

ZONING ORDINANCE FOR THE VILLAGE OF SOMERSET
PERRY COUNTY, OHIO

ARTICLE 1
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:

2.01 S-1 Special: Areas which are large public or semi public holdings for recreation and conservation purposes, areas suitable for non-commercial recreation, areas subject to periodic flooding and areas too steep for urban development.

2.02 A-1 Agriculture: Land which is level or gently rolling and is best reserved for agriculture, forestry, grazing and other rural purposes.

2.03 R-1 Single Family Residential District: For very low density residential development which may or may not have community water and sewerage services.

2.04 R-2 Medium Density Residential District: For relatively low density residential development which is served by group water and sewerage facilities.

2.05 R-3 High Density Residential District: For residential development of moderate density, including multiple dwellings as well as one and two family residences served by group water and sewerage facilities.

2.06 B-1 Central Business District: Area encompassing the retail, governmental office, and institutional core of the municipality.

2.07 B-2 Highway and General Local Business: Areas along major highways or residential neighborhood 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.

2.08 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, which map is designated as the "District Map." The district map 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

2.21 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

4.0 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.

"S-1" SPECIAL:

<u>Permitted Uses</u>	<u>Conditional Uses Requiring Board Approval</u>
Parks	Semi-public Uses
Public Uses	Public Service Facility
Essential Services	Commercial Recreational Facility
Accessory Uses	Tourist Camp
Conservation & Highway Interchange Areas	Cemetery
	Airports

"S-1" SPECIAL con't

Permitted Uses

Non-Commercial Recreational Facilities
Forestry
Plant Cultivation

"A-1" AGRICULTURE

Permitted Uses

Single-family Dwelling
Agriculture and Forestry
Public Uses
Semi-Public Uses
Public Service Facility
Essential Services
Accessory Uses
Non-Commercial Recreational Facilities

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICTS

Permitted Uses

Single-family Dwelling
Public Uses
Semi-public Uses
Plant Cultivation
Essential Services
Accessory Uses

"R-2" MEDIUM DENSITY RESIDENTIAL DISTRICT

Permitted Uses

Single-family Dwelling
Two-family Dwelling
Public Uses
Semi-public Uses
Essential Services
Accessory Uses
Plant Cultivation

Conditional Uses Requiring Board Approval

Sand & Gravel Extraction
Oil and Gas Wells
Mineral Extraction

Conditional Uses Requiring Board Approval

Commercial Recreational Facilities
Cemetery
Specialized Animal Raising & Care
Billboards and Advertising Signs
Home Occupations
Sand, Gravel, Top soil Extraction
Farm Vacation Enterprises
Seasonal Residences
Airports
Oil and Gas Wells

Conditional Uses Requiring Board Approval

Two-family Dwelling
Public Service Facility
Non-Commercial Recreational Facilities
Home Occupants
Specialized Animal Raising and Care
Agriculture

Conditional Uses Requiring Board Approval

Multiple-family Dwelling
Non-Commercial Recreational Facilities
Professional Activities
Home Occupations
Nursing Homes
Public Service Facilities
Cemetery
Mobile Homes and Mobile Home Parks

"R-3" HIGH DENSITY RESIDENTIAL DISTRICT

Permitted Uses

Single-family Dwelling
Two-family Dwelling
Multiple-family Dwelling
Public Uses
Semi-public Uses
Essential Services
Accessory Uses

"B-1" CENTRAL BUSINESS

Permitted Uses

Retail Business
Personal Services
Professional Activities
Business Services
Offices and Banks
Restaurants and Taverns
Hotels and Motels
Social Activities
Public Uses
Semi-public Uses
Essential Services
Accessory Uses

"B-2" HIGHWAY AND GENERAL LOCAL BUSINESS

Permitted Uses

Retail Business
Drive-in Commercial Uses
Personal Services
Professional Activities
Business Services
Offices and Banks
Restaurants and Taverns
Commercial Entertainment Facilities
Gasoline Service Stations
Automotive Sales and Repair
Social Activities
Motels
Accessory Uses

Conditional Uses Requiring Board Approval

Non-Commercial Recreational Facilities
Professional Activities
Home Occupations
Child Care Clinics
Nurseries, Nursing Homes
Public Service Facilities
Mobile homes and Mobile Home Parks

Conditional Uses Requiring Board Approval

Drive-in Commercial Uses
Printing and Publishing
Commercial Entertainment Facilities

Conditional Uses Requiring Board Approval

Agriculture
Bakeries and Dairies
Printing and Publishing
Animal Hospitals and Clinics
Wholesale Business
Commercial Recreational Facilities
Sales & Storage of Building Materials
Farm Implement Sales and Service
Transport and Trucking Terminals
Billboards and Advertising Signs

"M-1" GENERAL INDUSTRIAL

Permitted Uses

Restricted Manufacturing
 Offices and Laboratories
 Research and Testing Facilities
 Public Service Facilities
 Essential Services
 Accessory Uses

Conditional Uses Requiring Board Approval

Agriculture
 Restaurants
 Billboards and Advertising Signs
 Warehousing

ARTICLE IV

BULK CONTROL REQUIREMENTS

4.0 Bulk Control Requirements

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

TABLE 1

SCHEDULE OF BULK CONTROLS

Zone	Minimum Lot Area (sq. feet)	Minimum Lot Width (feet)	Maximum Height (story)	Minimum Front Yard (feet)	Minimum Side Yard Width of each (feet)	Minimum Rear Yard (feet)	Maximum Building Coverage (percent)
A-1 Single Family Residential units should have a minimum lot area of 10,000 sq. feet							
R-1	7,000	55	2½	20	6	40	35
R-2							
One Family	4,500	45	2½	20	6	40	35
Two Family	6,000	45	2½	20	6	40	35
R-3	10,000	70	2½	20	8	45	40
B-1 & B-2	6,000	45	2½	20	6	40	35
M-1	10,000	70	4	20	20	20	35

4.1 Supplementary Lot, Height and Yard Regulations

4.11 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 no 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.

4.12 Corner Lots: In any district on any corner lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the "corner" at a height between two and one-half (2½) 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.

51.1 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.

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

5.13 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 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 minimum lot width of forty-five (45) feet and four hundred (400) square feet of floor area for each mobile home or trailer;
- (e) Shall 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 (1½) acres, whichever is the least; and
- (h) 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 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 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 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.

ARTICLE VIII ADMINISTRATION OF THE ORDINANCE

8.0 Zoning Inspector

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

8.1 Zoning Certificates

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.

8.2 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.

8.3 Upon inspection and upon determination that all requirements of the ordinance are met, the building inspector shall issue zoning certificates to owners/applicants.

8.4 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.

8.5 Fee for zoning Certificate

A fee, in accordance with the following schedule amounts shall accompany each application for a zoning certificate:

Use

Fee

Single-family Dwelling		
Accessory Building, Signs/Fences	\$ 15.00	# 50
Two-family Dwelling	7.50	15
Multi-family Dwelling	20.00	75
Each additional unit in excess of three (3)	25.00	100
Maximum fee for a multiple dwelling shall not exceed	5.00	25
Commercial, Industrial or Institutional and Mobile Home Park	50.00	200
The fee for the application for a certificate for the use of	35.00	75
land, not involving structures, including changes in the		
use of land shall be ten dollars (\$10.00)		

8.6 Proceeds from the insurance of zoning certificates shall go the General Revenue Fund of the Village. # 75

8.7 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 and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and everyday during which such illegal location, erection, construction, reconstruction, enlargement, change, or use continues may be deemed a separate offense.

ARTICLE IX

. BOARD OF ZONING APPEALS

9.0 Appointment

There is hereby established a Board of Zoning Appeals which shall consist of five (5) electors appointed by the Village Council.

9.1 Powers and Responsibilities

The Board of Zoning Appeals shall have the following powers:

- a) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this ordinance or any amendments thereto;
- b) Permit the partial modification of a district or the boundary line of a district or permitted use of a piece of land in a particular district; and
- c) Interpret provision of this ordinance in such a way as to carry out the extent and purpose of the plan.

ARTICLE X

VARIANCES

10.0 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 Inspector or other administrative official in the enforcement and interpretation of the provision of this ordinance.

10.1 Variances

No such variance in the provisions or requirements of this ordinance shall be authorized by the Board of Zoning Appeals unless the Board finds beyond reasonable doubt, that all of the following facts and conditions exists:

- 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 the reasonable use of the property;
- c) That such unnecessary hardship has not been created by the applicant;
- d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
- e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

10.2 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 XI

CHANGES AND AMENDMENTS

11.0 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) which

shall be applied to expense incidental to advertising and reporting facts relative to the proposal. Such proposal of change shall be advertized in a newspaper of general circulation once a week for two weeks.

11.1 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 1,000 feet with at least eight (8) placards showing property to be considered, with the time and place of hearing.

11.2 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 $\frac{1}{2}$ 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 ($\frac{3}{4}$) members of the Village Council. Any reconsideration of a rejected zoning change shall not be made before a period of six months has elapsed.

ARTICLE XII

VALIDITY AND SEPARABILITY

12.0 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 XIII

VALIDITY EFFECTIVITY

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

ARTICLE XIV

DEFINITION OF TERMS

3.0 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 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 not 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.

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, Front Line of : The line of that face of the building nearest the front line of the lot. This face includes porches whether enclosed or unenclosed but does not include steps.

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 deckline 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 persons.

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 into a unified shopping center.

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 business.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

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 but not primarily for profit or to render a service which is customarily carried on as a business.

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 underground 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 governmental 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 Vacation 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; and (c) the commercial vehicles permitted do not exceed two (2) ton capacity.

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.

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.

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 waste paper, rages, scrap metal or discarded material, or for the collecting, 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 four (4) 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. A lot may or may not be the land shown on a duly recorded plat.

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°.

Lot Coverage: Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

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 cord distance between side lot lines for the curve coinciding with the required depth of the front yard.

Manufacturing: Any production or 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 of water carried waste.

Mobile Home -- House Trailer: Any vehicle or similar portable structure so designed or construction as to permit occupancy for dwelling or sleeping 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: A building or group of buildings used for the temporary residence of motorists or travelers.

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.

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 recreation centers including private community swimming pools. 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, race tracks, 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.

Rooming House: A building or portion thereof other than a hotel, where lodging for five (5) or more persons is provided for compensation.

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.

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.

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.

Specialized Animal Raising and Care: The use of land and buildings for the raising and care of fur-bearing 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.

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.

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.

Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than ten individuals and open to transient guests.

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.

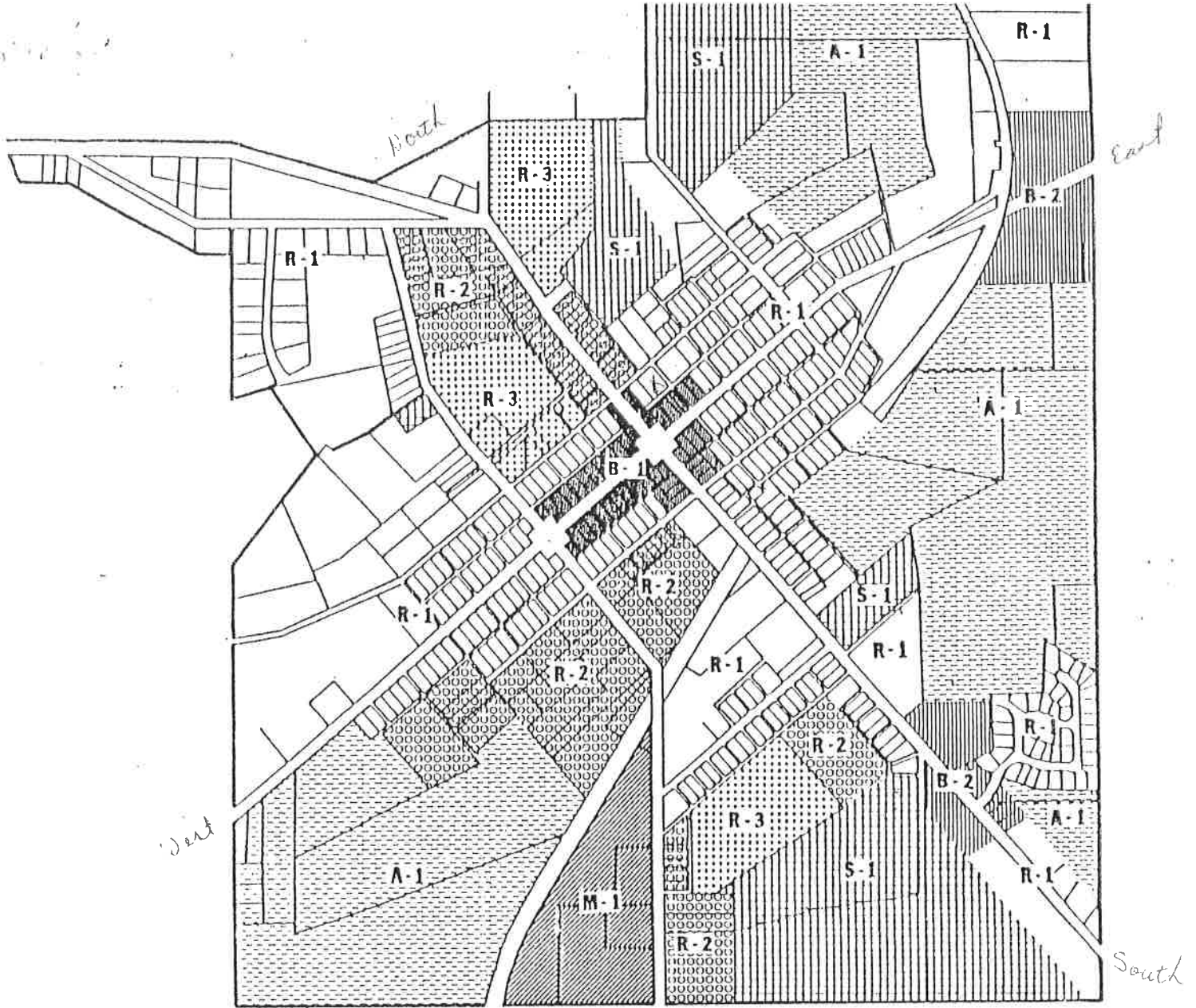
Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches.

Yard, Side: A yard between the main building and the side line 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 Inspector: The Zoning Inspector or his authorized representative appointed by the Village Council.



VILLAGE ZONES: 1983

- | | | | |
|---|---------------------------------------|---|-----------------------------------|
|  | R-1 Single Family Residential |  | B-2 Highway/Local Business |
|  | R-2 Medium Density Residential |  | M-1 Industrial |
|  | R-3 High Density Residential |  | A-1 Open/Agricultural |
|  | B-1 Central Business |  | S-1 Special/Public |

<p>Village Of Somerset</p>	
<p>BUCKEYE HILLS HOCKING VALLEY REGIONAL DEVELOPMENT DISTRICT</p>	

ORDINANCE 95 - 5

AN ORDINANCE AMENDING THE VILLAGE OF SOMERSET,
OHIO ZONING ORDINANCE, ORDINANCE 84 - 11

WHEREAS, Village Council upon its own motion has proposed increasing the fees and redistricting a portion of the property located to the North of the fairgrounds property which property is more particularly described in the plat which is attached hereto and incorporated herein; and,

WHEREAS, Village Council has conducted a public hearing on the proposal to increase the fees and to redistrict said property as a R-1 Single Family Residential District; and,

WHEREAS, Village Council has determined that increasing the fees and the redistricting of said property promotes the general welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the Village Council for the Village of Somerset, Ohio, two-thirds (2/3) of the members thereof concurring as follows:

Section 1: That the Village of Somerset, Ohio Zoning Ordinance, Ordinance 84 - 11, be, and the same hereby is, amended so as to redistrict the area shown on the attached plat as R-1 Single Family Residential.

Section 2: That Section 8.5 of the Village of Somerset, Ohio Zoning Ordinance, Ordinance 84 - 11, be, and the same hereby is, amended as follows:

<u>USE</u>	<u>FEE</u>
Single-family Dwelling	\$50.00
Accessory Building, signs/Fences	15.00
Two-family Dwelling	75.00
Multi-family Dwelling	100.00
Each additional unit in excess of three (3)	25.00
Maximum fee for a multiple dwelling	200.00
Commercial, Industrial, Institutional and Mobile Home Park	75.00

**A RESOLUTION AMENDING THE VILLAGE OF SOMERSET'S SIGN ORDINANCE
TO ALLOW VARIANCES FOR THE PROPERTIES WITHIN THE VILLAGE'S
HISTORIC DISTRICT**

WHEREAS, the Village of Somerset has a Historic District that was placed on the National Register of Historic Places in 1975,

NOW THEREFORE, BE IT RESOLVED by the Village of Somerset, Perry County, Ohio **SIGN ORDINANCE Section 1189.06 PERMANENT SIGNS** be amended by inserting the following section:

(n) 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 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.

Passed: 5-4-2010
(Date)

Attested:
(Clerk)

Cynthia C. Gumm

Attested:
(President of Council)

Bill Mole

RESOLUTION 10-07

**A RESOLUTION AMENDING THE VILLAGE OF SOMERSET'S ZONING
ORDINANCE TO ALLOW VARIANCES FOR THE PROPERTIES WITHIN
THE VILLAGE'S HISTORIC DISTRICT**

WHEREAS, the Village of Somerset has a Historic District that was placed on the National Register of Historic Places in 1975.

NOW THEREFORE, BE IT RESOLVED by the Village of Somerset, Perry County, Ohio, Zoning Ordinance 10.1 Variances be amended to read:

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 finds beyond reasonable doubt that all of the following facts and conditions exists:

- 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.**

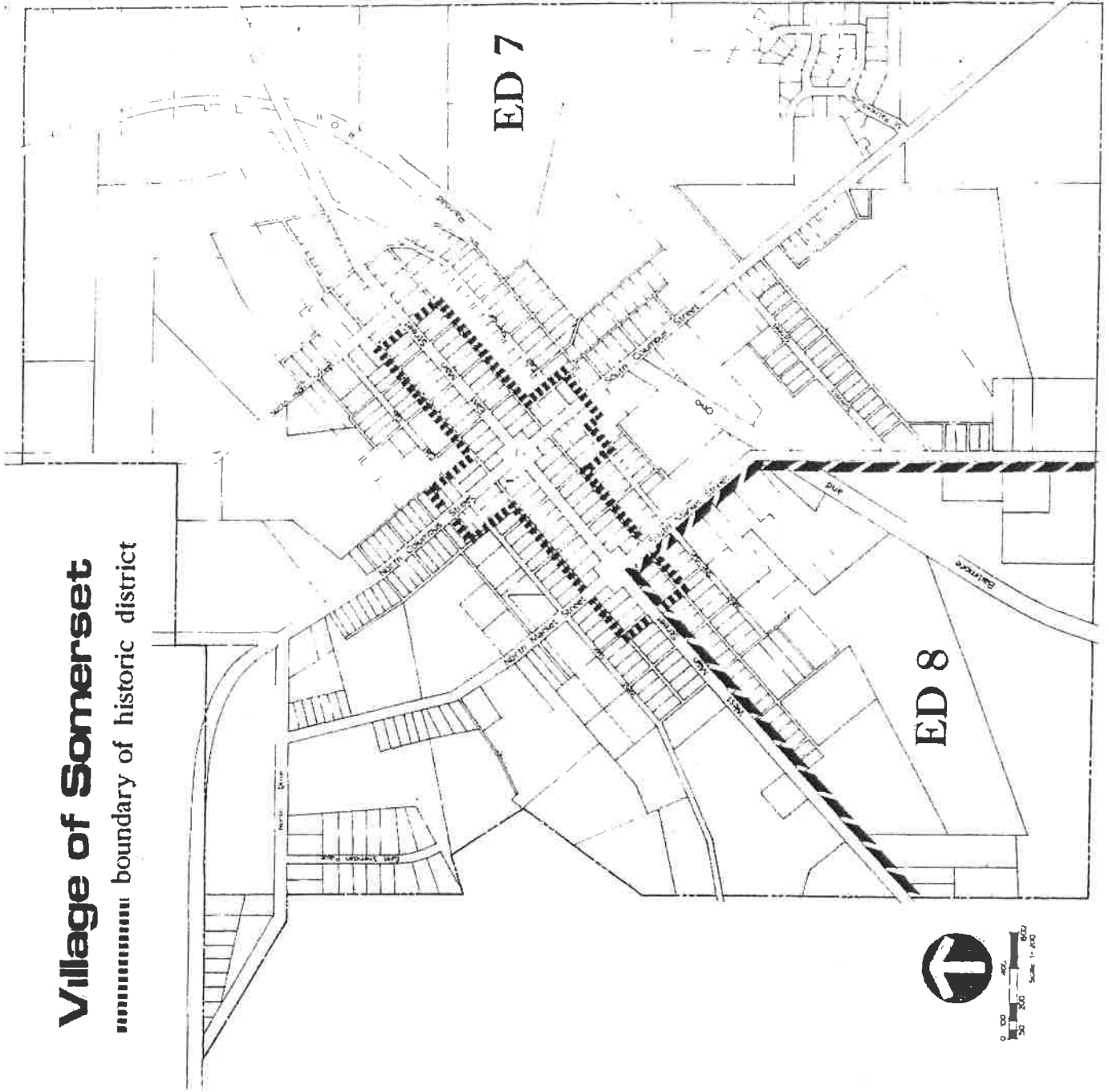
Date Passed: 4-6-10

ATTEST:


Cynthia C. Grimm, Clerk-Treasurer

Village of Somerset

boundary of historic district



- (g) 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.
- (h) 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.
- (i) 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.
- (m) 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:
 - 1) Neon signs may be located only inside windows of businesses.
 - 2) Neon signs shall be restricted to first floor windows only.
 - 3) Only one neon sign may be permitted per business.
 - 4) Neon signs shall have a maximum area of four square feet.

1189-07 TEMPORARY SIGNS.

All temporary signs shall conform to all requirements of permanent signs unless otherwise noted. Temporary signs shall be nonilluminated. Except as exempted in Section 1189.04, all temporary signs shall require a sign permit. The permit for a temporary sign may be given only after review and approval of the Zoning Board of a temporary sign application and may be for a maximum of one year.

- (a) Subdivision Signs. Signs as set forth in Section 1189.04(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.
- (b) 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.
- (c) The Zoning Board may set such other standards and requirements as are in keeping with the intent of this section for other temporary signs not otherwise listed.

1189.08 ABANDONED SIGNS.

- (a) A sign shall be considered to be abandoned and shall be removed at the owner's cost:
 - 1) 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 Zoning Board; or
 - 2) When the sign has been ordered removed under Section 1189.03.
- (b) The Zoning Inspector or the Inspector's designee may present evidence to the Zoning Board 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 1189.03(a)(3).

1189.09 VARIANCES FROM SIGN REQUIREMENTS.

- (a) 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.
- (b) The application required by Section 1189.03(a) 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.
- (c) No additional fee beyond that established by Section 1189.03(b) shall be required for applications that include requests for a variance.

- (d) Temporary or permanent off-premises signs are prohibited except that: Open house (realty) directional signs and garage/yard sale signs are allowed without a permit so long as the signs are placed not more than two 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.
- (e) 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 of 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.
- (f) Sign Area. For all signs not specifically mentioned in this chapter, maximum sign area may not exceed six square feet.
- (g) All signs shall be kept in a state of cleanliness and good repair.

1189.06 PERMANENT SIGNS.

- (a) Wall Signs. Wall signs may not project outward from the building more than twelve inches. A wall sign shall not exceed a maximum of eight square feet in sign area in the B-1 District and shall not exceed twelve square feet outside the District. No more than two wall signs are permitted per structure.
- (b) 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 two projecting signs are permitted per business establishment.
- (c) Roof Signs. Signs that are placed above or supported on the top of a building or structure are prohibited.
- (d) 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 Board.
- (e) 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.
- (f) Reverse Sides of Signs. Reverse sides of signs, if visible, shall be unobtrusive and shall blend with the surroundings.

1189.05 GENERAL REQUIREMENTS.

- (a) Signs are prohibited in all residential districts, including but not limited to R-1, R-2 and R-3 Districts, except that:
- 1) 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 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.
 - 2) 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.
 - 3) Signs determined by the Zoning Board to be in the public interest can be exempted from this requirement. Such signs are subject to continuing Zoning Board review, and may be ordered removed should they be determined not to be in the public interest.
 - 4) Permanent subdivision and multi-family project identification signs are permitted as governed by Sections 1189.06(g) and (h).
 - 5) Temporary subdivision and contractors' signs are permitted as governed by Section 1189.07(a) and (b).
- (b) 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 of 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 1189.04.
- (c) 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.

1189.04 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 1189.05(b), (d) and (g) and 1189.07:

- (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 Zoning Board 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 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 Board for review and approval, or be of a design previously approved by the Board.
- (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 an election and is removed no later than ten days following 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 its 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.

- (f) "Temporary sign" means a sign that exists or is planned to exist for a period of one year or less.

1189-03 ADMINISTRATION.

(a) Permit. A permit issued by the Zoning Inspector or the Inspector's designee shall be required for the erection of all signs within the Village except as exempted in Section 1189.04. 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 Zoning Board for compliance with these regulations, for acceptable design and construction standards and for compatibility with its property and structures and surrounding properties and structures. The following procedure shall be used for all applications:

- 1) An application and accompanying materials as required in subsections (a) and (b) hereof, shall be submitted to the Zoning Inspector or the Inspector's designee at least seven days prior to the next regularly scheduled meeting of the Zoning Board. 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.
- 2) The Zoning Board 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 Zoning Board shall state the reasons for the denial.
- 3) Right of Appeal. Any party who is aggrieved or affected by a decision of the Zoning Board 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 Board 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.

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

(c) Inspection and Maintenance. It shall be the responsibility of the Zoning Inspector 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 Inspector or the Inspector'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 Inspector or the Inspector'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.

CHAPTER 1189
Signs

1189.01	Purpose and intent.	1199.07	Temporary signs.
1189.02	Definitions.	1189.08	Signs in the Transportation
1189.03	Administration.		Corridor Overlay District.
1189.04	Exemptions; limitations.	1189.09	Abandoned signs.
1189.05	General requirements.	1189.10	Variances from sign
1189.06	Permanent signs.		requirements.

1189.01 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 1189.04, shall be subject to review by the Zoning Board to insure overall compatibility with the unique historical, architectural and overall character of the Village.

1189.02 DEFINITIONS.

As used in this chapter:

- (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 rectangle that would enclose the entire sign, excluding supports. Only one side of a two-sided sign shall be counted in the sign area.
- (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.

The fee for the application for a certificate
for the use of land, not involving
structures, including changes in the
use of land.

25.00

PASSED: 8-1-95

W. H. W. W.
PRESIDENT

APPROVED:

Robert E. Clouse
MAYOR

ATTEST:

Thomas R. Honey
CLERK