjacent parcels shall be carefully reviewed and consideration given during the preparation of the tree preservation plan.
(Ord. 2005-18. Passed 4-25-05.)

1299.15 CONSTRUCTION ACTIVITIES.

(a) Protective Fencing. The owner shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around the tree preservation areas so that all major trees shall be preserved. The fencing or other protective barrier must be located a distance from the trunk that equals, at a minimum, the distance of the critical root zone or 15 feet whichever is greater, unless otherwise approved by the Village Administrator or designee. The fencing or other physical barrier must remain in place and be secured in an upright position during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the tree preservation area. Tree protection signs must be located along the fencing. Any change in the protective fencing must be approved by the Village Administrator.

(b) Tree Preservation Plan. The approved tree preservation plan shall be available on the building site before work commences and at all times during construction of the project. The owner shall be responsible for notifying all contractors and utilities involved with a given project of the tree preservation plan.

(c) Construction Measures. During all phases of construction, all steps necessary to prevent the destruction or damage to major trees (other than those specified to be removed) shall be taken, including but not limited to the following:

(1) No construction activity, movement and/or placement of equipment, vehicles, or materials or spoils storage shall be permitted within the tree preservation area. No excess soil, additional fill, liquids, or construction debris shall be placed within the critical root zone of any tree that is to be preserved;

(2) No attachments, including but not limited to ropes, nails, advertising posters, signs, fences or wires (other than those approved for bracing, guying or wrapping) shall be attached to any trees;

(3) No gaseous liquids or solid substances which are harmful to trees shall be permitted within the tree preservation area;

(4) No fire or heat shall be permitted within the tree preservation area;

(5) Unless otherwise authorized by the tree removal permit, no soil is to be removed from or placed upon the critical root zone of any tree that is to remain; and

(6) All utilities, including service lines, shall be installed in accordance with the tree preservation plan.

(Ord. 2005-18. Passed 4-25-05.)

1299.16 LANDSCAPING DEFINITIONS.

For the purposes of this chapter, certain terms are herewith defined, in addition to the definitions provided in Chapter 1232. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular, the word Aperson@ includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual, the word Astructure@ includes building, the word Aoccupied@ includes arranged, designed, or intended to be occupied, the word Aused@ includes arranged, designed, or intended to be used, the word Ashall@ is always mandatory and not merely directive, the word Amay@ is permissive, and the word Alot@ includes plot or parcel. Other words and terms shall have the following respective meanings:

(a) ADBH@ means diameter at breast height, or diameter four and one-half feet above the ground.
(b) AEpiphytotic@ means the sudden and destructive development of a plant disease, usually over large areas. Corresponds to an epidemic of human disease.
(c) AInterior landscaping@ means the use of landscape materials within the innermost boundaries of the landscape buffer zone and perimeter landscaping.
(d) ALandscape buffer zone@ means that area adjacent to any vehicular use area or along common boundaries in which the perimeter landscape requirements are to be met.
(e) ALarge tree@ means any tree species which normally attains a full-grown height equal to or greater than 50 feet.
(f) AMajor tree@ means a living tree with a DBH measurement of six inches or more.
(g) AMedium tree@ means any tree species which normally attains a full-grown height of between 30 and 50 feet.
(h) AOpacity@ means an imaginary vertical plane extending from the established grade to a required height of which a required percent of the vertical plane shall be visually screened from adjacent property use.
(i) AParking area or structure@ means an off-street area or structure, for required parking or loading spaces, including driveways, access ways, aisles, parking and maneuvering space, but excluding required front yard or public right-of-way.
(j) AParking lot or structure@ means an off-street area or structure, other than the parking or loading spaces or areas required or permitted under this section, for the parking of automobiles and available to the public customarily for a fee.
(k) APerimeter landscaping@ means the use of landscape materials within the landscape buffer zone to achieve the required opacity.
(l) APerson@ means any person, corporation, partnership, company, contracting firm, or other entity, including those employed by the Municipality or under contract with the Municipality.
(m) AService structures@. See Section 1299.04(d).
(n) ASite DBH@ means the total combined DBH of all major trees existing on a site.
(o) ASmall tree@ means any tree species which normally attains a full-grown height of under 30 feet.
(p) ASubstantial alteration@ means an alteration or expansion of existing development is substantial when such alteration or expansion involves or exceeds 25% of the total floor area of the existing building, structure or vehicular use area.
(q) ATree fund@ means an account maintained by the Municipality of Baltimore that receives cash payments in lieu of planting required replacement trees. Such funds shall be used for reforestation on public property.
(r) ATree lawn@ means that part of a street not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic.

(s) AVehicular use area@ means a vehicular use area is any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.
(Ord. 2005-18. Passed 4-25-05.)

ZONING APPENDICES

Appendix A	Zoning Forms.	Appendix D	Site Development Checklist for Non-Residential Projects.
Appendix B	Public Hearings.		
Appendix C	Site Development Checklist for Residential Projects.	Appendix E	Site Development Checklist for Planned Development Projects.

APPENDIX A
ZONING FORMS

Form No:

(1) Application for Zoning Permit

(2) (a) Zoning Permit (Placard)
(b) Zoning Certificate

(3) Revocation of Zoning Permit

(4) Application of Certificate of Occupancy

(5) Statement of Zoning Violation

(6) Notice of Zoning Violations

(7) Stop - Zoning Violation (Placard)

(8) Application for Appeal

(9) Application for Variance

(10) Application for Administrative Variance

(11) Application for Conditional Use Permit

(12) Application for Temporary Use Permit

(13) Application for Zoning Amendment

(14) Application for Sign Permit

(Ord. 2005-18. Passed 4-25-05; Ord. 2007-54. Passed 12-10-07.)

Form No. (1)

APPLICATION FOR ZONING PERMIT

, Ohio

Application No.

The undersigned applies for a zoning permit for the following use, said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct. The applicant is required, in addition to the information requested on this form to submit plans, in triplicate and drawn to scale, showing the actual dimensions and shape of the lot, exact sizes and locations of existing buildings on the lot, and the location and dimensions of the proposed buildings or alterations.

1. **Locational Description:** Subdivision Name: _____

   Section _____ Township _____ Range _____

   Block _____ Lot No. _____
   (If not located in platted subdivision attach a legal description)

2. **Name of Owner:** _____

   Mailing Address _____

   Phone Number: Home _____ Business _____

3. **Existing Use:** _____

4. **Property Presently Zoned As:** _____

5. **Proposed Use:**

   New Construction _____ Business _____

   Remodeling _____ Industry _____

   Accessory Building _____ Sign _____ Size _____
   Residence_____ No. of Units _____ Other (Explain) _____

_____

(If proposed use is business or industry enclose a detailed description of the nature of the business or industry)

6. **Type of Sewage Disposal:** _____

7. **Percentage of lot to be occupied:** _____ %

8. **Lot:** Width _____ Lot Depth _____ Lot Area _____

9. **Square Feet:** of Living Area (Residences) _____ sq. ft.

10. **Building Heights:** Stories _____ Feet _____

11. **Yard Dimensions:** Front _____ Rear _____

    One Side _____ Sum of Side Yards _____

12. **Accessory Building Dimensions:** Height _____ Side of Dimensions _____

13. **Number of Off-Street Parking Spaces to be Provided:** _____

14. **Number of Off-Street Loading Berths to be Provided:** _____

15. On a separate sheet attach a list of other supplemental requirements or conditions that will be met, or explain any points you feel need clarification.

Note: This permit shall be void if work is not started within one year or completed within 2 2 years.

Signature: _____ **Date**: _____

C C C

Form No. (2)(a)

(Ord. 2005-18. Passed 4-25-05.)

2005 S-4

Form No. 2

ZONING PERMIT

No. _____

Issued To _____

Address _____

_____

Description Of Use _____

_____

Zoning Classification _____

Date _____

_____

Zoning Administrator

Note: This Permit Must Be Posted On The Premises

Form No. (2)(b)

(***Editor's note:*** *See original Ordinance 2005-18, passed 4-25-05 for Form No. (2)(b).*)

Form No. (3)

REVOCATION OF ZONING PERMIT

To: _____ Date: _____

_____

_____

_____

You are hereby advised that for the reason that: _____

_____

_____

_____

_____

Zoning Permit No. _____ issued on _____ 20 _____, is hereby revoked and declared to be null and void.

Further alteration or change in the use of any land or building must cease until a valid zoning permit has been obtained. Further alteration or change is punishable under Section 1286.99 of the Zoning Code. Section 1286.99 states: AAny person who violates this ordinance or fails to comply with any of its requirements, shall upon conviction thereof, be fined not more than $100 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.@

Please contact this office so we may discuss this matter.

_____, Ohio

_____

Zoning Administrator

(Ord. 2005-18. Passed 4-25-05.)

Form No. (4)

APPLICATION FOR CERTIFICATE OF OCCUPANCY
_____, Ohio

Before any building may be occupied or land utilized, it is necessary for the Zoning Inspector to certify that the construction is in accordance with the zoning ordinance and the previously approved **Application for Zoning Permit.** Approximately one week prior to the completion of construction, mail this form to the Zoning Inspector. If the construction was completed in accordance with the approved zoning permit, he or she will approve the **Certificate of Occupancy** and return it to you. **Temporary Certificates of Occupancy** may be issued for a period not to exceed six months.

To: ZONING INSPECTOR

The undersigned requests issuance of a **Certificate of Occupancy** for the premises as described in **Zoning Permit Application No. _____, issued on _____, 20_____.** To the best of our knowledge all construction has been in conformance with the approved zoning permit.

Date: _____ Applicant _____

C C C

Form No. (5)

STATEMENT OF ZONING VIOLATIONS

This Statement is voluntary given to the _____ **Zoning Administrator** this _____ day of _____, 20_____, with the understanding that he or she may initiate legal proceedings in a court of competent jurisdiction charging _____ with violating the _____ **Zoning Code.**

In the event such legal proceedings are initiated, I will appear to testify in court to the facts stated in the following statement:

Date: _____ **Signature:** _____

Address: _____

Prior to _____, 20_____ the property located at _____

_____ was being used for _____, and in my opinion this use is in violation of **Section(s)** _____of the _____ **Zoning Code**.

Describe below the uses being made of the property; give exact date and time where possible.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Ord. 2005-18. Passed 4-25-05.)

Form No. (6)

NOTICE OF ZONING VIOLATION

To: _____ Date: _____

_____

_____

You are hereby advised that you are in violation of the _____ **Zoning Code.** The nature of this violation is as follows:

_____

_____

_____

_____

_____

_____

_____

_____

You are further informed that unless this violation is corrected or otherwise made to comply by_____, 20_____, you will be subject to the penalty as provided by Section 1286.99 of the _____ **Zoning Code.**

Section 1286.99 provides in part, that : AAny person who violates this ordinance or fails to comply with any of its requirements, shall upon conviction thereof, be fined not more than $100 and in addition shall pay all costs involved in the case. Each day such violation continues shall be considered a separate offense.@

Please contact this office so that we may discuss this violation.

_____, Ohio
Planning and Zoning Commission

_____
Zoning Administrator

(Ord. 2005-18. Passed 4-25-05.)

STOP

ZONING VIOLATION

Nature Of Such Violation Being: _____

_____

_____

_____

_____ **OHIO**

Date _____ _____

Zoning Administrator

Note: Any person who violates this (ordinance, resolution) or fails to comply with any of its requirements, shall, upon conviction therefore, be fined not more than $100 and, in addition, shall pay costs and expensed involved in the case. Each day such violation continues shall be considered a separate offense

Form No. 7

(Ord. 2005-18. Passed 4-25-05.)
2005 S-4

Form No. (8)

APPLICATION FOR APPEAL
BOARD OF ZONING APPEALS

_____, Ohio

Application No. :

Name of Applicant: _____

Mailing Address: _____

Phone Number: Home: _____ Business: _____

The undersigned requests review of the decision by the Zoning Administrator of Application for Zoning Permit No. _____, denied (issued) on _____, 20____. It is the applicant's contention that the following error was made in the determination of the Zoning Administrator:

_____

_____

_____

_____

_____
Applicant

C C C

If Approved the following conditions and safeguards were prescribed:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

If Denied, reason for denial _____

_____

_____

_____

_____

_____

Date: _____ _____

Board of Zoning Appeals Chairperson

Note: One (1) copy to be filed with the Zoning Administrator and two (2) with the Board of Zoning Appeals.

(Ord. 2005-18. Passed 4-25-05.)

Form No. (9)

APPLICATION FOR VARIANCE
BOARD OF ZONING APPEALS
_____, Ohio

Application No.

Name of Applicant: _____

Mailing Address: _____

Phone Number: Home: _____ Business: _____

1. Locational Description: Subdivision Name: _____

   Section _____ Township _____ Range _____

   Other Designation _____ Block _____ Lot No. _____

   (If not in a platted subdivision attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance _____

   _____

   _____

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

3. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true: (Please attach these comments on a separate sheet)

   a. special conditions exist peculiar to the land or building in question;
   b. that a literal interpretation of the ordinance would deprive the applicant of rights enjoyed by other property owners;
   c. that the special conditions do not result from previous actions of the applicant; and
   d. that the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

I certify that the information contained in this application and its supplements is true and correct.

Date _____ _____
Applicant

(Ord. 2005-18. Passed 4-25-05.)

Form No. (10)

APPLICATION FOR
ADMINISTRATIVE VARIANCE

BALTIMORE, OHIO

Application No.

Name of Property Owner: _____ Mailing Address: _____
Phone No: (Home) _____(Business) _____ (Cell) _____ (E-mail) _____

Location(Property Description): Subdivision Name _____
Section _____ Township _____ Range _____ Lot No. _____
(If not a platted subdivision, attach a legal description of the property)

On a separate sheet please provide information pertaining to items 1 through 7:

1. **Nature of Variance:** Describe nature of the variance, including reference to the development standard from which you seek deviation.
2. **Justification of Variance:** In order for a variance to be granted, the applicant must prove that the criteria listed in Section 1236.05 of the zoning code exists.
3. **Plot Plan:** One (1) copy of a plot planning showing boundaries and dimensions of the property, and size and location of all proposed or existing structures.
4. **Special Conditions:** The nature of all special conditions or circumstances causing this variance request.
5. **Proposed Use:** The proposed use of all parts of the lot and structures.
6. **Adjacent Properties:** A list of all contiguous (next to, within, or directly across the street) property owners and their addresses.
7. **Additional Information:** Any additional information as may be required by this zoning code and/or requested by the Board and/or Zoning Administrator.

I certify that the information contained in this application and its supplements is true and correct.

_____ _____
Date Applicant (Property Owner)

_____
(For Official Use Only)

Date Filed:_____ Fee Paid: $ _____

Decision of Zoning Administrator:
Approved _____ , Denied _____, Referred to Board of Zoning Appeals _____

If Denied, reason(s) for denial:

1. _____
2. _____

_____ _____

Date Zoning Administrator

(Ord. 2007-54. Passed 12-10-07.)

Form No. (11)

APPLICATION FOR CONDITIONAL USE PERMIT
Board of Zoning Appeals
_____, Ohio

Application No.

The undersigned requests a conditional use permit for the use specified below. Should this application be approved, it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the Board of Zoning Appeals. If this use is discontinued for a period of more than six months, this permit shall automatically expire.

1. Name of Applicant: _____
   Mailing Address: _____
   Phone Number: Home: _____ Business: _____
2. Locational Description: Subdivision Name: _____

   Section _____ Township _____ Range _____

   Block _____ Lot No. _____

3. Existing Use _____

4. Zoning District _____

5. Description of Conditional Use_____

   _____

6. Supporting Information: Attach a plan for the proposed use (in triplicate) showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas. Also attach a narrative statement relative to the above requirements and also explain the economic, noise, glare, and odor effects on adjoining property and the general compatibility with adjacent and other properties in the district.

Date _____ _____ _____
Applicant

C C C

Form No. (12)

APPLICATION FOR TEMPORARY USE PERMIT
_____, Ohio

Application No.

The undersigned applies for a temporary use permit for the use and the time period specified, such permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information herein and attachments hereto are true and correct.

1. Locational Description: Attach a graphic description of the property on which the temporary use is proposed to occur, to include a site plan depicting the yards, setbacks, parking facilities, and sanitary facilities, and the location of the temporary use proposed.

2. Name of Owner: _____

   Mailing Address _____

   Phone Number: Home _____ Business _____

3. Existing Use: _____

4. Property Presently Zoned As: _____

5. Description of Proposed Temporary Use: _____

6. Dates of Proposed Temporary Use: _____

7. Name of Applicant/Organization: _____

   Mailing Address: _____

   Phone Number: _____

   Vendor's License Number: _____ (attach photocopy)

Signature: _____ Date: _____

-OVER-

C C C

Form No. (13)

APPLICATION FOR ZONING AMENDMENT

_____, Ohio

Application No.

The undersigned, owners of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

1. Name of Applicant _____
   Mailing Address _____
   Phone Number Home _____Business _____

2. Locational Description: Subdivision Name _____
   Section _____ Township _____Range _____
   Block _____ Lot No. _____
   (If not located in a subdivision attach legal description)

3. Existing Use _____

4. Present Zoning District _____

5. Proposed Use _____

6. Proposed Zoning District _____

7. Supporting Information: Attach the following items to the application:
   a. A vicinity map showing property lines, streets, and existing and proposed zoning.
   b. A list of all property owners and their mailing addresses within, contiguous to, and directly across the street from the proposed rezoning.
   c. A statement of how the proposed rezoning relates it to the Comprehensive Plan.
   d. The proposed amendment to the zoning map or text in ordinance form, approved as to form by the Village Legal Advisor.

Date _____ _____

Applicant

C C C

Date of Notice to Adjacent Property Owner _____

Fee Paid $ _____

Decision of Board of Zoning Appeals: _____

If approved the following conditions and safeguards were prescribed:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

If Denied, reason for denial _____

_____

_____

_____

_____

Date _____ _____Board of Zoning Appeals

_____ Chairperson

Note: One copy to be filed with the Zoning Administrator and two with the Board of Zoning Appeals.

(Ord. 2005-18. Passed 4-25-05.)

Form No. (14)

APPLICATION FOR SIGN PERMIT

*(**Editor's note:** See original Ordinance 2005-18, passed 4-25-05 for Form No. (14).)*

APPENDIX B
PUBLIC HEARINGS

Public hearings are an essential element in the zoning process. They are required by statute for all zoning amendments, conditional uses, appeals and variances. Public hearings should be orderly and fair to both the proponents and opponents, insuring an open and objective atmosphere.

Hearing Format

Call to Order. The Chairperson of the hearing body opens the hearing, summarizes the hearing procedures, announces the subject matter, and summarizes the application. Recognition of required public notice publication is be made for the record.

Oath of Witnesses. The Chairperson swears in all those present, including staff and the public present, intending to speak during the public hearing. This does not preclude someone choosing to speak at a later time, but that person will need to be sworn in separately prior to speaking.

Staff Report. The staff presents its report.

Applicant Comments. The applicant's comments on any aspect of the public hearing subject matter.

Decision-making Body Questions. The hearing body asks any questions of the staff and/or applicant.

Recognition of Proponents. Those favoring the application are heard first. Testimony is limited to five (5) minutes, unless time is waived by the hearing body. The hearing body, through the Chair, can ask for a representative number of proponents to speak for a larger group of proponents.

Examination of Proponents through the Chair. All questions regarding the proponents' presentations are directed through the Chair.

Recognition of Opponents. Those opposed to the application are then heard. The same amount of time provided to the proponents is given to the opponents.

Examination of Opponents through the Chair. All questions regarding the opponents' presentations are directed through the Chair.

Rebuttal. Both proponents and opponents may submit rebuttal testimony. It is important to keep all questions and rebuttals directed through the Chair. The proponents have the final opportunity for rebuttal.

Close the Hearing. The Chair closes the hearing. If the hour is late and pertinent data needs to be obtained, announce a continuation of the hearing to another specified date, time and place.

Deliberation and Decision. At the next meeting of the hearing body, the body deliberates upon the application and begins the process of approval or denial, either by motion or by legislation, based on the requirements of the body.

Hearing Record. At some point in time, the decision of the body may be tested in a court of law. Generally, that challenge will be based on the records of the proceedings. For this reason, it is essential that all hearing records be as complete as possible. It is essential that speakers identify themselves.

A complete record of the hearing will contain:

- The application.
- The records of any actions on this request by an administrative official or body.
- Records that verify due notice has been given to the appropriate parties and property owners. Any newspaper notice and the affidavit of publishing thereof is also retained and included.
- Any relevant maps, drawings, or photographs presented as evidence or part of the application., and copies of all correspondence received or sent out with regard to this application.
- A complete record of all public input made at the hearing.
- Copy of a reference to relevant resolution or ordinance requirements.
- The findings of fact, the conclusions reached, and the recommendation or decision made on the request by the hearing body.

The crucial elements of the record are the findings, conclusion, and decision (or recommendation) of the hearing body.

The Decision. The decision must be in writing and include all conditions that may be associated with the decision. The decision, or recommendation, should not be a mere conclusion that may be associated with the decision. Each decision should be accompanied by specific findings of fact related to the specific standards stated in the zoning ordinance which the applicant must satisfy.

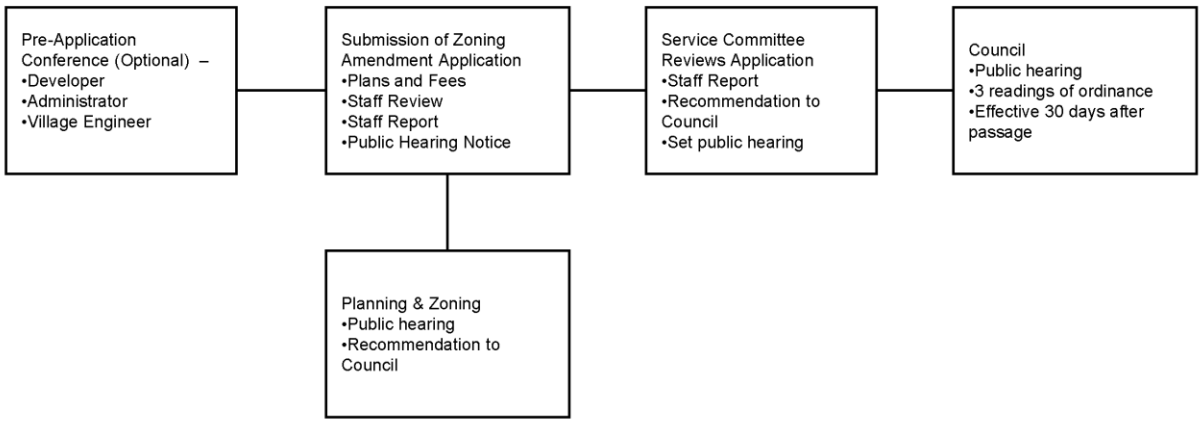
Excerpts from How To Conduct A Public Hearing
By Robert C. Schroeder

(Ord. 2005-18. Passed 4-25-05.)

APPENDIX C
SITE DEVELOPMENT CHECKLIST FOR RESIDENTIAL PROJECTS

Village of Baltimore
Residential Projects

Zoning Amendment Process (Chapter 1240)



VILLAGE OF BALTIMORE
Site Development Checklist

RESIDENTIAL PROJECTS

Project: _____

Applicant: _____

Date: _____

I. Planning Requirements

Village of Baltimore Land Use Plan
The Land Use Plan guides future development within the Village. Developments and zoning changes must be in compliance with the plan. Also, developments are reviewed and need to be in compliance with the following infrastructure components of the Land Use Plan and all Village ordinances which relate to infrastructure requirements, rules, and regulations.

South Main Street (SR158) Access Management Plan
The Village has adopted an access management plan for properties located on South Main Street (SR 158) from the south corporation limits to Tremont Drive. The Village Engineers will review all development plans within this area to assure that access points comply with the plan.

Sanitary Sewer Service
The owner/developer may be required to pay the cost for the extension of sanitary sewer service to the property. All developments must meet the Village's development standards.

Water Service
The owner/developer may be required to pay the cost for the extension of water service to the property. All developments must meet the Village's development standards.

Storm Sewer Service
The owner/developer may be required to upgrade the off-site storm drainage system in order to provide adequate drainage to the site. All developments must meet the Village's development standards.

Impact Fees

The Village of Baltimore has adopted impact fees for new residential and non-residential development to ensure that new development contributes its fair and proportionate share toward the costs of public facilities reasonably necessitated by such new development. Parks, police, municipal, and transportation are the public facilities that warrant impact fees. The impact fees shall be collected prior to the issuance of building permits.

Residential Development

Impact fees are based on three dwelling type categories: single-family, townhouse/duplex, and other residential uses. See Chapter 1320 of the Village of Baltimore Codified Ordinances for requirements and a schedule of fees.

II. Zoning Requirements

Zoning Ordinance and Map

The Zoning Ordinance, used to determine land use, imposes different land use controls on each district, specifying permitted and conditional uses, building and parking setbacks, parking requirements and other development standards. The zoning map shows the boundaries of each district. The proposed site must be zoned properly for the proposed use or a zoning change is required. Copies of the Village's Zoning Ordinance are available either for purchase at the municipal offices or on the Village's website. www.baltimoreohio.org. Copies of the zoning map may be purchased at the municipal office.

1 lot Single/Two-family

A zoning permit application is submitted by the property owner, reviewed and approved by the Zoning Administrator/Village Administrator. Application fee must be paid with application.

Minor Single/Two-family

A single-family or two-family development consisting of less than five acres with access from existing streets require only minor subdivision and plan approval. Since the requirements of the minor site plan and minor plat are the same, the applicant must only follow the plat process.

Minor Subdivision (Chapter 1210.05)

Minor subdivisions may be approved administratively by the Zoning Administrator/Village Administrator. The following standards must be met:

The proposed subdivision is less than five acres.
All of the lots front on an existing Village street.
No new street or right-of-way required or proposed.
The plans are approved by the Village Engineer.

Major Single/Two-family and all Multi-family
All other single-family, two-family, and all multi-family developments, except planned residential districts, must follow the procedures for a major subdivision plat. The site plan is also included as a part of the plat approval process.

Major Subdivision (Chapter 1212)

Concept Plan Submission
Prior to the submission of a preliminary plat, the owner/developer must submit a Concept Plan to the Administrator for review. The Administrator may request additional information during review. At this point, no formal application or fee is required.

Pre-Application Conference
After review of the Concept Plan, the Administrator will set up a meeting with the owner/developer of the proposed development, the Village Engineer and the Administrator to discuss the project and familiarize the owner/developer with the Village's requirements and standards.

Submission of Preliminary Plat
Detailed submission of the preliminary plat application and information required by the Administrator is required for review by the administration, Village Engineer, and the Planning and Zoning Commission. All preliminary plat and engineer review fees must be paid at the time the application is submitted.

Preliminary Plat Approval
The Planning and Zoning Commission must review the plat at a public meeting and determine whether the plat shall be approved, approved with modifications or denied.

Submission of Final Plat
The final plat must conform substantially to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time. The administration, Village Engineer, and other agencies such as fire, police and schools when appropriate, will review and request revisions as necessary to comply with village standards. All fees associated with the final plat must be submitted with the application.

Recommendation by the Planning and Zoning Commission
Within 90 days of receipt of the final plat containing all revisions required above, the Planning and Zoning Commission must review and either recommend approval, approval with conditions or denial of the final plat.

Council Service Committee Review
The Service Committee of Council will review at their next scheduled meeting the final plat and make a recommendation to the Council for action.

Council
Within 60 days of receipt from the Planning and Zoning Commission, Council must review the plat at a public meeting. Approval or denial of the final plat must be made by Council within 180 days of receipt.

Record Plat
The Village Engineer, Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the village. After recording, a copy of the recorded plat must be submitted to the village.

Bonds Posted
Required bonds and insurance (Section 1216) must be posted with the Village within six months of Council's approval.

Building Permits for Lots
Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements.

As-Built Plans
Upon completion of the subdivision, Aas-built plans@ based on Village inspection records and prepared by the developer must be submitted to the Village in mylar form.

Recommendation by the Planning and Zoning Commission
At a public hearing with at least 30 days of public notice, the Planning and Zoning Commission must review the application. The Commission then has 35 days to either recommend approval, approval with conditions or denial of the plan and re-zoning to Council.

Council Service Committee Review
The Service Committee of Council will review at their next scheduled meeting the development plan and re-zoning and make a recommendation to the Council for action.

Council
Within 60 days of receipt from the Planning and Zoning Commission, Council must review the plan and re-zoning at a public hearing, with at least 30 days of public notice given. Approval or denial of the final development plan and re-zoning must be made by Council within 60 days of the public hearing.

Submission of Record Plat
The Village Engineer, Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the Village. After recording, a copy of the recorded plat must be submitted to the Village.

Bonds Posted
Required bonds and insurance (Section 1216) must be posted with the Village within six months of Council's approval.

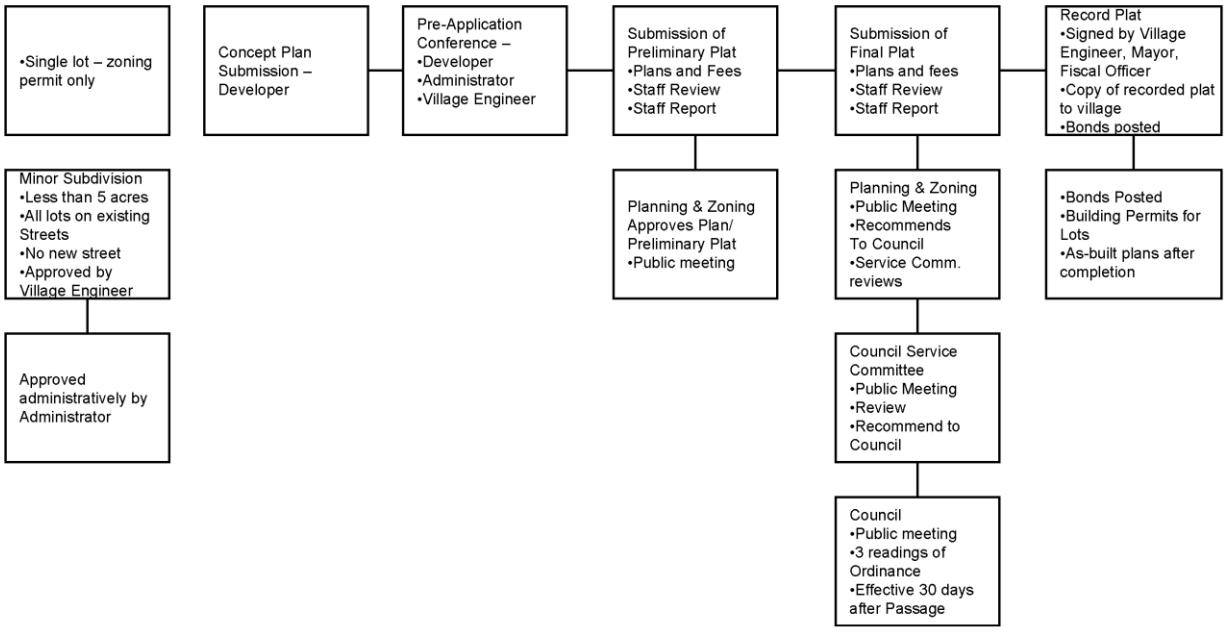
Building Permits for Lots
Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements.

As-Built Plans
Upon completion of the subdivision, Aas-built plans@ based on Village inspection records and prepared by the developer must be submitted to the Village in mylar form.

The Village of Baltimore consults its engineering services to Wilbur Smith Associates (614-888-9440), with the village representative being Don Morrison. The owner/developer will be responsible for the cost of any engineering review or studies required by Village administration, Planning and Zoning Commission, and/or Council during the planning and zoning process.

Village of Baltimore
Residential Projects

Subdivision Plat Process (Chapter 1212)



(Ord. 2008-53. Passed 11-24-08.)

APPENDIX D
SITE DEVELOPMENT CHECKLIST FOR NON-RESIDENTIAL PROJECTS

VILLAGE OF BALTIMORE
Site Development Checklist

NON-RESIDENTIAL PROJECTS

Project: _____

Applicant: _____

Date: _____

I. Planning Requirements

Village of Baltimore Land Use Plan
The Land Use Plan guides future development within the Village. Developments and zoning changes must be in compliance with the plan. Also, developments are reviewed and need to be in compliance with the following infrastructure components of the Land Use Plan and all Village ordinances which relate to infrastructure requirements, rules, and regulations.

South Main Street (SR158) Access Management Plan
The Village has adopted an access management plan for properties located on South Main Street (SR 158) from the south corporation limits to Tremont Drive. The Village Engineers will review all development plans within this area to assure that access points comply with the plan.

Sanitary Sewer Service
The owner/developer may be required to pay the cost for the extension of sanitary sewer service to the property. All developments must meet the Village's development standards.

Water Service
The owner/developer may be required to pay the cost for the extension of water service to the property. All developments must meet the Village's development standards.

Storm Sewer Service
The owner/developer may be required to upgrade the off-site storm drainage system in order to provide adequate drainage to the site. All developments must meet the Village's development standards.

Impact Fees

The Village of Baltimore has adopted impact fees for new residential and non-residential development to ensure that new development contributes its fair and proportionate share toward the costs of public facilities reasonably necessitated by such new development. Parks, police, municipal, and transportation are the public facilities that warrant impact fees. The impact fees shall be collected prior to the issuance of building permits.

Non-Residential Development

Impact fees are based on five development types: (general business, office, downtown business, light manufacturing, and institutional) and gross square footage of the proposed building(s). See Chapter 1320 of the Village of Baltimore Codified Ordinances for requirements and a schedule of fees.

II. Zoning Requirements

Zoning Ordinance and Map

The Zoning Ordinance, used to determine land use, imposes different land use controls on each district, specifying permitted and conditional uses, building and parking setbacks, parking requirements and other development standards. The zoning map shows the boundaries of each district. The proposed site must be zoned properly for the proposed use or a zoning change is required. Copies of the Village's Zoning Ordinance are available either for purchase at the municipal offices or on the Village's website. www.baltimoreohio.org. Copies of the zoning map may be purchased at the municipal office.

Non-residential Development (1 lot)

A non-residential development located on one lot requires major site plan approval since it involves new construction for other than one or two family residential structures. (See Chapter 1298.03)

Major Site Plan Process (Chapter 1298.05)

Application Submittal

Nothing prevents the concurrent submittal of a major site plan application and an application for re-zoning. However, approval of the major site plan cannot be effective until the re-zoning has been approved by Village Council.

Review of Site Plan

Review of the site plan will take place at a Technical Review meeting. Meeting participants will include administration, Village Engineer, fire department representative, police department representative (when appropriate) and school officials (when appropriate). The site plan should be submitted to the village at least 30 days prior to the next scheduled Planning and Zoning Commission meeting.

Planning and Zoning Commission
The Planning and Zoning Commission will either approve, approve with conditions, or deny the major site plan.

Non-residential Development (more than 1 lot)

All non-residential developments require major site plan approval.

Minor plat approval is included in the plan review if the development is a subdivision of five acres or less and all lots front on an existing Village street and no new street or right-of-way is proposed or required.

Major plat approval is also required if the development is a subdivision of five acres or more, or a new street is proposed or required. Major site plan review and the major subdivision platting process can occur simultaneously through Planning and Zoning Commission action. The platting process will then proceed through Council approval.

Major Site Plan Process (Chapter 1298.05)

Application Submittal
Nothing prevents the concurrent submittal of a major site plan application and an application for re-zoning. However, approval of the major site plan cannot be effective until the re-zoning has been approved by Village Council.

Review of Site Plan
Review of the site plan will take place at a Technical Review meeting. Meeting participants will include administration, Village Engineer, fire department representative, police department representative (when appropriate) and school officials (when appropriate). The site plan should be submitted to the village at least 30 days prior to the next scheduled Planning and Zoning Commission meeting.

Planning and Zoning Commission
The Planning and Zoning Commission will either approve, approve with conditions, or deny the major site plan.

Major Subdivision (Chapter 1212)

Concept Plan Submission
Prior to the submission of a preliminary plat, the owner/developer must submit a Concept Plan to the Administrator for review. The Administrator may request additional information during review. At this point, no formal application or fee is required.

Pre-Application Conference
After review of the Concept Plan, the Administrator will set up a meeting with the owner/developer of the proposed development, the Village Engineer and the Administrator to discuss the project and familiarize the owner/developer with the Village's requirements and standards.

Submission of Preliminary Plat
Detailed submission of the preliminary plat application and information required by the Administrator is required for review by the administration, Village Engineer, and the Planning and Zoning Commission. All preliminary plat and engineer review fees must be paid at the time the application is submitted.

Preliminary Plat Approval
The Planning and Zoning Commission must review the plat at a public meeting and determine whether the plat shall be approved, approved with modifications or denied.

Submission of Final Plat
The final plat must conform substantially to the approved preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time. The administration, Village Engineer, and other agencies such as fire, police and schools when appropriate, will review and request revisions as necessary to comply with Village standards. All fees associated with the final plat must be submitted with the application.

Recommendation by the Planning and Zoning Commission
Within 90 days of receipt of the final plat containing all revisions required above, the Planning and Zoning Commission must review and either recommend approval, approval with conditions or denial of the final plat.

Council Service Committee Review
The Service Committee of Council will review at their next scheduled meeting the final plat and make a recommendation to the Council for action.

Council
Within 60 days of receipt from the Planning and Zoning Commission, Council must review the plat at a public meeting. Approval or denial of the final plat must be made by Council within 180 days of receipt.

Record Plat
The Village Engineer, Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the Village. After recording, a copy of the recorded plat must be submitted to the Village.

Bonds Posted
Required bonds and insurance (Section 1216) must be posted with the Village within six months of Council's approval.

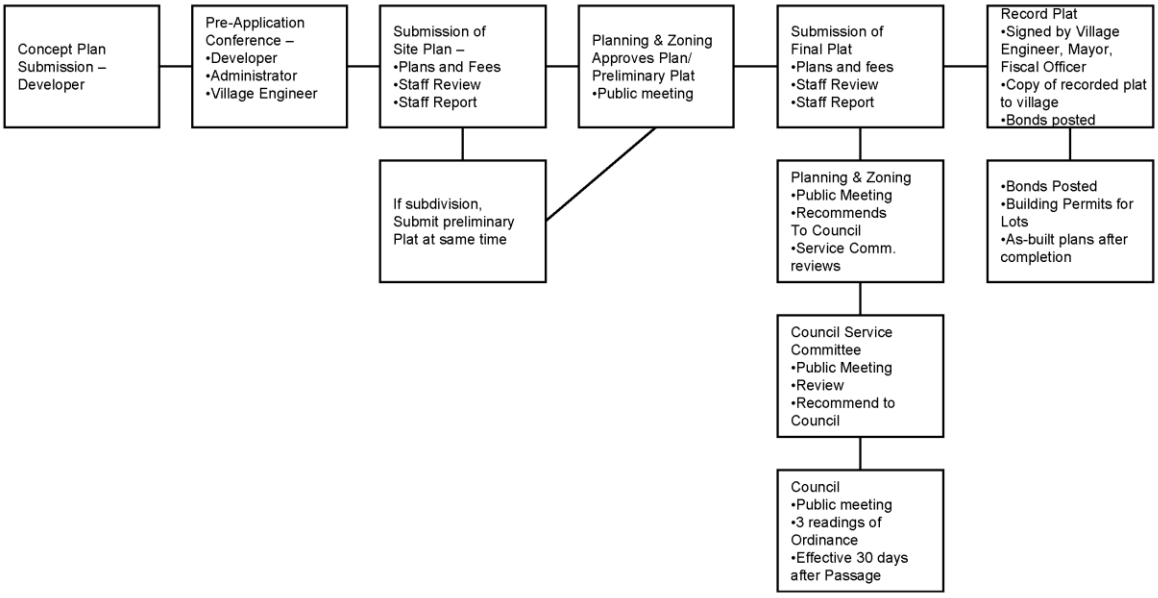
Building Permits for Lots
Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements.

As-Built Plans
Upon completion of the subdivision, Aas-built plans@ based on Village inspection records and prepared by the developer must be submitted to the Village in mylar form.

The Village of Baltimore consults its engineering services to Wilbur Smith Associates (614-888-9440), with the village representative being Don Morrison. The owner/developer will be responsible for the cost of any engineering review or studies required by Village administration, Planning and Zoning Commission, and/or Council during the planning and zoning process.

Village of Baltimore
Non-Residential Projects

Major Site Plan Process (Chapter 1298.05)
Major Subdivision Plat Process (Chapter 1212)



(Ord. 2008-53. Passed 11-24-08.)

APPENDIX E
SITE DEVELOPMENT CHECKLIST FOR PLANNED DEVELOPMENT PROJECTS

VILLAGE OF BALTIMORE
Site Development Checklist

PLANNED DEVELOPMENT PROJECTS

Project: _____

Applicant: _____

Date: _____

I. Planning Requirements

Village of Baltimore Land Use Plan
The Land Use Plan guides future development within the Village. Developments and zoning changes must be in compliance with the plan. Also, developments are reviewed and need to be in compliance with the following infrastructure components of the Land Use Plan and all Village ordinances which relate to infrastructure requirements, rules, and regulations.

South Main Street (SR158) Access Management Plan
The Village has adopted an access management plan for properties located on South Main Street (SR 158) from the south corporation limits to Tremont Drive. The Village Engineers will review all development plans within this area to assure that access points comply with the plan.

Sanitary Sewer Service
The owner/developer may be required to pay the cost for the extension of sanitary sewer service to the property. All developments must meet the Village's development standards.

Water Service
The owner/developer may be required to pay the cost for the extension of water service to the property. All developments must meet the Village's development standards.

Storm Sewer Service
The owner/developer may be required to upgrade the off-site storm drainage system in order to provide adequate drainage to the site. All developments must meet the Village's development standards.

Impact Fees

The Village of Baltimore has adopted impact fees for new residential and non-residential development to ensure that new development contributes its fair and proportionate share toward the costs of public facilities reasonably necessitated by such new development. Parks, police, municipal, and transportation are the public facilities that warrant impact fees. The impact fees shall be collected prior to the issuance of building permits.

Residential Development

Impact fees are based on three dwelling type categories: single-family, townhouse/duplex, and other residential uses. See Chapter 1320 of the Village of Baltimore Codified Ordinances for requirements and a schedule of fees.

Non-Residential Development

Impact fees are based on five development types: (general business, office, downtown business, light manufacturing, and institutional) and gross square footage of the proposed building(s). See Chapter 1320 of the Village of Baltimore Codified Ordinances for requirements and a schedule of fees.

II. Zoning Requirements

Zoning Ordinance and Map

The Zoning Ordinance, used to determine land use, imposes different land use controls on each district, specifying permitted and conditional uses, building and parking setbacks, parking requirements and other development standards. The zoning map shows the boundaries of each district. The proposed site must be zoned properly for the proposed use or a zoning change is required. Copies of the Village's Zoning Ordinance are available either for purchase at the municipal offices or on the Village's website. www.baltimoreohio.org. Copies of the zoning map may be purchased at the municipal office.

Planned District (Chapter 1288)

A planned district may be created by rezoning any district. The planned district process and zoning process can occur simultaneously or separately.

Major Site Plan Process (Chapter 1298.05)

Pre-application Meeting

The owner/developer must meet with the Zoning Administrator/Village Administrator before submitting a preliminary development plan to discuss issues related to the development of a planned district.

Submission of Development Plan

The owner/developer may either file a Preliminary Development Plan and Final Development Plan separately, or, with the approval of the Planning and Zoning Commission, may file a combined Preliminary and Final Development Plan. All plats, construction drawings and other necessary documents will be part of the final development plan for review. At this point, the plan(s) will be reviewed by the administration and Village Engineer, with required modifications made prior to review by the Planning and Zoning Commission. Appropriate fees must be paid when the formal application is submitted.

Flexible Requirements for Residential Planned Districts

Density

2 units per acre if exclusively single family
5 units per acre if a mix of residential types
10 units per acre if exclusively multi-family
Gross density increase of 25% if conservation development principles are used (except if exclusively multi-family)

Development Standards for Non-Residential Planned Districts

Planned Commercial - Chapter 1292.03
Planned Industrial - Chapter 1294.03

Development Standards for Mixed Use Planned Districts

Maximum residential density of five units per gross acre; eight units per gross acre if traditional neighborhood development (TND) standards are used.

Recommendation by the Planning and Zoning Commission

At a public hearing with at least 30 days of public notice, the Planning and Zoning Commission must review the application. The Commission then has 35 days to either recommend approval, approval with conditions or denial of the plan and re-zoning to Village Council.

Council Service Committee Review

The Service Committee of Village Council will review at their next scheduled meeting the development plan and re-zoning and make a recommendation to the Village Council for action.

Village Council
Within 60 days of receipt from the Planning and Zoning Commission, Village Council must review the plan and re-zoning at a public hearing, with at least 30 days of public notice given. Approval or denial of the final development plan and re-zoning must be made by Village Council within 60 days of the public hearing.

Submission of Record Plat
The Village Engineer, Mayor and Fiscal Officer signatures on the final plat constitutes final approval by the Village. After recording, a copy of the recorded plat must be submitted to the Village.

Bonds Posted
Required bonds and insurance (Section 1216) must be posted with the Village within six months of Council's approval.

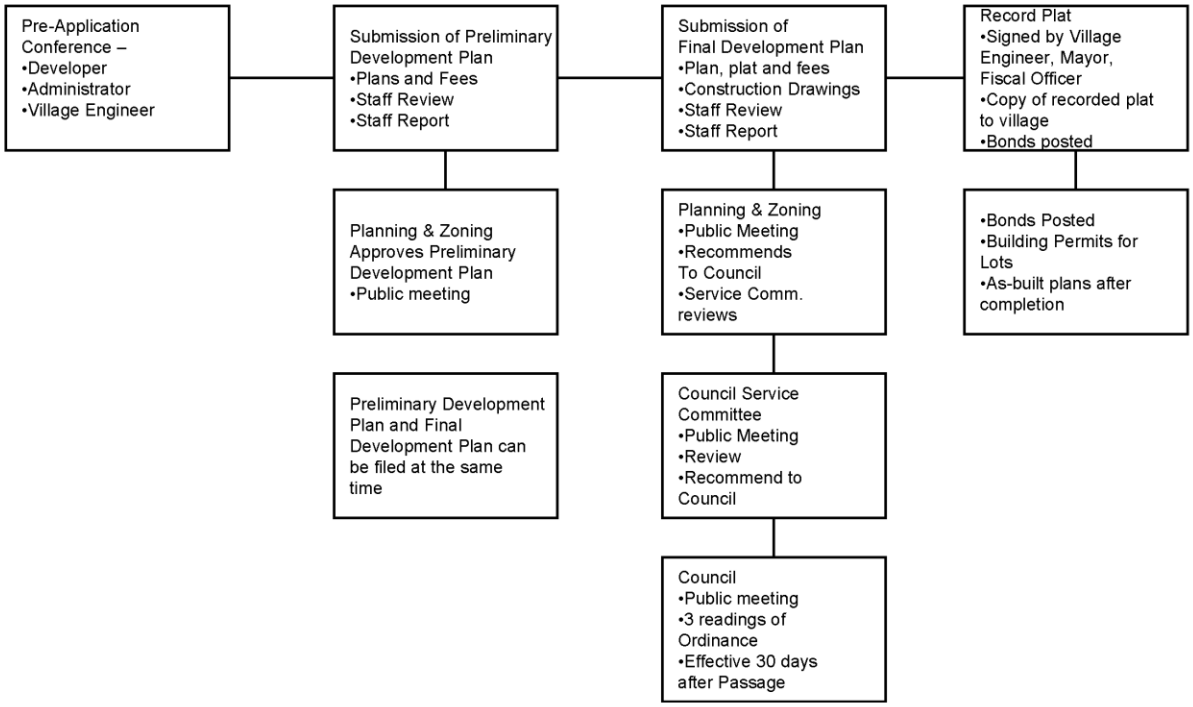
Building Permits for Lots
Application for building lots can be submitted after the final plat is recorded and either public improvements are made or a bond is posted for 100% of the estimated construction and inspection cost of the improvements.

As-Built Plans
Upon completion of the subdivision, Aas-built plans@ based on Village inspection records and prepared by the developer must be submitted to the Village in mylar form.

The Village of Baltimore consults its engineering services to Wilbur Smith Associates (614-888-9440), with the village representative being Don Morrison. The owner/developer will be responsible for the cost of any engineering review or studies required by Village administration, Planning and Zoning Commission, and/or Council during the planning and zoning process.

Village of Baltimore
Residential Projects

Planned Development Projects (Chapter 1288)



(Ord. 2008-53. Passed 11-24-08.)

TITLE SIX - DEVELOPMENT IMPACT FEES

Chap. 1320. Development Impact Fees.

1320.01 Adoption.
1320.02 Title.
1320.03 Purpose and intent.
1320.04 Definitions.
1320.05 Term; amendments; annual report.
1320.06 Applicability.
1320.07 Imposition, calculation and collection of development impact fees; offsets and refunds.
1320.08 Establishment of impact fee accounts; appropriation of impact fee funds.
1320.09 Schedule of fees.
1320.10 Appeals; remedies.
1320.11 Exemptions/waivers.
1320.12 Conflict.
1320.13 Severability.
1320.14 Implementation.
1320.99 Penalties.

1320.01 ADOPTION.

The Village hereby approves and adopts the imposition of development impact fees, and the adoption of procedures for the imposition, calculation, collection, expenditure and administration of development impact fees as set forth herein, and said impact fees and impact fee procedures shall be applicable to all new development as determined herein.
(Ord. 2006-03. Passed 3-27-06.)

1320.02 TITLE.

This chapter shall be known and may hereafter be referred to as the AVillage of Baltimore Development Impact Fee Ordinance@ (hereinafter AImpact Fee Ordinance@ or Athis chapter@).
(Ord. 2006-03. Passed 3-27-06.)

1320.03 PURPOSE AND INTENT.

The purposes and intent of this chapter are as follows:

(a) To adopt development impact fees and to establish uniform and consistent procedures for the development, implementation, imposition, calculation, collection, deposit, expenditure and administration of all such development impact fees.

(b) To be consistent with, and to facilitate the implementation of, the goals, objectives and policies of the Baltimore Land Use and Development Plan, and all elements thereof relating to the provision of public facilities needed to meet the demands created by new growth and development, and relating to appropriate, fair and equitable cost sharing of such public facilities.

(c) To ensure that new development pays, at the time of development approval or issuance of a building permit, a proportionate share of the cost of system improvements needed to serve the projected new development.

(d) To ensure that all applicable legal standards and criteria are properly incorporated, and will be met by the Village.
(Ord. 2006-03. Passed 3-27-06.)

1320.04 DEFINITIONS.

The words or phrases used herein shall have the meaning prescribed in the current Village of Baltimore Ordinances, as amended, except as otherwise indicated herein:

(a) AApplicant@ means any person who files an application with the Village for a building permit for new land development.

(b) AAppropriation@ means an action by the Village to identify specific capital improvements for which impact fee funds may be utilized. Appropriation shall include, but shall not necessarily be limited to: inclusion of a capital improvement in the adopted Village budget or capital improvements program; execution of a contract or other legal encumbrance for construction of a capital improvement using impact fee funds in whole or in part; and/or actual expenditure of impact fee funds through payments made from an impact fee account.

(c) ACapital expenditure@ means any expenditure for an improvement, facility or equipment necessitated by new land development, which has an estimated useful life of five years or longer, and which is required pursuant to a Village resolution. Capital expenditures may be for any or all of the following: water resources; water facilities; sewer facilities; storm drainage and flood control facilities; transportation; law enforcement; fire and emergency medical services; municipal facilities; solid waste disposal; utilities; and parks, recreation, open space and trails.

(d) ACapital improvements@ means improvements with a useful life of five years or more, by new construction or other action, which increases the service capacity of a public facility.

(e) ACapital improvements expenditures@ include amounts appropriated in connection with the planning, design, engineering and construction of capital improvements; planning, legal, appraisal and other costs related to the acquisition of land, financing and development costs; the costs of compliance with purchasing procedures and applicable administrative and legal requirements; and all other costs necessarily incident to provision of the capital improvement.

(f) ACapital improvements plan@ means a plan that identifies capital improvements for which development impact fees may be used as a funding source.

(g) AConnection charges or hookup charges@ mean charges for the actual cost of connecting a property to a public water or public sewer system, limited to labor and materials involved in making pipe connections, installation of water meters, and other actual costs.

(h) ADeveloper@ means the individual, firm, corporation, partnership, association, syndication, trust or other legal entity that is responsible for creating a demand for Village facilities and capital improvements by undertaking development re seeking approval of a new development.

(i) ADevelopment@ means the issuance of a building permit or a connection permit for the construction, reconstruction, redevelopment or conversion of a use of land or any structural alteration, relocation or enlargement which results in an increase in the number of Aservice units@ required, or, the extension of a use or a new use of land which results in an increase in the number of service units. A building or structure shall include, but not be limited to, modular buildings and manufactured housing. ADevelopment@ does not include alterations made to existing single-family homes.

(j) ADevelopment approval@ means a document from a government entity which authorizes the commencement of a development.

(k) ADevelopment permit@ means a permit issued for construction on or development of land when no subsequent building permit is required.

(l) ADistrict@ or AImpact fee district@ means a defined geographic area or sub-area of the Village and/or its Planning Area within which particular capital improvements are provided and in which impact fees will be collected, appropriated, and expended for capital improvements serving new land development within such area or sub-area.

(m) ADwelling unit@ means one or more rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or for rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure. Dwelling unit shall not include those units designed primarily for transient occupant purposes, nor shall they include rooms in hospitals or nursing homes.

(1) ASingle-family detached dwelling unit@ means a residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

(2) ATownhouse/Duplex@ (definition in current code).

(3) AAll other dwelling units@ means a single-family attached dwelling or multi-family dwelling or other dwelling unit not defined as a single-family detached dwelling or townhouse/duplex.

(n) AFee payer@ means the individual or legal entity that pays or is required to pay a development impact fee.

(o) AImpact fee@ means a fee relating to a capital expenditure or service provided by the Village which is imposed on development as a condition of approval of such land development as a prerequisite to obtaining a permit (building permit) or service (connection permit) and which is calculated to defray all or a portion of the costs of the capital improvements required to accommodate new land development at Village-designated level of service (LOS) standards and which reasonably benefits the new land development. The term does not include:

(1) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

(2) Connection or hookup charges;

(3) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements.

(p) AImpact fee district maps@ The map(s) defining the geographical extent of the impact fee districts, if any, for each adopted impact fee, as may be necessary.

(q) AIncidental benefits@ means benefits which accrue to a property as a secondary result or as a minor consequence of the provision of public facilities to another property.

(r) ALevel of service (LOS)@ means a measure of the relationship between service capacity and service demand for public facilities.

(s) AMunicipal planning area@ means an area outside of the present Village limits, but in which the Village will provide public facilities and capital improvements.

(t) AProportionate share@ means that portion of the cost of system improvements which reasonably relates to the service demands and needs of the development project.

(u) AService area@ based on sound planning or engineering principles, or both, means a defined geographic area in which specific public facilities provide service to development within the area defined. Provided, however, that no provision hereof may be interpreted to alter, enlarge, or reduce the service area or boundaries of the Village, or other political subdivision which is authorized or set by law.

(v) AService unit@ means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(w) System improvement costs@ means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements, and also including the costs of providing additional public facilities needed to serve new growth and development. System improvements do not include:

(1) Construction, acquisition, or expansion of public facilities other than capital improvements identified in the capital improvements plan;

(2) Repair, operation, or maintenance of existing or new capital improvements;

(3) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(4) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;

(5) Administrative and operating costs of the Village; and

(6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the Village or a non-Village service provider pursuant to an intergovernmental agreement to finance capital improvements identified in the capital improvements plan.

(x) ASystem improvements@ means capital improvements to public facilities which are designed to provide service to a service area.

(Ord. 2006-03. Passed 3-27-06.)

1320.05 TERM; AMENDMENTS; ANNUAL REPORT.

(a) Term. This development impact fee ordinance shall remain in effect unless and until repealed, amended or modified by the Village Council in accordance with applicable State law and Village ordinances and resolutions.

(b) Amendments. This chapter may be amended from time to time by the Village Council provided, however, that no such amendment shall be adopted without a written report detailing the reasons and need for the amendment; and further provided that no such amendment shall be undertaken to any particular category of capital improvements pursuant to this chapter if the same would have the result of increasing the fee prescribed hereunder if the fee prescribed hereunder had been previously increased twice by an amendment which did not include the review of substantially all of the criteria set forth in subsection (c) below of this section unless the then proposed amendment includes such a review.

(c) Annual review and report. At least once every year not later than January 1 of each year, commencing January 1, 2007, and prior to the Village Council adoption of the annual budget and capital improvements program, the Village Administrator or his or her designee shall coordinate the preparation and submission of an annual report to the Village Council describing the amount of all development impact fee funds collected, appropriated and spent, by public facility and by service area, during the preceding fiscal year.

(1) The annual report may include any of the following:

A. Recommendations for amendments, if appropriate, to this chapter;

B. Proposed changes to the Land Use/Development Plan or plan elements and/or an applicable capital improvements program, including the identification of additional capital improvement projects anticipated to be funded wholly or partially with impact fees;

C. Proposed changes to the boundaries of impact fee districts, if applicable;

D. Proposed changes to impact fee schedules;

E. Proposed changes to level of service (LOS) standards for particular categories of capital improvements;

F. Proposed changes to any impact fee calculation methodology;

G. Proposed changes to the population, housing, land use, persons per household or non-residential development projections included in the impact fee report and upon which the impact fee amounts have been determined;

H. Other data, analysis or recommendations as the Village Administrator or his or her designee may deem appropriate, or as may be requested by the Village Council.

(2) The annual report may additionally include any or all of the following on an annual basis:

A. Number of building permits issued by type of residential or nonresidential development;

B. Square footage (gross floor area) of non-residential development, by type;

C. Total amount of impact fees collected, by category of capital improvement and by land use type;

D. The amount of expenditures made from the impact fee account or sub-accounts and the purpose for which the expenditure was made (i.e. the description, type and location of the capital improvement project);

E. When the capital improvement project was initiated and when it was (or will be) completed;

F. Whether additional impact fee funds will be appropriated for the same project in the future;

G. Whether supplemental non-impact fee funds have been used for the project and, if so, how much and what percentage;

H. The service area of the capital improvement project;

I. The total estimated cost of the capital improvement project and the portion funded with the impact fees;

J. Whether the capital improvement project is in the Village's current Annual Budget or capital improvements program;

K. The estimated useful life of the capital improvement project;

L. The extent to which the capital improvement project is needed to serve new land development;
M. The extent to which the capital improvement project is needed to maintain the existing level of service (LOS) standard and;
N. Such other facts as may be deemed relevant by the Village Council.

(3) The Village Administrator or his or her designee shall submit the impact fee annual report to the Village Council, which shall receive the annual report and which may take such actions as it deems appropriate, including, but not being limited to, requesting additional data or analyses and holding public workshops and/or public hearings.

(Ord. 2006-03. Passed 3-27-06.)

1320.06 APPLICABILITY.

(a) Development subject to impact fees. Impact fees shall be imposed on new land development in the Village which, for purposes hereof, may be divided into impact fee districts by the Village Council. See Section 1320.09, Schedule of Fees, and Appendix C attached to Ordinance 2006-03 for Development Planning Area. All development, both residential and non-residential, may be subject to the imposition of one or more development impact fees for particular public facilities; provided, however, that the type and nature of the development project must create an additional demand and need for system improvements for the public facility in order to maintain the adopted level of service (LOS) standard, and is not otherwise exempt.

(b) Municipal planning areas. Impact fees imposed by the Village shall, if necessary and appropriate, be collected by other municipalities or by the county on new land development within the Village's municipal planning area, but outside of the Village limits, pursuant to an intergovernmental agreement which provides that the impact fees collected be transferred to the appropriate Village fund for expenditure in accordance with the terms of this chapter.

(c) Development not subject to impact fees. The following structures and activities, which might otherwise be construed as development are exempt from the imposition of development impact fees:

(1) Previously issued building permits. No impact fee shall be imposed on land development for which a building permit has been issued prior to the effective date of Ordinance 2006-03. In the event that a building permit has been issued prior to the effective date of Ordinance 2006-03, but construction has not commenced within six months from the date of issuance of the permit, then the impact fee shall be imposed and paid prior to the issuance of an occupancy permit.

(2) Previous payment of impact fees. Subject to the requirements of Section 1320.07 of this chapter, no impact fees shall be due at a later stage of the development permit or approval process if impact fees have been paid for such category of capital improvements at an earlier stage in the development permit or approval process.

(3) No net increase in dwelling units. No impact fee shall be imposed on any new residential development which does not add a new dwelling unit (service unit).

(4) No net increase in non-residential square footage. No impact fee shall be imposed on any new non-residential development which does not add square footage, unless the new non-residential development increases the demand for capital improvements (service units) for which impact fees are being imposed.

(5) Other uses. No impact fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for capital improvements (service units).

(6) New land developments which are the subject of a development agreement containing provisions in conflict with this chapter, but only to the extent of the conflict or inconsistency.

(7) No impact fee shall be imposed on any facility or land use by a county government, a municipality, or by a public school district.

(d) Effect of imposition/payment of development impact fees on village land development regulations.

(1) The payment of development impact fees shall not entitle the fee payer to development approval or a building permit unless all other applicable requirements, standards, and conditions of the Village Zoning Ordinance and all other applicable Village codes, ordinances and/or procedures have been met. Such other requirements, standards and conditions are independent of the requirement for payment of a development impact fee.

(2) This chapter shall not affect, in any manner, the permissible use of property, the permitted density/intensity of development, the applicable design and improvement standards, or any other applicable standards or requirements of the Village of Baltimore Codified Ordinances (including but not being limited to the Baltimore Zoning Code), which codes and ordinances shall be operative and which shall remain in full force and effect without limitation.

(e) Exclusive method to impose development impact fees. Requirements for developers to pay, as a condition of development approval or issuance of a building permit, in whole or in part, for system improvements may be imposed by the Village only by way of development impact fees imposed pursuant to this chapter.

(f) Other methods of requiring capital improvements. Notwithstanding the provisions of this chapter, the Village retains its power, to the extent authorized, to impose fees, to require contributions and to require dedication of land for capital improvements.
(Ord. 2006-03. Passed 3-27-06.)

1320.07 IMPOSITION, CALCULATION AND COLLECTION OF DEVELOPMENT IMPACT FEES; OFFSETS AND REFUNDS.

(a) Imposition. Impact fees shall be calculated by the Village at the time of application for a building permit and shall be paid by the applicant prior to the issuance of a building permit.

(b) Calculation.

(1) Upon receipt of an application for a building permit, the Village shall determine:

A. Whether it is a residential or non-residential use;

B. The specific category (type) of residential or non-residential development, if applicable;

C. If residential, the number of new dwelling units;

D. If non-residential, the number of new or additional square feet of gross floor area (rounded up to the nearest square foot) and the proposed use; and

E. The impact fee district in which the new land development is located (if applicable).

(2) Upon receipt of an application for a building permit, the Village shall determine whether it is for a change in use. In such cases, the impact fee due shall be based only on the incremental increase in the fee for the additional service units added by the change in use.

(3) After making these determinations, the Village shall calculate the demand for the capital improvements (service units) added by the new land development for each capital improvements category for which an impact fee is being imposed and calculate the applicable impact fee by multiplying the demand (service units) added by the new development by the amount of the applicable impact fee per service unit, incorporating any applicable offset if set forth in the particular impact fee calculation methodology.

(4) If the type of land use proposed for land development is not expressly listed in this chapter, the Village shall:

A. Identify the most similar land use type listed and calculate the impact fee based on that land use; or

B. Identify the broader land use category within which the specified land use would fit and calculate the impact fee based on that land use category; or

C. At the option of the applicant, or the Village Administrator, determine the basis used to calculate the fee pursuant to an independent impact analysis of service units added. This option shall be available only for transportation impact fees and shall be requested by the applicant on a form provided by the Village for such purpose. If this option is chosen, the following shall apply:

1. The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Village Administrator and, if appropriate, other Village staff or officials, prior to payment of the fee.

2. The independent impact analysis shall measure the impact (in service units) that the proposed development will have on the particular category of capital improvements at issue, and shall be based on the same methodologies used in the impact fee calculation methodology report, and shall be supported by professionally acceptable data and assumptions.

3. After review of the independent impact analysis submitted by the applicant, the Village Administrator shall, within 30 days, accept or reject the analysis and provide written notice to the applicant of its decision on a form provided for such purpose. If the independent impact analysis is

rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

4. The final decision of the Village Administrator may be appealed pursuant to Section 1320.10 herein.

(5) An applicant may request a non-binding estimate of impact fees due for a particular land development at any time by filing a request on a form provided for such purpose by the Village; provided, however, that such estimate may be subject to change when a formal application for a building permit for land development is made. Such non-binding estimate is solely for the benefit of the prospective applicant and shall in no way bind the Village nor preclude it from making amendments or revisions to any provisions of this chapter.

(6) The calculation of impact fees due from a multiple-use land development shall be based upon the aggregated demand (in service units) for each category of capital improvement generated by each land use type in the land development.

(7) The calculation of impact fees due from a phased land development shall be based upon the demand (in service units) generated by each specific land use within the phase of development for which a separate building permit is requested.

(8) Impact fees shall be calculated based on the impact fee amount in effect at the time of application for a building permit.

(c) Offsets.

(1) Offsets against the amount of an impact fee due from a land development shall be provided for, among other things, contributions made or to be made in the future in cash, or by dedication of land or by actual construction of all or part of a capital improvement by the affected property owner for capital improvements meeting or exceeding the demand generated by the land development and the contribution is determined by the Village to be an acceptable substitute for the cost of capital improvements which are included in the particular impact fee calculation methodology.

(2) The amount of the excess contribution shall be determined by the Village upon receipt of an application form requesting an offset; provided, however, that (a) the Village will make no reimbursement for excess contributions unless and until the particular capital improvements fund has sufficient revenue to make the reimbursement without jeopardizing the continuity of the Village's capital improvements program and (b) the excess contribution may not be transferred or credited to any other type of capital improvements. The determination of the eligibility for and the amount of the credit shall be made by the Village on a form provided for such purposes. The discretion of the Village shall not be abused. If the applicant contends that any aspect of the Village's decision constitutes an abuse of discretion, the applicant shall be entitled to appeal pursuant to Section 1320.10 herein.

(3) No offset shall be allowed unless the Village has approved the contribution or expenditure before it is made.

(4) Offsets for dedication of land or provision of capital improvements shall be applicable only as to impact fees imposed for the same types of capital

improvements which are proposed to be dedicated or provided. Even if the value of the dedication of land or provision of a capital improvement exceeds the impact fee due for the type of capital improvement, the excess value may not be transferred to impact fees calculated to be due from the applicant for other types of capital improvements. Offsets may, however, be transferred to other applicants within the same development for the same type of capital improvement.

(d) Refunds.

(1) Eligibility for refunds.

A. Expiration or revocation of building permit. An applicant who has paid an impact fee for a land development for which the necessary building permit has expired or for which the building permit has been revoked prior to construction shall be eligible to apply for a refund of impact fees paid, on a form provided by the Village for such purposes.

B. Failure of village to appropriate impact fee funds within time limit. The current property owner may apply for a refund of impact fees paid by an applicant if the Village has failed to appropriate the impact fees collected from the applicant within the time limit established herein. The refund application shall be made on a form provided by the Village for such purposes.

C. Abandonment of development after initiation of construction. An applicant who has paid an impact fee for a new land development for which a building permit has been issued and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall not be eligible for a refund unless the uncompleted building is completely demolished.

(2) A 10% administrative fee shall be deducted from the amount of any refund granted and shall be retained by the Village in the appropriate impact fee account to defray the administrative expenses associated with the processing of a refund application.

(3) Except as provided herein, refunds shall be made only to the current owner of property on which the new land development was proposed or occurred.

(4) Processing of applications for a refund. Applications for a refund shall be made on a form provided by the Village for such purposes and shall include all information required, as appropriate. Upon receipt of a complete application for a refund, the Village shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Village.

(5) Applications for refunds due to expiration or revocation of building permit, or abandonment of a new land development prior to completion, shall be made on forms provided by the Village and shall be made within 60 days following expiration or revocation of the building permit, or the demolition of the structure, whichever is applicable. The applicant shall submit evidence that the applicant is the property owner or the duly designated agent of the property owner, the amount of the impact fees paid by capital improvements category and receipts evidencing such payments, and documentation evidencing the expiration or revocation of the

building permit or approval of demolition of the structure pursuant to a valid Village-issued demolition permit. Failure to apply for a refund within 60 days following expiration or revocation of the building permit or demolition of the structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the Village in calculating the amount of the refunds.

(6) Applications for refunds due to the failure of the village to appropriate impact fees collected from the applicant within the time limits established herein shall be made on forms provided by the Village and shall be made within one year following the expiration of such time limit. The applicant shall submit (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid by capital improvements category and receipts evidencing such payments, and (c) description and documentation of the Village's failure to appropriate impact fee funds for relevant capital improvements.

(7) The Village may, at its option, make refunds of impact fees by direct payment, by offsetting such refunds against other impact fees due for the same category of capital improvements for new land development on the same property, or by other means subject to agreement with the property owner.

(e) Collection.

(1) The Village shall collect all applicable impact fees at the time of issuance of a building permit and shall issue a receipt to the applicant for such payment unless:

A. The applicant is determined to be entitled to a full offset; or

B. The applicant has been determined to be not subject to the payment of an impact fee; or

C. The applicant has filed an appeal, and a bond or other surety in the amount of the impact fee, as calculated by the Village and approved by the Village Solicitor and Fiscal Officer, has been posted with the Village.

(2) The Village shall collect an impact fee at the time of issuance of a building permit even if impact fees were paid by the applicant at an earlier time in the development permit or approval process, if the amount of the impact fees have increased since such prior approval. Except as otherwise provided for herein, the applicant shall only be liable for the difference between the impact fees paid earlier and those in effect at the time of issuance of the subsequent building permit.

(f) Enforcement.

(1) The Village may withhold the requested development approval or development permit, including but not being limited to a certificate of occupancy, or a building permit if no certificate of occupancy is required, until the development impact fee is paid in full.

(2) The Village may withhold utility services to the applicable development project until the development impact fee is paid in full.

(3) The Village may impose a lien for failure of the developer to make timely payment of a development impact fee.

(g) Administrative Fee. The Village of Baltimore shall be entitled to retain not more than 10% of the impact fees collected as compensation for the expense of collecting the fees and administering this chapter, and such amounts shall be referred to as an Aadministrative fee.@
(Ord. 2006-03. Passed 3-27-06.)

1320.08 ESTABLISHMENT OF IMPACT FEE ACCOUNTS; APPROPRIATION OF IMPACT FEE FUNDS.

(a) Impact fee accounts. An impact fee account shall be established by the Village for each category of capital improvements for which impact fees are imposed. Such account shall clearly identify the category, account, or fund for which the impact fee has been imposed. Sub-accounts may be established for individual impact fee districts. All impact fees collected by the Village shall be deposited into the appropriate impact fee account or sub-account, which shall be interest bearing. All interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of each such account shall be capable of being accounted for separately from all other Village funds, over time. The Village shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for and appropriated in accordance with this chapter and any other applicable legal requirements.

(b) Appropriation of impact fee funds.

(1) Impact fee funds may be appropriated for capital improvements and for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the Village or other applicable local governmental entities to finance such capital improvements. All appropriations from impact fee accounts shall be detailed on a form provided for such purposes and filed with the Fiscal Officer.

(2) Impact fees shall be appropriated only:

A. For the particular category of capital improvements for which they were imposed, calculated and collected;

B. Within the impact fee district where collected unless the impact fee funds will be appropriated for a capital improvement necessitated by or serving the new land development as provided herein; and

C. Within ten years of the beginning of the fiscal year immediately succeeding the date of collection, unless such time period is extended as provided herein.

(3) Development impact fees may not be appropriated for:

A. Funding maintenance or repair of capital improvements or for operational or personnel expenses associated with the provision of the capital improvements;

B. A purpose other than system improvement costs to create additional improvements to serve new growth;

C. A category of system improvements other than that for which they were collected; or

D. The benefit of service areas other than for which they were imposed.

(4) Impact fee funds may be appropriated for a capital improvement located outside of the district where collected only if the demand for the capital improvement is generated in whole or in part by the new land development or if the capital improvement will actually serve the new land development.

(5) Impact fee funds may be appropriated beyond ten years from the beginning of the fiscal year immediately succeeding the date of collection if the appropriation is for a capital improvement which requires more than ten years to plan, design and construct, and the demand for the capital improvement is generated in whole or in part by the new land development. Such appropriations shall be fully documented on forms provided by the Village for such purposes.

(c) Procedure for appropriation of impact fee funds.

(1) The Village shall each year identify capital improvement projects anticipated to be funded in whole or in part with impact fees. The capital improvement recommendations shall be based upon the impact fee annual review set forth herein and such other information as may be relevant, and may be part of the Village's annual budget and capital improvements programming process.

(2) The recommendations shall be consistent with the provisions of this chapter, or other applicable legal requirements and any guidelines adopted by the Village Council.

(3) The Village Council may include impact fee-funded capital improvements in the Village's annual budget and capital improvements program. If included, the description of the capital improvement shall specify the nature, location, capacity to be added, service area, need/demand for, and the anticipated timing of completion of the capital improvement.

(4) The Village Council may authorize impact fee-funded capital improvements at such other times as may be deemed necessary and appropriate by the Village Council.

(5) The Village Council shall verify that adequate impact fee funds are or will be available from the appropriate impact fee account for the particular category of capital improvements.

(Ord. 2006-03. Passed 3-27-06.)

[Text continues on next page]

1320.09 SCHEDULE OF FEES.

VILLAGE OF BALTIMORE IMPACT FEES		
Development within Planning Areas 1, 2, 3, 4, 5, and 6		
	Impact Fees	
Impact Fee Fund	Residential Developments	Commercial/Industrial/Manufacturing Developments
Municipal Facilities Fund	$115 per dwelling unit	$115 per 1,000 s.f.
Police Facilities Fund	$131 per dwelling unit	$261 per 1,000 s.f.
Basil/256/Company Intersection Improvements And Market/Holder/Hansbarger Intersection Improvements	$319 per dwelling unit	$797 per 1,000 s.f.
Total Impact Fees - All Future Development Areas	**$565 per dwelling unit**	**$1,173 per 1,000 s.f.**

(Ord. 2006-03. Passed 3-27-06.)

1320.10 APPEALS; REMEDIES.

(a) The Village of Baltimore Board of Zoning Appeals shall be the Appeals Board (hereinafter the ABoard@) for this chapter.

(b) Where a conflict arises between the rules/procedures of the Board or other provisions of the Baltimore Codified Ordinances and this chapter, this chapter shall control. The appellant shall pay the appeal application fee, if any, and the impact fee at the time of the filing of said appeal. The filing of a notice of appeal shall not stay the imposition or the collection of the impact fee as calculated by the Village, unless a bond or other sufficient surety has been provided. If a bond or other sufficient surety is provided at the time of the filing of a notice of appeal, in an amount equal to the impact fee and in a form satisfactory to the Village Fiscal Officer and Village Solicitor, a building permit may be issued to the applicant for the new land development.

(c) The Board shall have jurisdiction to hear and decide all appeals made by any applicant who has timely filed an appeal and who disagrees with the amount of impact fee required to be paid by that applicant for the proposed development, or any applicant who disagrees with any determination by the Village and which pertains to the requirement of an impact fee payment. Unless an extension of time is approved by all parties, all appeals shall be heard by the Board within 45 days

after the filing date of all timely filed appeals. The Board shall render its decision in writing on each appeal within 30 days after it concludes the hearing on that particular appeal.

(d) All appeals shall be made in writing, shall be on forms provided by the Village, shall be filed with the Village Administrator, and must be filed no later than 30 days after the date that the Village Administrator determines the amount of fee or makes his or her determination, whichever is the subject of the appeal. All appeals shall set forth, in detail, the reasoning and basis of the appeal and shall be signed and notarized. All applicants filing an appeal shall pay at the time of filing such appeal the then current impact fee appeal fee, if any, as such fee may be administratively established by the Village Administrator. The applicant shall be notified of the time, place and date at which the Board will hear that applicant's appeal.

(e) The Board shall adopt conclusions of fact for each appeal on which it makes a final decision. No decision in favor of the appellant (the applicant/feepayer) shall be made by the Board until and unless the Board determines the following:

(1) The appeal application was timely filed.
(2) The reasoning and basis set forth in the appeal application are valid and not solely for the economic benefit of the affected appellant or owner of the property on which is located the land development activity.
(3) The relief requested by the appellant is the minimum relief possible and other alternative relief measures are not practical or feasible.
(4) Granting the relief sought by appellant will not cause undue harm to the district in which the land development activity of the affected applicant is located.
(5) Granting the relief sought by appellant will not cause funds that are collected from impact fees to be used in a manner inconsistent with this chapter.
(6) Granting the relief sought by appellant will be consistent and in harmony with the intent and purposes set forth in this chapter.
(7) Granting the relief sought by appellant will not cause a decrease in the then adopted and established levels of service (LOS) in which the land development activity of the affected applicant is located.

(f) The impact fee ordered by the Board shall be paid within ten business days after the Board's order is issued.

(g) Incidental benefit. The receipt of incidental benefit by a third party property owner or developer within the service area resulting from the payment of a impact fee by a feepayer shall not be considered grounds for exercising the remedies set forth herein.
(Ord. 2006-03. Passed 3-27-06.)

1320.11 EXEMPTIONS/WAIVERS.

(a) Filing of application. Petitions for exemptions to the application of the provisions of this chapter or waivers from specific impact fees shall be filed with the Village Council on forms provided by the Village.

(b) Effect of grant of exemption/waiver. If the Village Council grants an exemption or waiver in whole or in part of impact fees otherwise due, the amount of the impact fees exempted or waived shall be provided by the Village from non-impact funds, and such funds shall be deposited to the appropriate impact fee account within a reasonable period of time consistent with the applicable Village capital improvements program.

(c) Development agreements. Nothing herein shall be deemed to limit the Village's authority or ability to enter into development agreements with applicants for new land development which may provide for dedication of land, payments in lieu of impact fees, or actual infrastructure improvements. In lieu of making development impact fee payments, the feepayer/developer and the Village, by mutual agreement, may enter into an agreement for the provision, construction and installation of system improvements.

(1) The agreement may additionally provide for credits or reimbursement for costs incurred by a feepayer or developer, including inter-project transfers of credits or reimbursement for project improvements which are used or shared by more than one development project.

(2) A development impact fee for system improvements for a specific public facility category may not be imposed on a fee payer or developer who has entered into a development agreement providing for the provision of system improvement for that same public facility category; provided, however, that development impact fees may still be imposed on the fee payer or developer for system improvements for another public facility category.

(3) The development agreement shall include a provision addressing increases in development impact fees over the life of the development agreement as well as the applicability of subsequently adopted development impact fees for other public facilities over the life of the development agreement and the development project. (Ord. 2006-03. Passed 3-27-06.)

1320.12 CONFLICT.

To the extent of any conflict between other Village ordinances and this chapter, this chapter shall be deemed to be controlling; provided, however, that this chapter is not intended to amend or repeal an existing Village ordinance, resolution or regulation, except as expressly set forth in herein. (Ord. 2006-03. Passed 3-27-06.)

1320.13 SEVERABILITY.

(a) If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this chapter shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this chapter nor shall such holding impair or nullify the remaining provisions of this chapter, which remaining provisions shall continue in full force and effect.

(b) If the application of any provision of this chapter to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the Village Council is that such decision shall be limited only to the specific new development expressly involved in the

controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this chapter as a whole or the application of any provision of this chapter to any other new development.
(Ord. 2006-03. Passed 3-27-06.)

1320.14 IMPLEMENTATION.

Development impact fees set forth herein shall be collected commencing on the effective date of Ordinance 2006-03, and thereafter.
(Ord. 2006-03. Passed 3-27-06.)

1320.99 PENALTIES.

(a) Whoever violates this chapter shall be guilty of the following offenses and shall be subject to the following penalties:

(1) For a first offense, a misdemeanor of the third degree.

(2) For any subsequent beyond the first offense, a misdemeanor of the second degree.

(3) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The Village of Baltimore may, in addition to the criminal remedies provided in this chapter, file suit for injunction against any violation of this chapter, or if the violation has caused damages to the Village of Baltimore, file suit for a judgment for damages.
(Ord. 2006-03. Passed 3-27-06.)

TITLE SEVEN - EROSION AND SEDIMENT POLLUTION CONTROL REGULATIONS

Chap. 1350. Erosion and Sediment Pollution Control Regulation.

1350.01 Regulations.
1350.02 Definitions.
1350.03 General provisions.
1350.04 Scope and intent.
1350.05 Fees.

CROSS REFERENCES

Subdivision requirements for erosion and sedimentation control - see P. & Z. 1214.11

1350.01 REGULATIONS.

(a) This regulation has been adopted to implement pollutant reduction programs on construction sites in the Village of Baltimore and other appropriate premises per the provisions defined in the Village of Baltimore Codes.

(b) Earth and land distributing activities associates with construction contribute to the pollution of public waters through soil erosion and sedimentation. Control programs designed to minimize these problems should incorporate the following planning, enforcement requirements and best management practices.
(Ord. 2008-65. Passed 12-08-08.)

1350.02 DEFINITIONS.

(a) For the purpose of this regulation, certain rules of word usage apply to the text as follows:
   (1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
   (2) The term Ashall@ is always mandatory and is not discretionary; the word Amay@ is permissive.
   (3) The word or term not interpreted or defined by this article or otherwise defined in Village of Baltimore Codes, shall be used with a meaning of common or standard utilization, so as to give the regulation its most reasonable application.

(b) Specific words and terms.
   (1) AApplicant.@ Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-distributing activities to commence.
   (2) AApproving Agent.@ The governing body of the Village of Baltimore or its duly designated representative being the Village Administrator.

(3) ABest Management Practices (BMP's).@ Means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters. BMP's also include treatment requirements, operating procedures, and practices to control construction runoff, or drainage from material storage.

(4) AChannel.@ A natural stream that conveys water, a ditch excavated and/or constructed for the flow of water.

(5) AClearing.@ The cleaning, grubbing, scraping, scalping, removal of trees and stumps, and removing and disposing of vegetation and debris within the site, and shall include the conditions resulting there from.

(6) AConstruction.@ The erection, alteration, repair, renovation, demolition, or removal of any building or structure; and the clearing, stripping, excavating, filling, grading, and regulation of sites with connection therewith.

(7) ADetention.@ The capture, collection, and subsequent slow release of stormwater runoff; the primary purpose of which is to mitigate increases in stormwater runoff rates, providing protection, whether complete or partial, to down-slope areas, from the adverse effects of increased runoff rates. This can be accomplished through the use of a stormwater management facility, including, but not limited to one or more of the following methods.

A. ADry Detention.@ A basin or storage area, generally man-made, that is designed to normally drain completely between storm events.

B. AWet Detention.@ A basin or storage area, generally man-made, that is designed to drain down to a level that is normally wetted; that is, to a normal pool level, below which there is no outlet other than through infiltration into the ground. These facilities do not normally drain completely dry.

(8) ADeveloper.@ Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect the development of land for himself or for another.

(9) ADevelopment.@ Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(10) ADevelopment Area.@ Any contiguous (abutting) area owned by one person or developed as a single phase or multiple phases (units) and used or being developed or redeveloped, for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth-disturbing/land-disturbance activities are planned or underway.

(11) ADitch.@ An open channel with intermittent flow, either man-made or natural, for the purpose of drainage or irrigation. (See also channel and stream.)

(12) ADumping.@ Grading, pushing, piling, throwing, unloading, or placing of fill material, composed of earth, soil, rock, sand, gravel, or demolition material.

(13) AEarth-Disturbing Activity.@ Any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.

(14) AErosion.@

A. The wearing away of the land surface by running water, wind, water, other geological agents, including such processes as gravitational creep.

B. Detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

C. Erosion includes:

1. AAccelerated erosion.@ Erosion much more rapid than normal, natural or geological erosion, primarily as a result of the influence of the activities of man;
2. AFloodplain erosion.@ Abrading and wearing away of the nearly level land situation on either side of a channel due to overflow flooding;
3. AGully erosion.@ A type of erosion caused by water accumulating in narrow channels and over short periods during and immediately after rainfall or snow or ice melt activity, which removes soil such that channels become considerably deeper than what would otherwise result by normal smoothing or tilling operations;
4. ANatural (geological) erosion.@ The wearing away of the earth's surface by water, ice or other natural agents under natural environmental conditions of climate, vegetation, etc., undisturbed by man;
5. ANormal erosion.@ The gradual erosion of land used by man which does greatly exceed natural erosion;
6. ARill erosion.@ An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils;
7. ASheet erosion.@ The removal of a fairly uniform layer of soil from the land surface by wind or runoff water;
8. AStream bank erosion.@ Erosion of the stream bank or channel bottom due to high velocity of flow within the stream.

(15) AExemptions.@ Those activities that are not subject to the erosion and sediment control requirements contained in this regulation.

(16) AFinal Stabilization.@ All soil disturbing activities at the site have been completed and that a uniform perennial vegetation cover with a density of at least seventy (70) percent of the cover for the disturbed area has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed.

(17) AFinished Grade.@ The final grade or elevation of the ground surface conforming to the site grading plan.

(18) AFirst Order Stream.@ All streams identified on a U.S.G.S. 7.5 minute topographic map by either a dashed or solid blue line.

(19) AGrading.@ The stripping, cutting, filling, stockpiling, or any combination thereof of earth disturbing activities, including land in its cut or filled conditions.

(20) AGrubbing.@ Any activity which removes or significantly disturbs the root matter within the ground.

(21) AHazard.@ Any danger to the public health, welfare and safety including exposure to risk or damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. Hazardous can include flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire and disease.

(22) ALand-Disturbing Activities.@ Any land change that may result in soil erosion from water or wind and the movement of sediment into waters or onto lands, including but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

A. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

B. Individual service connections;

C. Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk (provided the land-disturbing activity is confined to the area of the road, street or sidewalk that is hard surfaced), and does not involve dewatering operations that produce sediment-laden effluent discharging to surface-lands and/or surface-waters;

D. Septic tank lines or drainage fields, unless included in an overall plan for land-disturbing activity relating to the construction of the building to be served by the septic tank systems;

E. Tilling, planting or harvesting of agricultural, horticultural or forest crops or livestock feedlot operations; including soil conservation operations related to agriculture as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing and land drainage and land irrigation which does not cause an increase in stormwater runoff and does not exacerbate erosion and sedimentation.

F. Repair or rebuilding of the tracks within the right-of-way of a railroad company;

G. Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the Village of Baltimore.

(23) AMulching.@ The application of suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

(24) ANuisance.@ A public nuisance as known by common law or in equity jurisprudence.

(25) AOne-hundred-year Floodplain.@ Any land area which is susceptible to being inundated by water caused by a flood event having a one (1) percent chance of being equaled or exceeded in any given year.

(26) AOwner.@ The person in whom is vested the fee ownership, dominion, or title of property, i.e., the proprietor. The word Aowner@, when applied to property, shall include any part-owner or joint owner of the whole or any part of such property.

(27) APermittee.@ Any person to whom approval of an erosion and sediment control plan according and pursuant to this standard is granted, or who is subject to inspection under it.

(28) APlan.@ As used in this regulation, APlan@ shall mean the Erosion and Sediment Control Plan.

(29) APollution.@ The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of air and water resources.

(30) APublic Waters.@ Those waters within lakes (except private ponds and lakes on single properties), rivers, streams, ditches, and/or waters leaving property on which surface water originates.

(31) ARetention.@ The collection and storage of stormwater runoff without subsequent discharge other than through infiltration into the ground, or evaporation.

(32) ARunoff.@ The portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to streams, rivers, lakes and ponds.

A. AAccelerated runoff.@ Increased rate and volume of runoff due to less permeable surface or reduced time of concentration primarily caused by urbanization;

B. APeak rate of runoff.@ The maximum rate of runoff for any 24-hour storm of a given frequency.

(33) ASediment.@ Solid material, both mineral and organic, that is or was in suspension, is being or has been transported, or has been moved from its site of origin by air, water, gravity, or ice, and has come to rest on earth's surface whether above or below water.

(34) ASediment Basin.@ A facility such as a depression storage area, a pond or trap, barrier, dam or other suitable detention facility built across an area of water-flow to settle and retain sediment carried by surface drainage runoff water.

(35) ASediment Control Plan.@ A written description, in graphical and descriptive terms, subject to review and approval by the approving agency, of methods for controlling sediment pollution from accelerated erosion of a development area of one or more contiguous acres.

(36) ASite.@ Any lot or parcel, or a series of lots or parcels of land adjoining or contiguous or joined together under one ownership where clearing, stripping, grading or excavating is performed.

(37) ASlip.@ Landslide; the rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of soil mass occurs along an interior surface of sliding.

(38) ASloughing.@ A slip or downward movement of an extended layer of soil resulting from the undermining action of water of the earth-disturbing activity of man.

(39) ASoil Loss.@ Soil relocated on or removed from a given site by the forces of erosion and the redeposit of the soil at another site on land or in a body of water.

(40) AStabilization.@ The prevention of soil movement by any vegetation and/or structural means.

(41) AStorm Frequency.@ The average period of time within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(42) AStormwater.@ Water runoff resulting from storm events, including snow melt, surface water runoff and drainage.

(43) AStream.@ A body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.

(44) AStripping.@ Any activity which removes or significantly disturbs the vegetative surface cover.

(45) ASubdivision.@

A. The division or re-division of land into two or more parts, lots, parcels, sites, units, tracts, or interests for the purpose of transfer of ownership, lease, or building development either immediate or future;

B. The division or development of land whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument; or

C. The improvement of one or more parcels of land for structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street, right-of-way, or easement; or

D. The re-subdivision of any lot or lots in any recorded subdivision. Provided, however, that the sale and exchange does not create additional building sites, shall not be defined as a subdivision.

(46) ATopsoil.@ Surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.

(47) AWaiver.@ A permit of conditional exemption from the regulation in part or in whole, as specified by the approving agent, in a formal written statement. A waiver from the regulation shall not be assumed to be in effect, without the express written statement from the Village of Baltimore.

(48) AWatercourse.@ Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, drainageways, waterways, gullies, ravines, or washes) in which water flow in a definite direction or course, either continually or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow of flood.

(Ord. 2008-65. Passed 12-08-08.)

1350.03 GENERAL PROVISIONS.

(a) Title. Village of Baltimore Erosion and Sediment Pollution Control Regulation.

(b) Statutory Authorization. This regulation of the Village of Baltimore is adopted pursuant to Village of Baltimore Ordinance Number 12-08-08, as passed by Village Council, effective on 12-08-08.

(c) Purpose. This erosion and sediment pollution control regulation is adopted for the purpose of controlling the pollution of public waters by sediment from accelerated soil erosion and stormwater runoff caused by earth and land disturbing activities and land use changes associated with construction activities. Control of such pollution will promote and maintain the health, safety and general well-being of all life and inhabitants within the Village of Baltimore.

(Ord. 2008-65. Passed 12-08-08.)

1350.04 SCOPE AND INTENT.

(a) Objectives. This regulation of the Village of Baltimore shall apply to earth-disturbing and land-disturbing activities, as defined in Section 1350.02, on areas designated below which are within the jurisdiction of the Village of Baltimore, unless otherwise excluded within this regulation or unless expressly excluded by state law.

(b) Disclaimer of Liability. Neither submission of a plan under provisions of this regulation, nor compliance with provisions of this regulation shall relieve any person from responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the Village of Baltimore for damage to any person or property.

(c) Severability. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected.

(d) Requirements. (Regulation applicability) No person shall cause or allow earth-and/or land-disturbing activities on a development area except in compliance with the standards set out in this regulation and the applicable items below.
(Ord. 2008-65. Passed 12-08-08.)

1350.05 FEES.

See Chapter 260 - Schedule of Fees.
(Ord. 2008-65. Passed 12-08-08.)