



ZONING ORDINANCE for VILLAGE OF SOMERSET

ADOPTED DEC. 2023

ZONING ORDINANCE FOR THE VILLAGE OF SOMERSET
PERRY COUNTY, OHIO
2023
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ARTICLE I

TITLE AND PURPOSE

1.0 Purpose and Scope

This ordinance is enacted for the purpose of promoting the public health, safety, morals and general welfare; to conserve and protect property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvement in accordance with a comprehensive plan for the desirable future development of the village and to provide for administration and to subscribe penalties for violation of provisions thereof. To achieve the abovementioned purposes, the Village of Somerset, Perry County, Ohio finds it necessary and advisable to regulate the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the area of the village into districts and zones of such number, shape deemed the best way to carry out said purposes.

1.1 Title

This ordinance shall be known and may be cited and referred to as the "Village of Somerset, Ohio Zoning Ordinance".

1.2 Interpretation of Standards

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall govern. ""

ARTICLE II

DISTRICTS AND GENERAL PROVISIONS

2.0 Designation of Districts

For the purpose of this ordinance, the Village of Somerset is hereby divided into eight (8) categories of zoning districts:

2.0.1 S-1 Special:

Areas which are large public or semipublic holdings for recreation and conservation purposes, areas suitable for non-commercial recreation, areas subject to periodic flooding and areas too steep for urban development.

2.0.2 A-1 Agriculture:

Land which is best reserved for agriculture, forestry, grazing and other rural purposes.

2.0.3 R-1 Single Family Residential District:

For very low-density residential development which may or may not have community water and sewerage services.

2.0.4 R-2 Medium Density Residential District:

For relatively low-density residential development which is served by **community** water and sewerage facilities.

2.0.5 R-3 Village Residential District:

For residential development of moderate density, including multiple-family dwellings as well as one- and two-family residences served by **community** water and sewerage facilities.

2.0.6 B-1 Central Business/Mixed-Use District:

Area encompassing the retail, residential, governmental office, and institutional core of the municipality. Currently located within the Historic District.

2.0.7 B-2 Highway and General Local Business:

Areas along major highways which provide sales and services oriented to highway travelers or neighboring local people; or general businesses including sale and services for automotive, farm machinery, building trades, convenience goods and personal services, etc.

2.0.8 M- 1 General Industrial:

Areas for light industries with restricted Manufacturing operations, research facilities and offices of a restricted nature which will have little or no detrimental effects on neighboring land uses.

2.1 District Map

The boundaries of the districts are shown upon the map, which is made a part of this ordinance, and is designated as the "District Map." The district map, titled "Village of Somerset Zoning Map" available online at the village website, and other information shown thereon are a part of this ordinance. The original district map is properly attested and is on file with the Clerk.

2.2 Interpretation of Boundaries

2.2.1 Designation of Zone Boundaries

Except where referenced on said map to a street or alley line or other designated line by dimensions shown on said map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this ordinance.

ARTICLE III

PERMITTED USES

3.0 Permitted Uses

The permitted and conditional uses for each district are shown in the following table. The interpretation of uses given in categorical terms shall be as defined in Articles II & XIV.

Districts	S-1	A-1	R-1	R-2	R-3	B-1	B-2	M-1
RESIDENTIAL								
Single Family Dwelling - detached		P	P	P	P			
Two Family Dwelling			C	P	P			
Multi-Family Dwelling				C	P	C		
Accessory Dwelling Unit				C	C			
2 nd Floor + Above Residential Dwelling					P	P		
Seasonal Residences		C						
Nursing Homes				C	C			
Mobile Homes and Mobile Home Parks				C	C			

Districts	S-1	A-1	R-1	R-2	R-3	B-1	B-2	M-1
COMMERCIAL								
Retail, Restaurant, Entertainment								
Bakeries and Dairies							C	
Commercial Entertainment Facilities						C	C	
Commercial Recreational Facility	C	C				C	C	
Drive-in Commercial Uses						C	P	
Gasoline Service Stations							P	
Restaurants and Taverns						P	P	C
Retail Business						P	P	
Social Activities						P	P	
Wholesale Business							C	

Districts	S-1	A-1	R-1	R-2	R-3	B-1	B-2	M-1
Office, Services, Hotel								
Animal Hospitals and Clinics							C	
Automotive Sales and Repair							P	
Business Services						P	P	
Child & Day Care					C	C		
Hotels and Motels						P	P	
Home Occupations		C	C	C	C			
Offices and Banks						P	P	
Offices and Laboratories								P
Personal Services	C	C	C	C	C	C	C	C
Professional Activities				C	C	P	P	
Temporary Lodging	C	C	C	C	C	C	C	C

Districts	S-1	A-1	R-1	R-2	R-3	B-1	B-2	M-1
CIVIC + INFRASTRUCTURE								
Airports	C	C						
Cemetery	C	C						
Conservation & Highway Interchange Areas	P							
Essential Services	P	P	P	P	P	P	P	P
Non-Commercial Recreation Facilities	P	P	C	C	C			
Parks	P	P	P	P	P			
Public Service Facility	C	P	C	C	C			P
Public Uses	P	P	P	P	P	P		
Semi-Public Uses	C	P	P	P	P	P		
Tourist Camp	C							

Districts	S-1	A-1	R-1	R-2	R-3	B-1	B-2	M-1
AGRICULTURE + INDUSTRY								
Agriculture		P	C	C	C	C	C	C
Farm Implement Sales and Service							C	
Farm Vacation Enterprises		C						
Forestry	P	P						
Mineral Extraction	C							
Oil and Gas Wells	C	C						
Plant Cultivation	P	P	P	P				
Printing and Publishing						C	C	P
Research and Testing Facilities								P
Restricted Manufacturing								P
Sales & Storage of Building Materials						C	C	P
Sand, Gravel, Topsoil Extraction	C	C						
Specialized Animal Raising & Care		C	C	C	C			
Transport and Trucking Terminals							C	
Warehousing								C
OTHER								
Accessory Uses	P	P	P	P	P	P	P	P
Solar Collection Systems	C	C	P	P	P	C	P	P
Self-Storage		C	C	C	C	C	C	C

ARTICLE IV

SITE DEVELOPMENT REQUIREMENTS

4.0 Site Development Requirements

For the purpose of promoting the goals of this ordinance, the following site development are set. Building construction and alterations should conform with these set criteria.

		MINIMUM LOT AREA (SQ FT)	MINIMUM LOT WIDTH (FEET)	MAXIMUM HEIGHT (STORY)	MINIMUM FRONT YARD (FEET)	MINIMUM SIDE YARD WIDTH (FEET)	MINIMUM REAR YARD (FEET)	MAXIMUM BUILDING COVERAGE (PERCENT)
S-1	SPECIAL							
A-1	AGRICULTURE	10,000						
R-1	SINGLE FAMILY RESIDENTIAL	7,000	55	2.5	20	6	40	35
R-2 MEDIUM DENSITY RESIDENTIAL	ONE FAMILY	4,500	45	2.5	20	6	40	60
	TWO FAMILY	6,000	45	2.5	20	6	40	60
R-3	VILLAGE RESIDENTIAL	4,000	45	3	5' MIN; 20' MAX	4	20	50
B-1	CENTRAL BUSINESS	4,000	30	3	0' MIN;	0' MIN;	0	n/a
B-2	HIGHWAY AND GENERAL LOCAL BUSINESS	6,000	45	2.5	20	6	40	35
M-1	GENERAL INDUSTRIAL	10,000	70	4	20	20	20	35

4.0.1 B-1 Special Considerations for Historic District

Parcels in the Historic District should follow the intent and purpose of the *Historic District Design Guidelines* and may not receive a zoning permit without first receiving a Certificate of Appropriateness (COA) from the Design Review Board/Historic District Commission. This may include variations on lot size and other elements to ensure new development / redevelopment fits into the character of the historic district. Decisions of the Design Review Board/Historic District Commission can be appealed to Village Council. Determination will be completed within 45-days from submission to the Village.

4.0.2 Public Road Lot Requirements

A Principle structure may not be built or occupied on any parcel unless said parcel has the minimum lot frontage required by its zoning district along a publicly dedicated road or private street built to public road standards that has been accepted by the Village and County engineer.

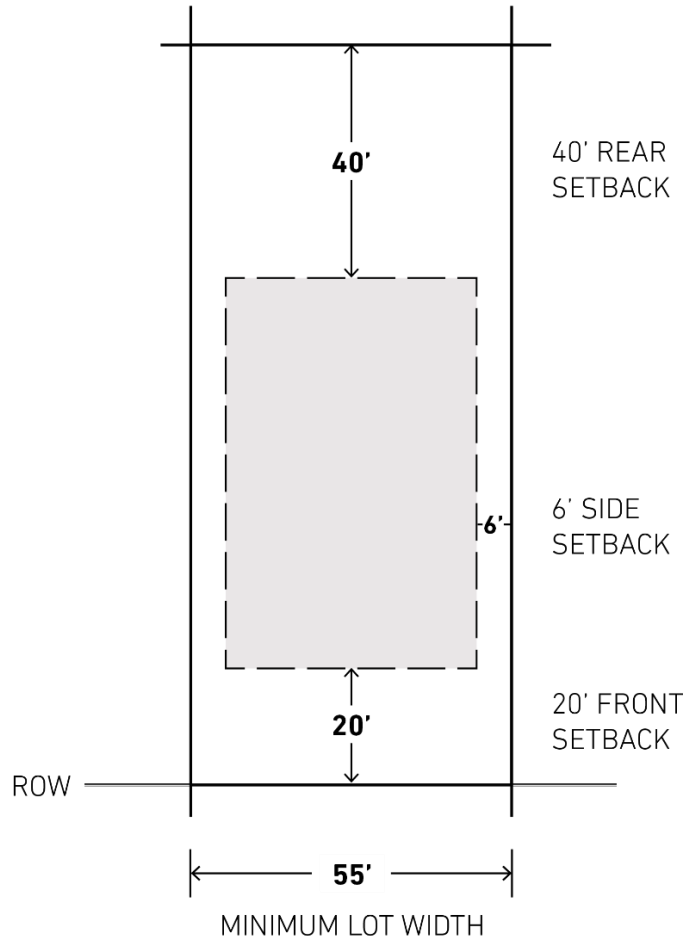
4.0.3 Sidewalk Requirements

The construction of a new principal structure, replacement or repair of more than 60% of the value of a principal structure, and/or the creation of a new lot in any zoning district, with the exception of A-1 district, must be built with a 4' minimum width concrete sidewalk along the public road frontage with a 4' minimum tree/lawn separating the sidewalk from the roadway. This sidewalk must be constructed within the public right of way or a public access easement provided by the property owner. Ref. 94-12

4.0.4 Site Development Requirement Diagrams

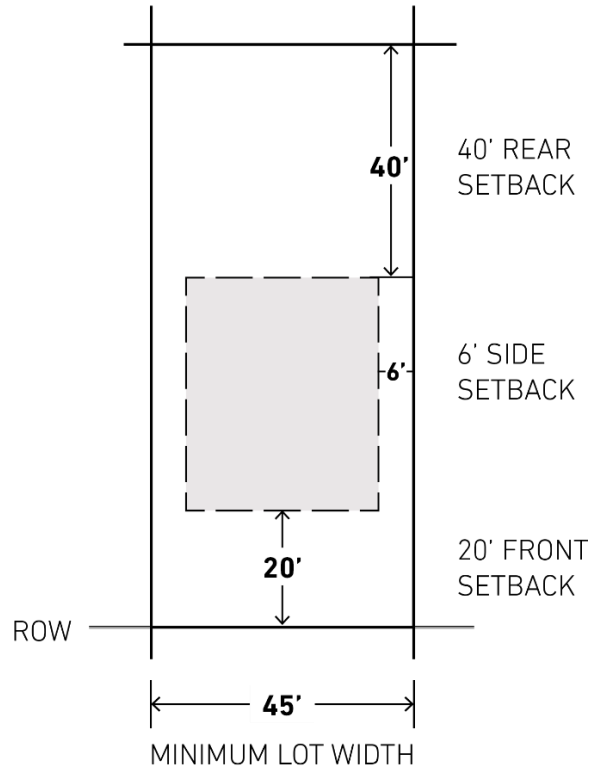
The following diagrams correspond to the Site Development Requirements 4.0

R1
SINGLE FAMILY
RESIDENTIAL



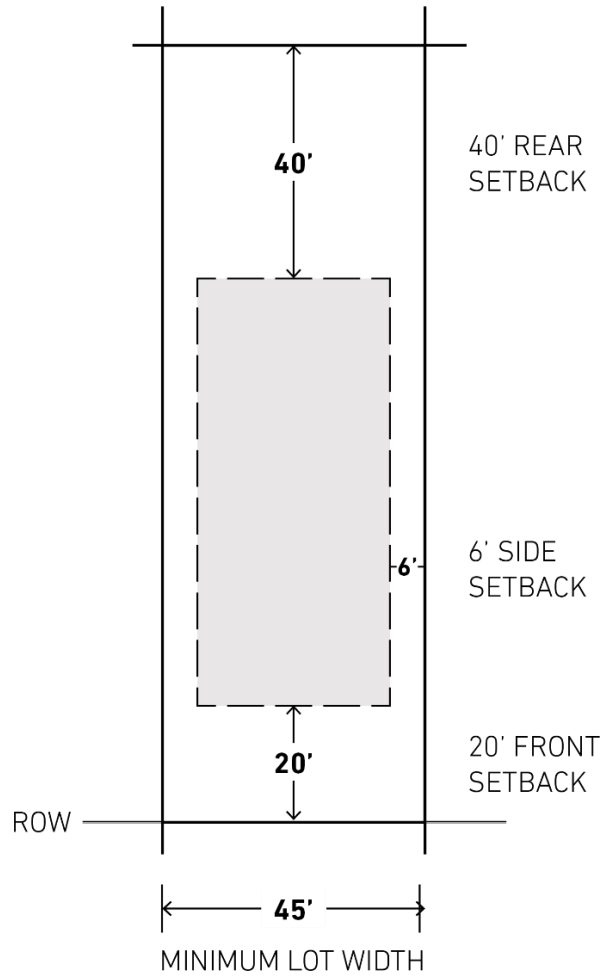
- Property line
- Right of Way (ROW)
- BUILDABLE AREA

**R2 - ONE FAMILY
MEDIUM DENSITY
RESIDENTIAL**



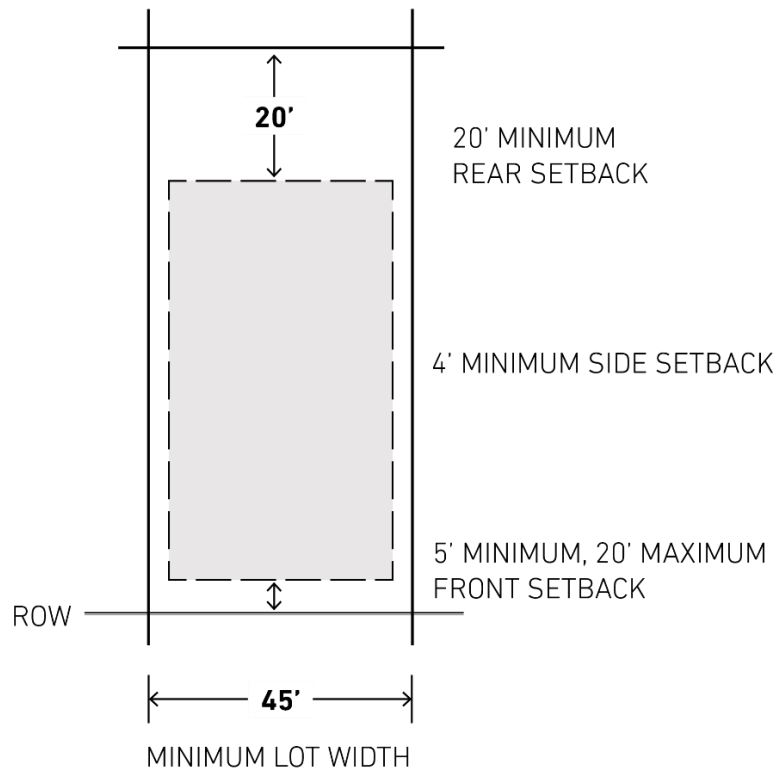
- Property line
- Right of Way (ROW)
- BUILDABLE AREA

**R2 - TWO FAMILY
MEDIUM DENSITY
RESIDENTIAL**



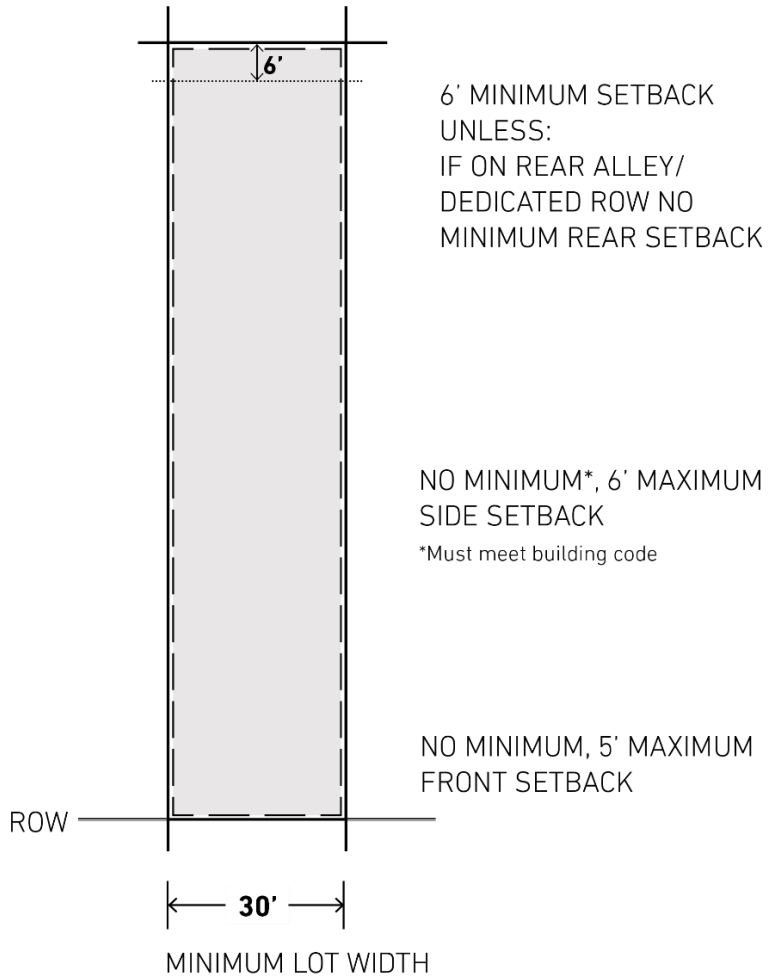
- Property line
- Right of Way (ROW)
- BUILDABLE AREA

R3
VILLAGE RESIDENTIAL



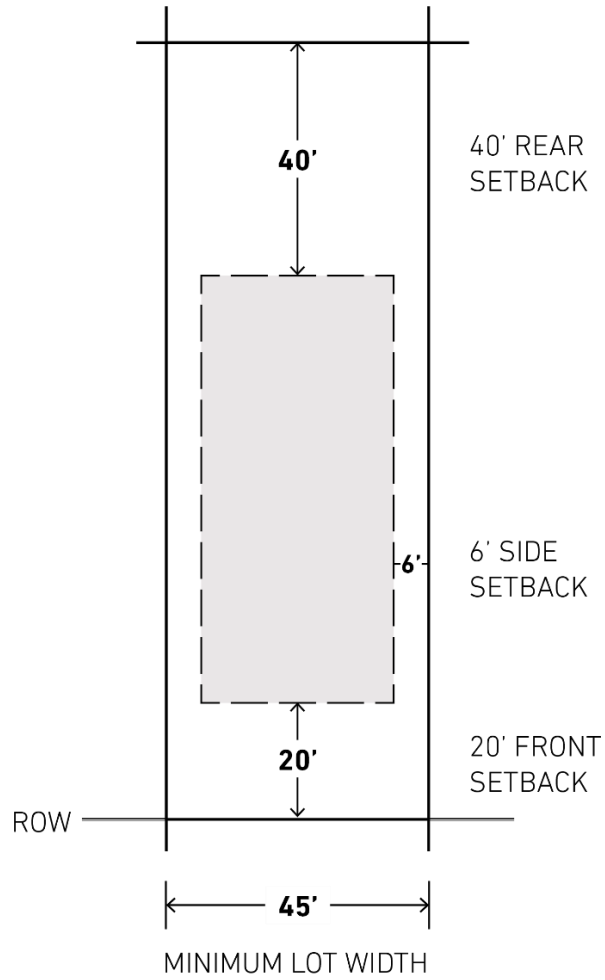
- Property line
- Right of Way (ROW)
- BUILDABLE AREA

B1
CENTRAL BUSINESS



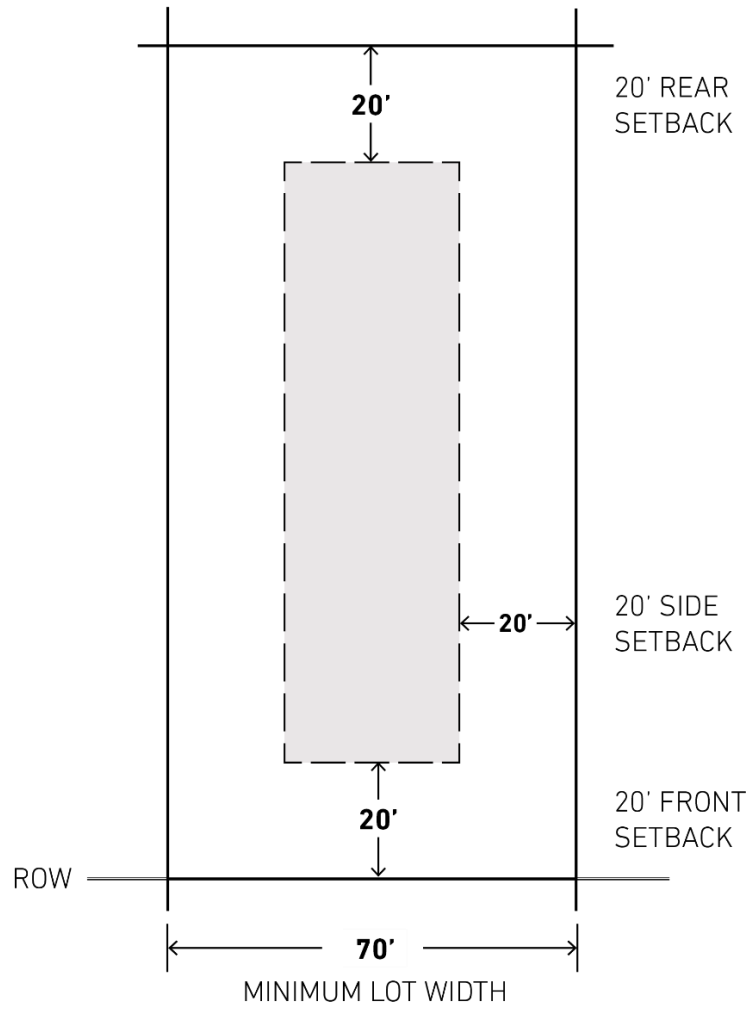
- Property line
- Right of Way (ROW)
- BUILDABLE AREA

B2
HIGHWAY & GENERAL LOCAL
BUSINESS



- Property line
- Right of Way (ROW)
- BUILDABLE AREA

M1
GENERAL INDUSTRIAL



- Property line
- Right of Way (ROW)
- BUILDABLE AREA

4.0.5 Sidewalk Ordinance

ORDINANCE NO. 94-12

AN ORDINANCE ADOPTING A UNIFORM PLAN FOR THE CONSTRUCTION OF SIDEWALKS, CURBS, RETAINING WALLS AND SIDEWALK CROSSINGS WITHIN THE VILLAGE OF SOMERSET, OHIO

WHEREAS, the Village Council has determined that the adoption of a uniform plan for the construction of sidewalks, curbs, retaining walls and sidewalk crossings will promote the public health, safety and general welfare;

WHEREAS, the standards for such construction as set forth in the attached "Exhibit A" provide such a uniform plan.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Somerset, Ohio, as follows:

Section 1: That the specifications, standards, rules, regulations and provisions contained in "Exhibit A", which is attached hereto and incorporated herein for reference, be and the same hereby are adopted.

Section 2: That prior to undertaking the construction of a new sidewalk, curb, retaining wall, gutter or sidewalk crossing or the replacement of an existing sidewalk, curb, retaining wall, gutter or sidewalk crossing a permit therefore shall be obtained from the Village of Somerset, Ohio.

Section 3: There is hereby established a Sidewalk Commission. The Sidewalk Commission shall be composed of the Zoning Inspector, the Superintendent of the Water and Sewer Department, the Shade Tree Commission President, the Street Commissioner and one member of the Village Council appointed by the Mayor. The Sidewalk Commission shall review all applications for permits and either approve or disapprove the same within thirty (30) days of their submission.

Section 4: Each applicant for permit shall submit an application on the standard form which is incorporated in "Exhibit A" which is attached hereto along with a Ten Dollar (\$10.00) application fee. Each permit issued shall be valid for the twelve (12) month period following the date of issue. If an application is disapproved, the Sidewalk Commission will state in writing the cause for such disapproval and make recommendations as to how to bring the application into compliance. The applicant may then make necessary changes and resubmit revised application for review within fifteen (15) days of the disapproval. Within fifteen (15) days of resubmission, the Sidewalk Commission will review the application and either approve or disapprove the application.

The applicant upon receiving a disapproval of any application shall have the option of appealing the decision of the Sidewalk Commission to the Village Council. The appeal must be made within fifteen (15) days of receiving written notice of the disapproval. The appeal shall be made in writing and shall be filed with the Clerk of the Village Council. Upon receiving such an appeal, the Village Clerk shall schedule a Public Hearing on the appeal within fifteen (15) days thereof. The Village Council shall conduct a Public Hearing on the appeal and either sustain the appeal or reject the appeal within seven (7) days of the Public Hearing.

Section 5: Any existing sidewalks, curbs, retaining walls, gutters and sidewalk crossings existing at the effective date of this ordinance may be continued even though they do not conform with the provisions hereof. Any existing non-conforming sidewalk, curb, retaining wall, gutter and sidewalk crossing may be repaired without obtaining a permit; however, it may not be expanded, extended, enlarged or replaced without complying with the provisions hereof and obtaining a permit for such work.

Section 6: Any person, firm or corporation violating any of the provisions of this ordinance or any amendment or supplement thereto, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal construction, reconstruction, enlargement or replacement continues may be deemed a separate offense. In addition, the Village may seek other equitable remedies available to it.

SIDEWALK ABSTRACT

This abstract is intended as a sort o checklist. It does not relieve the owner/contractor of duties and responsibilities more fully discussed in the ordinance.

1. Concrete shall be an air-entrained six bag mix, capable of yield a 4000 PSI product. The coarse aggregate shall be crushed limestone.
2. Curbs shall be poured independently of adjacent sidewalks.
3. Reinforcing steel shall be #4 bars (1/2" dia.) and shall be placed 12" O.C. in both directions
4. Sidewalk concrete shall be a minimum of 5" thick. Curbs shall be 6" thick and shall be a maximum of 7 1/4" above the existing adjacent road elevation.
5. The subgrade shall be reasonable smoothed before work begins. Depressions shall be filled with sand, gravel concrete or moist (not wet) earth fill.
6. The prepared subgrade shall be covered with a layer of 4 mil plastic prior to the placement of steel.
7. Steel hall be tied to all intersections and shall overlap a minimum of 15".

8. Steel shall be held above the subgrade by wither manufacturer's cradles or 4000 PSI concrete brick.
9. Concrete shall be poured at the lowest slump (driest) possible, in the 4" range, + or -1"
10. Concrete shall be vibrated in place with a mechanical type vibrator
11. Concrete shall be tooled and edged to industry standards.
12. Expansion joints shall be placed at the curb edge, building edge, against all old work to remain and every 25' along the length of the work in sidewalks.
13. Cold joints are to be tooled in during the work process or sawn in 24 hours after finish work is completed.
14. A coarse broom finish shall be applied to the surface before completion of the work.
15. A clear curing compound shall be applied after finishing at the earliest possible time.
16. Foot traffic shall be strongly discouraged for the first 24 hours after finishing is completed.
17. Owner's children's signatures or initials and dates, placed in inconspicuous corners are strongly encouraged. Footprints, however, are not.

4.1 Supplementary Lot, Height and Yard Regulations

4.1.1 Existing Zone Lots of Record

In any R-District a dwelling may be erected on a non-conforming zone lot of official record at the effective date of this ordinance irrespective of its **area** or width, the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot, provided however, that no lot or lots in single ownership shall hereafter be reduced so as to create one (1) or more non-conforming lots, and provided further, that on any non-conforming lot side yard shall be less than four (4) feet nor shall any side yard adjoining a side street be less than ten (10) feet; provided further that the rear yard of any such lot shall in no case be less than ten (10) feet, and the front yard shall be as required on Table 1.

4.1.2 Corner Lots

In any district on a corner lot, no fence or hedge above the height of three and one half (3.5) feet shall be erected or maintained within thirty (30) feet of the "corner" at a height between two and one half (2.5) and ten (10) feet above curb or street grade, or so as to interfere with traffic visibility across the corner. The "corner" shall be the point of intersection of the two right-of-way lanes.

ARTICLE V

OFF - STREET PARKING REQUIREMENTS

5.0 General Requirements

In all districts, in connection with every industrial business, institutional, recreational, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off - street parking spaces for automobiles with the following requirements: (a) Each off - street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles, and shall be of usable

shape and condition; and (b) There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access drive not less than (8) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the parking and or unloading spaces.

5.1 Off Street Loading Requirements

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off - street loading space, plus one (1) additional such loading space for each additional twenty thousand (20,000) square feet or major fraction thereof of gross floor area when required because of the volume or receipt or distribution by vehicle of material or merchandise.

5.1.1 Loading space size

Each loading space shall be ample to accommodate the largest vehicle anticipated.

5.1.2 Loading space location

No loading space shall be located closer than forty (40) feet to any other lot in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides facing lots in any "R" District by a wall or fence not less than six (6) feet in height.

ARTICLE VI

SPECIAL PROVISIONS FOR MOBILE HOME PARKS

6.0 Mobile Home Parks

No mobile home, trailer or similar portable residence structures shall be permitted to locate in the village except in a Mobile Home Park in an R-2 or R-3 residence district. Mobile Home Parks shall conform to the following requirements:

- a) Shall contain a minimum of four (4) acres;
- b) Shall provide an adequate supply of municipal water;
- c) Shall provide an adequate system of collective sanitary sewer, sewage treatment and disposal;
- d) Shall provide a clearly defined minimum lot area of four thousand and five hundred (4,500) square feet with a minimal lot width of forty-five (45) feet and four hundred (400) square feet of floor area for each mobile home or trailer. Lot coverage shall not exceed 35%.
- e) Shall 1 provide a minimum of twenty (20) foot clearance between the individual mobile homes or trailers and a fifty (50) foot setback from any property line bounding the mobile home park;
- f) A safe, usable recreation area shall be conveniently located in each mobile home park

- and shall not be less than ten (10) percent of the gross area of the tract, or one and one-half (1.5) acres, whichever is the least; and
- g) Shall conform to all Village, County and State Health Department requirements.

ARTICLE VII

EXISTING NON-CONFORMING USES

7.0 Non-Conforming Uses:

Any lawful uses of buildings or land existing at the effective date of this ordinance may be continued, even though such use does not conform to the provisions hereof. The non-conforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use. No non-conforming building or structure shall be moved, extended, enlarged, or altered and no non-conforming use of land shall be expanded, except when authorized by the Board in accordance with the provisions of this ordinance.

7.1 Non-conformity through zoning amendment

Whenever the use of a building or land becomes non-conforming through a change in the amended zoning ordinance or in the district boundaries, such use may be continued.

7.2 Discontinued non-conforming use

A non-conforming use which is discontinued for a period of two (2) years shall not again be used except in conformity with the regulations of the districts in which it is located.

7.3 Damaged non-conforming use

A non-conforming use which has been damaged by fire, explosion, act of God or the public enemy to the extent of sixty (60) percent or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty (60) percent of its reproduction value, a non-conforming use may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are started within one (1) year of the date of such damage. A non-conforming use which exists in an isolated location in an "A-1" District shall be exempt from the restoration restrictions of this subsection. In the case of structural deterioration to the point that a structure is no longer safe or meets building code a nonconforming use or structure shall not be restored except in conformity with the regulations of the district in which it is located.

ARTICLE VIII

ADMINISTRATION OF THE ORDINANCE

8.0 Zoning Inspector

This ordinance shall be enforced by the Village of Somerset Zoning Administrator, who shall be appointed by the Village Council.

8.0.1 Duties of Zoning Administrator

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

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

8.1 Planning Commission

8.1.1 Planning Commission Established

Pursuant to Section 713.01 of the Ohio Revised Code (ORC) there is hereby established a Planning Commission for the Village of Somerset.

8.1.2 Membership and Terms

The Planning Commission shall consist of five (5) members. The members shall consist of the Mayor, one (1) member of Village Council appointed by a majority vote of the Council and three (3) electors of the Village appointed by the Mayor. The three electors shall be appointed to six (6) year terms. The members shall serve without compensation. If, within a period of sixty (60) days after a vacancy occurs, the Mayor has not appointed a new member to fulfill that vacancy, the President of Council may appoint a member to fill that vacancy, with the approval of Council.

8.1.3 Removal of Members

Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Village Council, after a hearing has been held before the Village Council. The Mayor or any Council member must submit the reasoning in writing. Removal request for any Planning Commission member shall be reviewed by the Law Director prior to any formal public hearing. The member shall be given the opportunity to answer and be heard on the reasons for removal.

8.1.4 Quorum

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

8.1.5 Procedures

- a) The meetings of the Commission shall be public; however, the Commission may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Commission shall organize annually and elect a Chairman. The Commission shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.
- b) The Commission shall keep minutes of its proceedings. The minutes shall show the roll call, vote of each member upon each question; and shall record the commission's examinations and other official action, all of which shall be immediately filed in the Village offices and shall be a public record.
- c) The Commission shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish

8.1.6 Powers and Duties

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

- a) Review proposed amendments to this Zoning Ordinance or Official Zoning Map and make recommendations to Village Council, pursuant to Article V of this Ordinance.
- b) Adopt and/or recommend planning studies and reports
- c) Any other determinations or decisions as required by the zoning ordinance or the Ohio Revised Code

8.2 Board of Zoning Appeals

8.2.1 Board of Zoning Appeals Established

Pursuant to Section 713.11 of the Ohio Revised Code (ORC) and Section 7.02 of the Village Charter there is hereby established a Board of Zoning Appeals for the Village of Somerset.

8.2.2 Membership and Terms

The Board of Zoning Appeals shall consist of five (5) members. This may include one representative selected from the Planning Commission. The members shall be electors of Village and shall be appointed by the Mayor subject to the approval of the Council by a majority of members. Members of the Board shall serve overlapping five-year terms of office and shall serve without compensation.

8.2.3 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause by the Village Council after a hearing has been held before the Village Council regarding reasoning for removal. The Mayor or any Council member must submit the reasoning in writing. Removal request made against any Board Commission member shall be reviewed by the Law Director prior to any formal public hearing. The member shall be given the opportunity to answer and be heard on the reasons for removal.

8.2.4 Quorum

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

8.2.5 Procedures

- a) The meetings of the Board shall be public; however, the Board may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Board shall organize annually and elect a Chairman. The Board shall adopt, from time to time, such rules and regulation as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.
- b) The Board shall keep minutes of its proceedings. The minutes shall show the roll call, vote of each member upon each question; and shall record the board's examinations and other official action, all of which shall be immediately filed in the Village offices and shall be a public record.
- c) The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.

8.2.6 Powers and Duties

In addition to the powers and duties authorized in Chapter 713 of the Ohio Revised Code, the Board of Zoning Appeals shall have the following powers and duties pursuant to this Ordinance:

- a) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator, in accordance with Article VI of this Ordinance.
- b) Authorize the substitution or extension of nonconforming uses, as specified in Article VIII of this Ordinance.
- c) Declare zoning permits void, pursuant to Section 7.03 of this Ordinance.
- d) Any other determinations or decisions as required by the zoning ordinance or the Ohio Revised Code

8.3 Powers of Zoning Administrator, Board of Zoning Appeals and Village Council on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector.

8.3.1 Variance

The Board shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the applicant that there is error in any order, requirement, decision, determination, grant or refusal made by the Zoning Administrator or other administrative official in the enforcement and interpretation of the provision of this ordinance.

8.4 Zoning Certificate

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. Upon inspection and upon determination that all requirements of the ordinance are met, the Zoning Administrator shall issue zoning certificates to owners/applicants.

8.5 Application Process

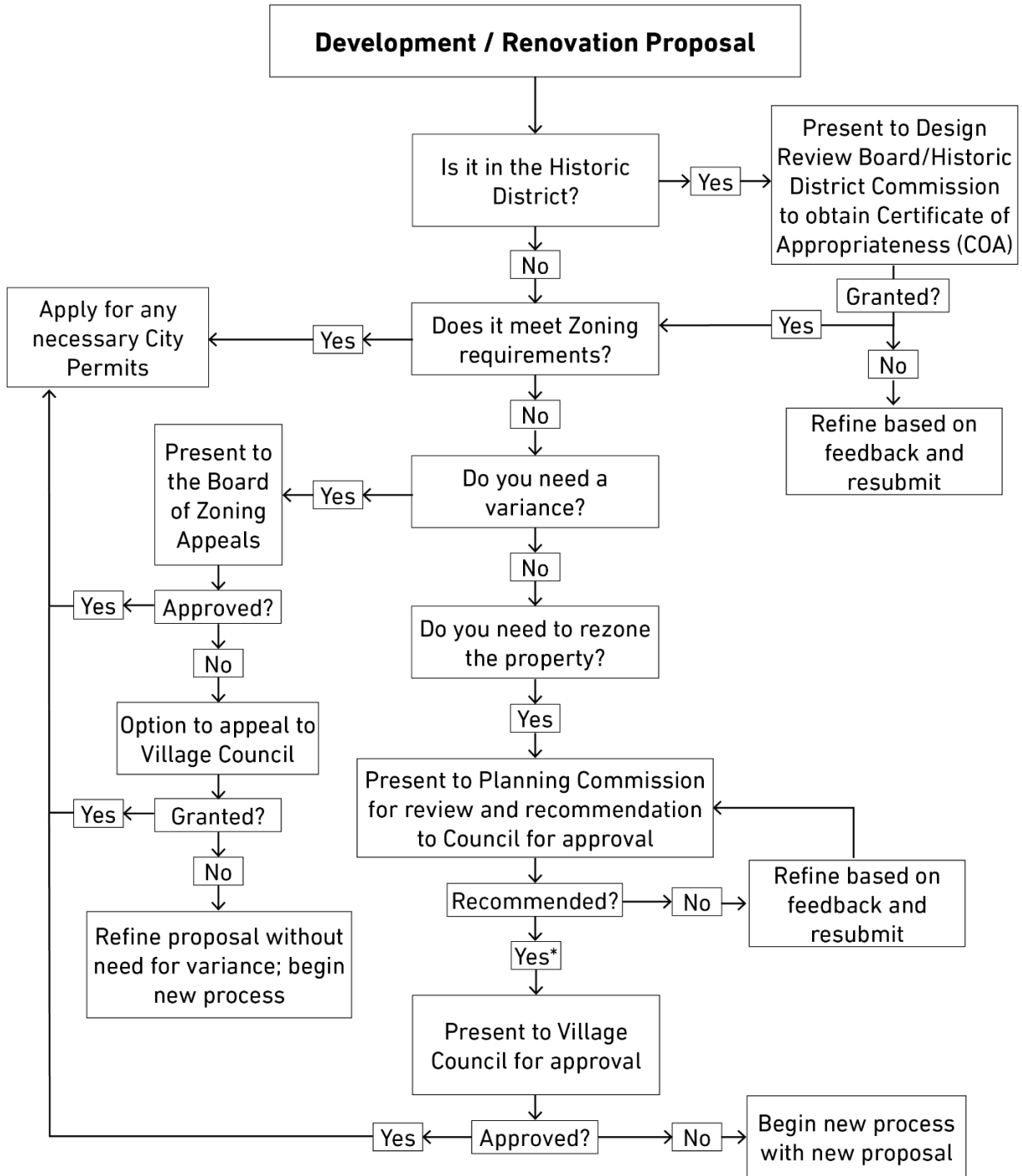
Zoning certificate applications may be found on the Village Website or upon request from Village administration. Applications shall be accompanied by the following, as applicable:

- a) Certificate of Appropriateness (COA): if any parcel subject to application is located within the historic district boundary a COA must be acquired before a zoning certificate can be issued. (See Historic Preservation Ordinance of the Village of Somerset, Ordinance #17-04; sections 4.0 and 4.1)
- b) Plot Plan: all applications for Zoning Certificates shall be accompanied by a plot plan showing the location size, and type of buildings to be erected or alterations to be made. One copy of such plans shall remain on file with the Village of Somerset Building Inspector.
- c) Drainage Plan: all applications for Zoning Certificates that involve increasing the percentage of impervious surfaces by 10% or more on any parcel shall be accompanied by a drainage plan.
- d) Parking Plan: all applications for Zoning Certificates involving adding parking to any parcel shall be accompanied by a parking plan.
- e) Dimensioned Plans: all applications for Zoning Certificates involving a new habitable structure must include full dimensioned plans.
- f) Survey: all applications for Zoning Certificates involving any structure or fencing within five (5) feet of the property line shall include a survey by a qualified engineer.

8.5.1 Application Process Flowchart

The following flow chart depicts the expected process of application and approvals for receiving a Zoning Certificate.

PROCESS FLOW CHART



* Applicants have rights to request to present to Council even if Planning Commission does not recommend their application for Council approval

8.6 Special Approval Requirements

Unless the proposed site has been reviewed and approved by the Village Council, the Zoning Inspector shall not issue a zoning certificate to:

- a) Mobile home parks: and
- b) Commercial and industrial development projects.

8.7 Fee for zoning Certificate and/or Certificate of Appropriateness

A fee, in accordance with the following schedule amounts shall accompany each application for a zoning certificate and/or certificate of appropriateness. When applying for both certificates, only one fee is required.

USE	FEE
Signs	\$50
Fence	\$20
Accessory Building	\$50
Single-family Dwelling	\$50
Multi-family Dwelling	\$150
Commercial Building	\$150
Variance Fee	Double the permit fee
Additions	\$50
Demolition Fee	\$50 Res / \$100 Com
Pool (permanent/in ground)	\$50
Sidewalk/Driveway/Retaining Walls	\$50

8.8 Proceeds

Proceeds from the issuance of zoning certificates shall go the General Revenue Fund of the Village.

8.9 Violations and Penalties

Any person, firm or corporation violating any of the provisions of this ordinance or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor shall be fined one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, or use continues may be deemed a separate offense.

ARTICLE IX

VARIANCES

9.0 Appeals

The Zoning Board of Appeals shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the applicant that there is error in any order, requirement, decision, determination, grant or refusal made by the Zoning Administrator or other administrative official in the enforcement and interpretation of the provision of this ordinance.

9.1 Variances

No such variance in the provisions or requirements of this ordinance shall be authorized by the Board of Zoning Appeals unless either the property in question is wholly or in-part within the village's historic district as defined by the attached map. And such variance would be in keeping with the historic nature of the district, as determined by Council for the Village of Somerset, Perry County, Ohio or unless the Board determines that a variance is warranted based on the following factors:

- a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
- b) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property;
- c) That such unnecessary hardship has not been created by the applicant;
- d) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation issue.

9.2 Conditions

In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this ordinance. Furthermore, the Board shall see to it that the variances granted are not contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific piece of property, a literal enforcement of the provisions or requirements of this Ordinance will result in practical difficulty or undue hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done.

ARTICLE X

CHANGES AND AMENDMENTS

10.0 Change of Zoning

The Somerset Village Council may from time to time on its own motion or petition of an owner or owners of property, propose a change of zoning and may after public hearing, make amendments to change, or supplement the requirements of districts already established. Any motion for change of zoning proposed to the Village Council by any property owners must be submitted in writing and be accompanied by thirty dollars (\$30.00), or actual cost of advertising, which shall be applied to expense incidental to advertising and reporting facts relative to the proposal. Such proposal of change shall be advertised in 1 newspaper of general circulation once a week for two weeks.

10.1 Notification Requirement

In addition to the published notice as required by law, the Village Council shall post the property for which a change has been requested, also the surrounding area for a distance of _____ feet of property line with at least eight(8) placards, placed 2 per side, showing property to be considered, with the time and place of hearing, of a minimum size of 18" x 24".

10.2 Protest of Change

If a protest against a proposed zoning change is signed by property owners of twenty-five percent (25%) of the land area affected or of land within ½ mile of the boundaries of the area proposed to be changed, the change shall not be made without the affirmative vote of at least three quarters (3/4) members of the Village Council. Any reconsideration a rejected zoning change shall not be made before a period of six months has elapsed.

ARTICLE XI

VALIDITY AND SEPARABILITY

11.0 Validity and Separability

If any article, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE XII

VALIDITY EFFECTIVITY

12.0 Effectivity

This ordinance shall become effective from and after the date of its approval and adoption, as provided by law. Passed on _____, Attested by

ARTICLE XIII

SIGNS

13.0 Purpose and Intent

Signs are a means of communication to the general public as well as a design element that can be a vital contribution to the unique and historic character of the Village. It is recognized that signs are as much subject to control as noise, odors and debris which, if not otherwise controlled and regulated, may become a nuisance to adjacent properties or to the community in general. It is, therefore, the purpose and intent of these sign regulations to accomplish the following:

- a) Protect the general health, safety, and welfare;
- b) Provide for attractive and orderly appearance;
- c) Encourage compatible and well-planned graphics.

All signs erected in the Village, except as exempted in Section 13.3, shall be subject to review by the Zoning Administrator or Planning Commission, and Design Review Board as applicable to insure overall compatibility with the unique historical, architectural and overall character of the Village.

13.1 Definitions

As used in this Article

- a) "Sign" means a name, number, symbol, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to any object, product, place, activity, person, institution, organization or business. "Sign" includes back-lighted panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and/or attract attention rather than illuminate space for human activity. Any outdoor displays and/or outdoor storage which is intended to attract attention to any object, product, place, activity, person, institution, organization or business is considered a sign and regulated by this chapter. "Sign(s)", as used herein, means sign(s) visible from adjacent properties or streets. A sign that is placed inside a building which is not intended primarily for observation from outside shall be excluded from these regulations.
- b) "Building face" means that portion of the exterior building wall(s) facing the street right(s) of way.
- c) "Sign area" means the area contained within an imaginary or real outline that would enclose the entire sign, excluding supports. Only one side of a two-sided sign shall be counted in the sign area unless otherwise noted.
- d) "Sign design" includes all elements of the sign, including, but not limited to, size, material, graphics, color and lighting.
- e) "Permanent sign" means a sign that exists or is planned to exist for a period exceeding one year.
- f) "Temporary sign" means a sign shall exist or is planned to exist for a period of one year or less.

13.2 ADMINISTRATION.

13.2.1 Permit.

A permit issued by the Zoning Administrator or the Administrator's designee shall be required for the erection of all signs within the Village except as exempted in Section 13.3. An application for such permit shall contain a scale drawing of the sign, a plat plan showing the sign's proposed size and location in relation to any building, property lines and rights of way and other information necessary to fully depict the proposed sign. All signs except those specifically exempted shall be reviewed by the Planning Commission for compliance with these regulations, for acceptable design and construction standard and for compatibility with its property and structures and surrounding properties and structures. The following procedure shall be used for all applications:

- a) An application and accompanying materials as required in Sections 13.2.1 and 13.2.2 hereof, shall be submitted to the Zoning Administrator or the Administrator's designee at least seven days prior to the next regularly scheduled meeting of the Planning & Zoning Commission. The Board shall have thirty days from the date of such meeting to reach a decision, unless an extension of this deadline is mutually agreed to by the applicant and the Board.
- b) The Planning Commission may approve, approve with modifications or deny a sign application in accordance with these regulations, and shall send a written notice of its decision to the applicant within ten days after the decision, such written notice to be delivered to the address stated in the application by U.S. mail. In the event of denial, the Planning Commission shall state the reasons for the denial.
- c) Right of Appeal. Any party who is aggrieved or affected by a decision or the Planning Commission involving a sign application may appeal to Council. Such appeal shall be submitted to the Village Clerk no later than ten days after the decision of the Commission is filed with the Village Clerk or sent to the applicant by personal service or by deposit in the U.S. Mail, postage prepaid, return receipt requested, whichever shall last occur.

13.2.2 Fees

A fee of \$15.00 shall accompany the application for each sign permit and may be amended by Village Council.

13.2.3 Inspection and Maintenance

It shall be the responsibility of the Zoning Administrator to administer and enforce these regulations. Any sign may be inspected at any time to determine its compliance with this chapter, applicable building regulations and acceptable safety standards. If violations are found, the Zoning Administrator or the Administrator's designee shall notify the owner of the sign of the violations and of actions required for compliance. Failure to comply within thirty days, unless otherwise extended by the Zoning Administrator or the Administrator's designee, shall constitute a violation of the Ordinance, and shall be grounds for revocation of any sign permit issued and/or commencement of proceedings to cause removal of the sign at the owner's expense.

13.3 EXEMPTIONS: LIMITATIONS.

The following signs do not require a permit and are otherwise exempt from these regulations except for safety requirements and those restrictions imposed in this section and by Sections 13.4(b), (d) and (g) and 13.6:

- a) The flag, pennants or insignia of any nation, state, city or other governmental unit.
- b) Signs of a duly constituted government body and signs determined by the Planning Commission to be in the public interest.
- c) Cornerstones, commemorative tablets and historical signs, not to exceed eight square feet in sign area and signs not exceeding two square feet in sign area bearing only property address, post office box numbers and/or names of occupants of premises. However, there shall be no more than one such sign per building. Address numbers used to identify the property, whether in written or numeric form, are not considered to be a sign and are exempt from this regulation.
- d) Temporary for sale, rental or lease signs and contractors' signs limited to 10 no more than four square feet in sign area with one such sign per street front (maximum of two signs per lot). Signs to be used for more than fourteen days in a calendar year shall be submitted to the Zoning Administrator for review and approval, or be of a design previously approved by the Administrator.
- e) Signs for the civic promotion of any one school, church or community service activity may be displayed for a maximum of fourteen consecutive days and no more than thirty days in one calendar year. Such signs are limited to no more than eight square feet in area, with a maximum of one such sign per street front at any one time (maximum of two signs per lot).
- f) Signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday.
- g) Signs or posters indicating candidates or issues on the public ballot provided such material is posted no earlier than thirty days prior to the day of the election and is removed no later than ten days following the day of the election. Such signs shall be no larger than four square feet in sign area.
- h) Political signs other than election signs listed in subsection (g) hereof. Such signs are limited to no more than four square feet in area, with a maximum of one such sign per lot at any one time.
- i) Traffic directional signs indicating points of entry or exit to off-street parking, provided that such signs are not located in public rights of way, limited to two square feet in sign area per sign and three feet in height. Such directional signs shall contain only directions and no advertising or promotional material. No more than two such signs may be erected per entrance or exit.
- j) Temporary window sign(s) in businesses providing the Chief of Police does not find that undue problems are created in assuring adequate protection to the premises. In this context, "temporary" means a maximum of ninety days per sign per year. Such temporary window signs shall be limited to fifteen percent (15%) of total building window area, or eight square feet total for all window signs, whichever is smaller, and shall be located so as not to impede visual observation through the window.

- k) A legally existing sign not in compliance with this chapter at the time of adoption shall not be required to be removed if it is not altered, replaced or relocated. Repair and repainting of signs is permitted provided the existing design is reproduced. Any change in design shall require that the sign be brought into compliance with the terms of this chapter.

13.4 General Requirements

13.4.1 Signs in Residential Districts

Signs are prohibited in all residential districts, including but not limited to R-1 R-2 and R-3 Districts, except that:

- a) A single wall sign not exceeding four square feet in sign area may be allowed for legal nonconforming uses in residential zoning districts with approval from the Planning Commission. A different type of sign may be allowed by the Planning Commission in cases of unusual topographical or building features of the property.
- b) A single wall sign not exceeding two square feet in sign area may be allowed for conditional uses and home occupations in residential zoning districts with approval from the Zoning Board. A different type of sign may be allowed by the Zoning Board in cases of unusual topographical or building features of the property.
- c) Signs determined by the Planning Commission to be in the public interest can be exempted from this requirement. Such signs are subject to continuing Planning Commission review, and may be ordered removed should they be determined not to be in the public interest.
- d) Permanent subdivision and multi-family project identification signs are permitted as governed by Sections 13.5.8 and 13.5.9.

13.4.2 Sign Placement

Signs shall not be placed or may not extend within ten feet from the edge of the existing pavement or in street right(s) of way, whichever is greater, shall not create a demonstrable safety hazard for pedestrians or vehicles, shall not resemble by design, color or shape, any governmental or public safety sign, and the level or illumination emitted by or reflected from a sign shall not be of an intensity or direction sufficient to create either a safety hazard to the safe movement of vehicles on adjacent streets or a nuisance to adjacent properties. This requirement applies to all signs within the Village, including those not otherwise regulated under 13.3.

13.4.3 Prohibited Signs

Balloons, bench advertising signs, billboards, inflatable signs, pennants, portable signs (except sandwich boards), spinners, streamers, changeable message signs, flashing or animated signs, or signs with a source of illumination that flashes, blinks or fluctuates, temporary signs using illumination derived from noble gases from Group VIII of the Periodic Table, signs using laser illumination, signs attached to trees or any other natural feature, vehicles used primarily as signs, and permanent banner signs are prohibited.

13.4.4 Off-premises Signs

Temporary or permanent off-premises signs are prohibited except that: Open house (realty) directional signs and garage/yard sale sign are allowed without a permit so long as the signs are placed not more than twenty-four hours before the start of the open house, garage/yard sale and removed within two hours after the end of the open house or garage/yard sale. These signs shall not exceed four feet in height (folded); shall not exceed eight square feet in total sign area; and shall not be located within ten feet from the edge of the existing pavement or in street right(s) of way whichever is greater.

13.4.5 Sign Height

Permitted sign height shall be as measured to the highest point of a sign or its structural members from the existing or proposed final grade or the site where such sign is to be located. Wall signs and projecting signs shall not be higher on a building face than six inches below the sills of the second story windows or thirteen feet, whichever is less, nor shall a ground sign have a sign height more than twelve feet from the top of the sign to the average grade at the sign.

13.4.6 Sign Area

For all signs not specifically mentioned in this chapter, maximum sign area may not exceed six square feet.

13.4.7 Sign Condition

All signs shall be kept in a state of cleanliness and good repair.

13.5 Permanent Signs

13.5.1 Wall Signs

Wall signs may not project outward from the building more than twelve inches. A wall sign shall not exceed a maximum of twenty-four square feet in sign area in the B-1 District and shall not exceed twenty-four feet outside the District. No more than two wall signs are permitted per structure.

13.5.2 Projecting Signs

Projecting signs shall not be installed to impede pedestrian/vehicular traffic, shall not extend more than four feet from the face of the building to which they are attached, and shall have a maximum area not to exceed eight square feet in sign area per side in the B-1 District and shall not exceed twelve square feet in sign area per side outside the District. No more than one projecting signs are permitted per business establishment.

13.5.3 Roof Signs

Signs that are placed above or supported on the top of a building or structure are prohibited.

13.5.4 Window Signs

Window signs shall not exceed twenty percent (20%) of the total window area, but in no case shall exceed eight square feet in sign area for the building and are limited to first floor windows only. For uses that are located in the second or higher stories of the building, special sign provisions indicating occupant and use may be granted by the Zoning Administrator.

13.5.6 Ground Signs

Ground signs are those signs supported by poles, uprights, braces or other structures on the ground and are freestanding. No more than one ground sign shall be permitted on any one lot. Such ground signs shall be limited to a maximum of twelve square feet in sign area, per side.

13.5.7 Reverse Sides of Signs

Reverse sides of signs, if visible, shall be unobtrusive and shall blend with the surroundings.

13.5.8 Sandwich Board Signs

Sandwich boards associated with a legal business, limited to one per business, may be allowed provided each of the two panels is limited to four feet in height and two feet in width. They shall be placed only on the lot of the business establishment to which they refer and must be removed and secured within each business during non-business hours.

13.5.9 Awning Signs.

Signs on awnings or canopies attached to a building face may have a maximum size of six square feet. Location of the sign on the awning or canopy shall be restricted to the vertical face of the awning or canopy.

13.5.10 Allowable Number of Signs and Allowable Sign Area

There may be a maximum of two signs per business. Total sign area for an entire building or lot may not exceed thirty-six square feet, excluding signs permitted under subsection (g) hereof in the Architectural Review Overlay District and forty-eight square feet outside the District.

13.5.11 Neon Signs

Signs using illumination derived from noble gases from Group VIII of the Periodic Table (referred to herein as neon signs) may be permitted subject to the following restrictions:

- a) Neon signs may be located only inside windows of businesses.
- b) Neon signs shall be restricted to first floor windows only.
- c) Only one neon sign may be permitted per business.
- d) Neon signs shall have a maximum area of four square feet.

13.5.12 Signs in the Historic District

A variance in the provisions or requirements of this ordinance shall be authorized by the Board of Zoning Appeals if the property in question is wholly or in-part within the village's historic district as defined by the historic district boundary map and such variance would be in keeping with the historic nature of the district, as determined by Council for the Village of Somerset, Perry County, Ohio.

13.6 Temporary Signs

All temporary signs shall conform to all requirements of permanent signs unless otherwise noted. Temporary signs shall be nonilluminated. The permit for a temporary sign may be given only after review and approval of the Zoning Administrator of a temporary sign application and may be for a maximum of one year.

13.6.1 Subdivision Signs

Signs as set forth in Section 13.3(d) advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one such sign may be permitted on any platted lot. Any other sign advertising sale of lots within a subdivision shall be restricted to one in number, whether such sign is at the entrance to the subdivision or within the subdivision. Any such sign may also be utilized to advertise the sale or lease of multi-family units, or store or office space in commercial development. However, such signs shall not be utilized to advertise the sale, lease or development of land. Such signs shall be limited to a maximum area of twelve square feet, a maximum height of ten feet, and be a minimum of fifteen feet from established right(s) of way.

13.6.2 Contractor Signs

One sign announcing the names of contractors, subcontractors and material suppliers participating in the construction of a building may be permitted during the actual construction period, provided that such signs shall be located only on the parcel of land being developed. Such signs shall be limited to twelve square feet in sign area, be no more than ten feet high and be a minimum of fifteen feet from established right(s) of way.

13.6.3 Sign Types Not Listed

The Planning Commission may set such other standards and requirements as are in keeping with the intent of this section for other temporary signs not otherwise listed.

13.7 Abandoned Signs

A sign shall be considered to be abandoned and shall be removed at the owner's cost:

- a) When the sign is associated with a use abandoned more than ninety days or when the sign has been abandoned more than ninety days, as determined by the Zoning Administrator; or
- b) When the sign has been ordered removed under Section 13.2.

The Zoning Administrator or the Inspector's designee may present evidence to the Planning Commission that a sign has been abandoned. The Planning Commission may then declare the sign to be abandoned and order the sign and/or any supporting structures to be removed.

This decision may be appealed within ten days to Council using the procedure of Section 13.2.1(c).

13.8 Variances from Sign Requirements

Notwithstanding any other chapter or section of the Ordinances to the contrary, any application submitted under this chapter which requests a variance to allow deviation from the strict interpretation of the regulations established by this chapter shall be heard by the Zoning Board.

The application required by Section 13.2.1 shall, in addition to the requirements set forth therein, clearly indicate that the applicant is seeking a variance to allow deviation from the strict interpretation of the regulations established by this chapter.

No additional fee beyond that established by Section 13.2.2 shall be required for applications that include requests for a variance.

ARTICLE XIV

SOLAR COLLECTION SYSTEMS

14.0 Roof-Mounted and Ground-Mounted Solar Collection Systems

Roof-Mounted and/or Ground-Mounted Solar Collection System shall not be permitted until a Zoning Permit has been obtained from the Village. The fee for permits shall be as adopted by Council and indicated on the permitted checklist for solar installation. No permit shall be issued or approved by the Village and construction shall not commence for any Solar Collection Systems until plans showing satisfactory evidence that all requirements of this ordinance and checklist have been met. Site Plan approval by the Planning Commission shall not be required for Solar Collection Systems.

14.1 Roof Mounted Solar Collection Systems

Roof Mounted Solar Collection systems shall be considered permitted accessory uses in all zoning districts if constructed and maintained in accordance with the following requirements:

- a) Roof-Mounted Solar Collection Systems must be mounted to a building or garage.
- b) Roof Mounted Solar Collection Systems shall not project horizontally beyond the roof of any building.
- c) All structures used for the placement of Roof-Mounted Solar Collection Systems shall have a minimum height of ten feet from ground level to any Solar Collection Systems and the distance between the roof and structure may not extend three feet in any location.
- d) All recommended manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.
- e) No solar energy system shall be installed until evidence has been given to the Village of Somerset that the system complies with the laws of the State of Ohio including: the Ohio Building Code, National Electric Code and all manufacturer's specifications.

14.2 Roof-Mounted Solar Collection Systems in Historic District

No Roof-Mounted Solar Collection Systems, panels, equipment or devise shall be installed in the Historic District whatsoever without first receiving a Certificate of Appropriateness from the Design Review Board as required by this Zoning Code. Any Roof-Mounted Solar Collection Systems, panels, equipment or devise installed on the front side of pitched roofs facing the public street or on flat roofs in a manner so as to be visible from the public street at ground level in the Historic District shall be designed and installed in a manner to mimic the roof and shall be compatible with the building's architecture and the historic nature of the district. Panels that project more than twelve inches above the roof or are constructed at an angle different from a pitched roof shall not be permitted.

14.3 Ground-Mounted Solar Collection Systems

Ground-Mounted Solar Collection Systems shall be considered permitted accessory uses in certain districts if constructed and maintained in accordance with the following requirements:

- a) Ground-Mounted Solar Collection Systems in residential districts shall be no larger than 1,600 square feet.
- b) Ground-Mounted Solar Collection Systems shall be no closer than twenty (20) feet to any property line.
- c) Ground-Mounted Solar Collection Systems are not permitted within the front or side setback or between a building and a public street or sidewalk.
- d) Ground-Mounted Solar Collection Systems within 200 feet of a residence must be screened by a fence or hedge not less than six (6) feet in height that shall be maintained in good condition.
- e) Ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed four (4) feet in height above the ground.
- f) All recommended manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.
- g) No solar energy system shall be installed until evidence has been provided to the Village of Somerset that the system complies with the laws of the State of Ohio including: the Ohio Building Code, National Electric Code and all manufacturer's specifications.

ARTICLE XV

DEFINITION OF TERMS

15.0 Definitions

For the purpose of this ordinance certain terms and words are defined as follows. Words used in the present tense include the future, and the -plural includes the singular, and the singular the plural. The word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Except where specifically defined, all words used in this ordinance shall carry their customary meanings.

Accessory Dwelling Unit (ADU)

An independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. The ADU is smaller than the principle dwelling. ADUs are also referred to as accessory apartments, secondary suites, and granny flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Accessory Use or Structure

A use or structure (such as a garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional man and workshops conducted for compensation shall be deemed accessory uses. In commercial, institutional and industrial areas, parking lots are accessory uses.

Agriculture

Agriculture shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry and the processing and sale of agricultural products.

Automotive Repair

The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive and Trailer Sales

An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Automotive Wrecking

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Buildable Area

The portion of the net lot area of a zoning lot or subdivision plat remaining after the minimum yard, natural feature setback, and open space requirements of this Zoning Ordinance, all required utility and public easements, and required right-of-way areas have been deducted.

Building

~~A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.~~

"Building" means any structure having a roof supported by columns or walls, or any series of structures separated only by "fire separations" but contained under a common roof or within common walls, and requiring a building permit in accordance with **Title 41** of the Building Code that is used for shelter, occupancy, enclosure, or support of persons, animals, or property.

Building, Height of

The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

Building, Principal or Main

A building in which is conducted the main or principal use of the lot on which said building is situated.

Business Classifications

- a) Highway Business and General Local Business: Includes commercial uses requiring locations on major thoroughfares and at their principal intersections. Highway uses include motels, gas stations, restaurants, drive-in establishments, auto and farm implement sales and services, building trades and services, commercial recreation and

similar commercial activities. Also includes Retail and Service establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence. To prevent congestion, local retail and service uses include only those enterprises which normally employ less than ten FTE's (full time equivalent).

- b) Central Business: Retail and service establishments which, in addition to catering to the community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities. Central business includes, but is not limited to, supermarkets and stores for the sale of drugs, hardware, appliances, furniture, apparel, footwear, business and personal services, professional services, offices and other similar or related activities which can be grouped by design.

Business Services

Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or '

Clinic

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of medical professionals and clinicians.

Club

A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational or recreational purpose.

Commercial Entertainment Facilities

Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs and similar entertainment activities.

Conditional Use (Special Exceptions)

A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specified provision for such special exceptions made in this ordinance. A conditional use is not considered to be a nonconforming use.

Dairies

Refers to commercial concerns which are involved in the processing and sale of dairy related products.

Districts, Zoning Districts

Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the district map which is part of this ordinance.

Drive-in Commercial Uses

Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.

Dwelling

A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, boarding and rooming houses.

Dwelling Unit

One or more rooms in a dwelling or apartment hotel designed for occupancy on one (1) family for living purposes and having cooking facilities.

Dwelling, Single-family

A building designed for or occupied exclusively by one family.

Dwelling, Two-family

A building designed exclusively for occupancy by two (2) family living independently of each other, including a duplex, (one dwelling unit above the other) or a semi-detached dwelling, (one dwelling unit beside the other).

Dwelling, Multiple-family

A building used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.

Dwelling, Row

A row of three (3) to six (6) attached, one-family dwellings, not more than two (2) rooms deep.

Educational Institution

A college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Essential Services

The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of under-ground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies for the public health or safety or general welfare, but not including buildings.

Family

One or more persons occupying a dwelling and living as a single house-keeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.

Farm Enterprises

Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

Food Processing

The preparation or processing of food products examples of activities included are bakeries and dairies.

Forestry

The growing and care of trees for commercial purposes, including the cutting and marketing of timber.

Frontage

All the property on one side of a street between two intersecting streets (crossing or terminating), measured at the setback building line or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private

A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and wherein (a) not more than one space is rented for parking to persons not resident on the premises; (b) not more than one (1) commercial vehicle per dwelling unit is parked or stored.

Garage, Public

A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Gas Station, Service Station

Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

Highway, Major

A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Historic District

The area designated historic district as defined by the Historic District Preservation Ordinance of the Village of Somerset, ordinance number 17-04, loc: 3.0 and 3.1, or subsequent updates to that ordinance. The historic district boundary is depicted on the zoning map of this ordinance which can be found at the village office and online on the village website.

Home Occupation

An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign (not over two square feet in size) and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional

person, including an instructor in individual musical instruments limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be Home Occupations; and the occupation of beauty operator, with not more than one paid assistant shall be deemed to be Home Occupation. Tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores, trades or business of any kind not herein excepted shall not be deemed to be Home Occupations. Borderline cases shall be ruled on by the Board of Appeals.

Impervious surface

Impervious surfaces include, but are not limited to, roofs, patios, balconies, decks, streets, parking areas, driveways, sidewalks and any concrete, stone, brick, asphalt or compacted gravel surfaces (**UDO Article 12.2**). Impermeable surfaces (like asphalt, concrete, and wood) are 100% impervious.

Institution

Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

Junk Storage and Sales (Salvage Operation)

Any lot, land or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rages, scrap metal or discarded material, or for the collect-ing, dismantling, storage or salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

Kennel

Any lot or premises on which five (5) or more dogs, more than four (4) months of age, are kept.

Land Use Plan

The long-range plan for the desirable use of land area as adopted by the Planning Commission; the purpose of such plan being, among other purposes, to serve as a guide in future development and zoning for the Village.

Leading Space

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

Lot

A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

Lot Area

The total horizontal area within the lot lines of a lot.

Lot, Corner

A lot, portion thereof, not greater than one hundred (100) feet in width and situated at the intersection of two (2) or more streets, having an angle of intersection or not more than 135 degrees.

Lot Coverage

The percentage of total lot area occupied by structures and impervious surfaces.

Lot Depth

The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

Lot of Record

Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of the county.

Lot, Minimum Area of

The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, Through

An interior lot having frontage on two (2) or more streets.

Lot Width

The width of a lot at the building setback line measured at right angles to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard.

Manufacturing

Any production of industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing, General

Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, radiation, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water carried waste.

Mobile Home - House Trailer

Any vehicle or similar portable structure so designed or construction as to permit occupancy for dwelling or sleep-ing purposes.

Mobile Home Parks

An area manifestly designed to accommodate mobile homes in a safe, sanitary and desirable manner as described in Article VI.

More Restrictive

In reference to a nonconforming use, the changing of use to more nearly conform to the permitted use, thus increasing the requirements such as side yard, etc., or generally increasing compatibility of a nonconforming use to the requirements of the district in which it is located.

Motor Court or Motel/Hotel

A building or group of buildings used for the temporary residence of motorists or travelers.

Mixed Use

Mixed land use enables a range of land uses including residential, commercial, and industrial to be co-located in an integrated way that supports sustainable forms of transport such as public transport, walking and cycling, and increases neighbourhood amenity.

Nonconforming Use

The use of land or a building, or portion thereof, which does not conform with the use regulations of the district in which it is situated.

Nursery, Nursing Home (Institutional Home)

A home or institutional facility for the care of babies, children, pensioners or elderly people, except those for correctional or mental cases.

Off-street Parking Space

Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space has an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles.

Personal Services

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities, electronic repairs.

Plant Cultivation

The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

Professional Activities

The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.

Public Service Facility

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.

Public Uses

Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Recreational Facilities

- a) **Noncommercial Recreational Facilities:** Private and semi-public recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, ski slopes, hunting and trapping, and other private noncommercial recreation areas and facilities or re-creation centers including private community swimming pools and community parks. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fee for such purposes is limited to incidental maintenance and custodial expenses.
- b) **Commercial Recreational Facilities:** Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, racetracks, carnivals, boat docks and launching ramps, fishing piers and similar commercial enterprises.

Residential Floor Area

The interior floor area of a dwelling including stairways, halls and closets but not including basements, porches, garages, breezeways or carports.

Semipublic Uses

Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Sand and Gravel Extraction

The excavation, storage, separation, cleaning and marketing of sand and gravel.

Seasonal Residence

Summer cottages, winter lodges and similar housing occupied less than six months during a year.

Self-Storage

Self-Storage is defined as a retail service establishment providing off site storage space to residents and businesses, offering convenience storage and limited warehousing services primarily for personal effects and household goods within enclosed structures having individual access.

Setback Line

A line established by zoning, platting or other legal means on a lot a specified distance from and parallel to the lot line to restrict the encroachment of buildings on the lot line. When a lot line is within a public right of way, the setback shall be measured from the edge of pavement.

Sewage Disposal System - On-Site

A septic tank installation on an individual lot which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Solar Energy System

Any device or structural design feature used for the collection, storage, and distribution of solar energy for space heating, space cooling, lighting, electric generation, or water heating.

Specialized Animal Raising and Care

The use of land and buildings for the raising and care of furbearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic animals or birds of a similar nature.

STORAGE OF BOATS, RECREATIONAL VEHICLES, ETC

Story

That portion of a building other than a 'cellar included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it used for living quarters or if two-thirds of its volume is above the average level of the adjacent ground.

Street Line, Right-of-Way-Line

A dividing line between a lot, tract or parcel of land and contiguous street.

Structure

Anything constructed or erected other than a building, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting, the generality of the foregoing, advertising signs, billboards and back-stops for tennis courts.

Structural Alterations

Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Temporary use

The application of a parcel of land, building, or structure, to a particular purpose intended or designed to be used or used in a non-permanent manner for a specific limited period of time as prescribed in this Code.

Temporary Lodging

A private house or structure in which rooms are rented for living or staying temporarily such as a rooming house or bed and breakfast.

Tourist Camp

Land used or intended to be used by campers or for trailers, tents, or movable dwellings; two or more trailers, whether parked or supported by foundations, shall constitute a Tourist Camp.

Trailer, Small Utility

Any trailer drawn by passenger automobile used for the occasional transport of personal effects.

Use

The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Variance

A variance is a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

Waste Disposal

Disposition of garbage, combustible and noncombustible waste material.

Yard

An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front

A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches.

Yard, Side

A yard between the main building and the sideline of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Zoning Certificate

The document issued by the Township Zoning Inspector authorizing the use of the land or buildings.

Zoning District Map

The Zoning District Map or maps of the village together with all amendments subsequently adopted.

Zoning Administrator

The Zoning Administrator or their authorized representative appointed by the Village Council.