

Village of Morrow
Zoning Code

Amended: April 6, 2021



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PREAMBLE

AN ORDINANCE OF THE VILLAGE OF MORROW, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF THE OHIO REVISED CODE, DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, COMMERCIAL, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, AND GENERAL WELFARE.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORROW, WARREN COUNTY, STATE OF OHIO, PURSUANT TO LAW:

ARTICLE 1 GENERAL REGULATIONS

101 Title

This Ordinance shall be known and may be cited to as the “Zoning Code of The Village of Morrow, except as referred to herein, where it shall be known as “this Zoning Code”.

102 Intent

The intent of this Zoning Code is to promote and protect the public health, safety, and general welfare of The Village of Morrow (“Village”), in accordance with a comprehensive plan for the desirable future development of the Village and planning process that is reflected in the contents of this Zoning Code and in the zoning map of the Village by:

- A. Dividing the Village into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.
- B. Regulating the intensity of land use through the control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements upon the land.
- C. Facilitating the orderly, efficient, and appropriate growth and development within the Village.
- D. Protecting residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety, and general welfare.
- E. Regulating certain nonconforming uses of land, buildings, and structures.
- F. Promoting a pattern of rational land use relationships among residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety, and general welfare.
- G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

The intent is to implement in accordance with the Comprehensive Land Use Plan for The Village of Morrow as manifested in this Zoning Code and its companion zoning map, Village of Morrow Design Criteria, and Construction Standards and Drawings of and in various planning studies which have been or will be approved by Council from time to time.

103 Interpretation

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, order, prosperity, and general welfare. Except as otherwise provided in Section 105 Repeal of Conflicting Ordinances, it is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Code

imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, the provisions of this Zoning Code shall prevail and control.

104 Separability

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

105 Repeal of Conflicting Ordinances

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

ARTICLE 2 DEFINITIONS

201 Construction of Language

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The singular number includes the plural, and the plural number includes the singular.
- D. The word "shall" is mandatory, and the word "may" is permissive.
- E. The word "building" includes the word "structure" and the word "dwelling" includes the word "residence".
- F. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- G. The word "lot" includes the words "plot" or "parcel."
- H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- I. Regardless of capitalization, definitions are standard.

Terms not herein defined shall have the meaning customarily assigned to them.

202 Definitions

ACCESSORY USE

An object or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object or structure, and which is subordinate to or serves the principal use, object or structure, is subordinate in the area to the principal use, object or structure, and is customarily incidental to the principal object or structure. Among other things, "accessory structure" includes anything of a subordinate nature attached to or not attached to a principal structure or use, such as, fences, satellite dishes, antennas, walls, sheds, pole barns, solar panel structures, detached garages, parking places, decks, poles, power panels, patios, driveways, and carports if not attached, trampolines, children's swing sets/playsets, and billboards. Except as otherwise required in this Zoning Code an "accessory structure" shall be a permitted use.

ACCESSORY BUILDING OR STRUCTURE

A structure occupied by a use which is subordinate, secondary, incidental to and customary in connection with the principal building or principal use and located on the same lot as the principal building or principal use. Residential accessory structures include detached garages, tool and garden sheds, and similar facilities.

ADULT ENTERTAINMENT FACILITIES

A facility used for the purpose of adult entertainment as described in Section 522 Adult Entertainment Facilities.

AGRICULTURAL

The use of a tract of land for the planting, harvesting, and marketing of crops and produce; the breeding, feeding, and marketing of livestock; horticulture; floriculture; poultry, or honeybees for personal use only; forestry, nurseries, or orchards; for the non-commercial, on-farm storage of any other similar agricultural; structures necessary for performing these operations; and residence of the owner or operator. Such agricultural use shall not include the following uses:

- A. The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as accessory use, unless the same are specifically permitted by this Resolution.
- C. The feeding or sheltering of animal livestock or poultry in penned enclosures within one hundred (100) feet of any Residential Zoning District. Agriculture does not include the feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

ALLEY

(See Thoroughfare)

ALTERATION

Any change, addition, or modification in construction use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

ANIMAL GROOMING

An activity where the principal business is domestic pet hygiene including washing, brushing, shearing, and nail cutting.

ANIMAL HOSPITAL OR CLINIC

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodation on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

ANIMAL LIVESTOCK

Animals kept or raised on farms such as cattle, horses, pigs, goats, chickens, or sheep for personal use only.

APARTMENT

Two or more rooms, designed for, arranged for, intended for, or occupied as a residence by one family.

APARTMENT HOUSE

Any building housing three or more apartment units providing said units are the principal use of the building.

AUTOMOBILE REPAIR, PAINTING, AND BODY SHOPS

Places where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, and overall painting, undercoating, rust protection, paint protection, and fabric protection of automobiles.

AUTOMOBILE SALES

The display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

AUTOMOBILE SERVICE STATION

A place where gasoline, or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil, and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, the incidental washing of motor vehicles and the performing of tune-ups, tire and break changing and repair not including storage of inoperable vehicles.

AUTOMOBILE WASHING FACILITIES

Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

BARS, TAVERNS, AND NIGHTCLUBS

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

BASEMENT

A story all or partly underground but having at least one-half of its clear floor to ceiling height below the average elevation of the adjoining ground. (See "Story") (See Illustration, Exhibit "C" following this Section.)

BED AND BREAKFAST INNS

A residential, single-family dwelling or portion thereof, which is owner-occupied, that has as a secondary use of the structure, one to five guestrooms for rent. Guests shall not stay longer than 14 consecutive days. Breakfast shall be the only meal served and the kitchen shall not be remodeled into a commercial kitchen. The facility shall be located in an existing structure and a structure cannot be built for this purpose. The operator of the Inn shall live on the premises.

BEGINNING OF CONSTRUCTION

"Beginning of Construction" means the utilization of labor, equipment, and materials for the purpose of erecting or altering a structure.

BILLBOARD - OTHER

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where displayed on only incidentally on such lot.

BILLBOARD

Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes of goods or services not offered on the premises, and other than those signs specifically mentioned.

BLOCK

Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, un-subdivided acreage, waterway, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the Village.

BOARD OF ZONING APPEALS (BZA)

Village of Morrow Board of Zoning Appeals hereinafter referred to as "BZA".

BOARDING OR LODGING HOUSES

A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided, including a Bed and Breakfast Inn.

BUILDING

A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface.

BUILDING LINE

(See Setback Line)

BUILDING LOT

Any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately, but shown on the county's tax maps as owned by the same owner.

BUILDING; PRINCIPAL

A building in which conducted is the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal

building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING AND RELATED TRADES

A building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.

BUILDING AND ZONING PERMIT

A permit issued by the Zoning Inspector for the construction or alteration of any building or structure.

BUILDING SERVICES AND SUPPLIES

Building supplies and services facilities, including facilities for plumbing and heating equipment, sheet metal shops, and similar uses.

BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES

Uses that include, but are not limited to, corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services.

CAMPING AND RECREATIONAL EQUIPMENT

For the purpose of this Regulation, camping and recreational equipment shall include the following:

- A. Boat and Boat Trailer-Boat and boat trailer shall include boats, jet skis, floats, and rafts, plus the normal equipment to transport the same on the highway.
- B. Folding Tent Trailer-A canvas folding structure, mounted on wheels and designed for travel and vacation uses.
- C. Motorized Home-A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Pick-Up Camper-A structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use for travel, recreational, or vacation uses.
- E. Travel Trailer-A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.

CAR WASH

(See Automobile Washing Facilities)

CARRY-OUT

A place of business offering food and beverages, which may include liquor, beer, wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter purchased for consumption within the building on or off the premises. These can include photo kiosks and freestanding automatic teller machines, but do not include drive-through windows.

CELLAR

(See Basement)

CEMETERY

Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery. Cemeteries may be allowed by a Conditional Use Permit.

CHANNEL

A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.

CLINIC

(See Medical Offices and Clinics)

CLUB

A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

COMMERCIAL ENTERTAINMENT FACILITIES

Any profit-making activity which is generally related to the entertainment field. These facilities include motion picture theaters; drive-in theaters, amusement parks, carnivals, fairgrounds, golf driving ranges, golf courses, miniature golf courses, race tracks, skating rinks, sports arenas; tennis, racquetball, and handball courts; health clubs; bowling alleys; and similar entertainment activities.

COMMERCIAL VEHICLES

Commercial Motor Vehicle (CMV): any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when: 1) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; 2) The vehicle is designed to transport more than 15 passengers, including the driver; or 3) The vehicle is used in the transportation of hazardous materials in a quantity required placarding under regulations issued by the Secretary of Transportation under the Hazardous Materials Transportation Act (49 USC App. 1801813) (49 CFR 390)

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY

A state licensed or authorized home for children or adults that is operated by the state or a political subdivision or pursuant to a license issued by or to a contract with the state or a political subdivision. Community-oriented residential social service facilities include the following categories: agency group homes for children or adults, residential homes for children or adults, or residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

COMPREHENSIVE LAND USE PLAN

A plan, which may consist of several maps, data, policies, and other descriptive matter, for the physical development of the Village which has been adopted by the Village to indicate the general location for

proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites, and other similar information.

CONDITIONAL USE

A use that is permitted, but only by application to the BZA in each specific instance, and after determination by the BZA that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the BZA may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, morals, convenience, order, prosperity, and general welfare.

CONDOMINIUM

A building or group of buildings in which units are individually owned, but the structure, common areas, and facilities are owned on a proportional, undivided basis by all of the owners.

CONSTRUCTION TRADES AND CONTRACTOR OFFICES AND SHOPS

These activities include heavy construction, building, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

CONVENIENCE STORE

Retail stores that cater to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods and tobacco, roadmaps, magazines and other publications; automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products; and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

CORNER LOT

(See Lot)

COVERAGE

The percentage of the lot area which is covered by any building or part thereof.

DAY CARE CENTER; COMMERCIAL OR PROFESSIONAL

(Child Day Care Center)

Any place in which child day care is provided, with or without compensation, for 13 or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for at least 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted. ORC 5104.01

DAYS

Calendar days unless stated otherwise.

DENSITY

A unit of measurement; the number of dwelling units per acre of land.

- A. Gross Density - the number of dwelling units per acre of the total land to be developed.

- B. Net Density – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DEVELOPMENT STANDARDS

Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, and minimum size of yards and setbacks.

DISTRICT

A portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

DRIVE-IN COMMERCIAL USES

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the "drive-in" service.

DWELLING UNIT

Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, but not include a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

DWELLING; MULTI-FAMILY

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

DWELLING, REAR

A building designed for or used as the residence or sleeping place of one or more persons.

DWELLING; SINGLE-FAMILY

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space, including permanently-sited manufactured homes as defined herein.

DWELLING; TWO-FAMILY

A dwelling consisting of two dwelling units or housekeeping units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EDUCATIONAL INSTITUTIONS, ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOLS

Public, private, and/or religious schools including grades K through 12.

ELDERLY HOUSING FACILITIES

Residential developments specially designed to house retired and elderly persons and which may include a mixture of living options including apartments, group quarters, and nursing care facilities.

ERECTED

Includes the terms built or constructed, altered, or reconstructed. "Erected" also includes moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

ESSENTIAL SERVICES

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

FACTORY-BUILT HOUSING

A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Zoning Code, "factory-built housing" shall include the following:

- A. **Manufactured Home** - Any vehicle not self-propelled transportable in one or more sections which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. Manufactured Home is sometimes referred to as a Mobile Home.
- B. **Modular Home** - Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes, including permanent foundations.

FARM

(See Agricultural)

FAMILY

A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or lodging house, or a hotel, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

FEEDLOT

An area used for fattening or temporarily holding livestock for shipment, sale, or slaughter.

FENCE

Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

FILLING STATION

(See Automobile Service Station)

FINANCIAL ESTABLISHMENTS

These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

FLOOD, REGIONAL

Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the 100-year flood.

FLOODPLAIN

That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOODWAY

That portion of the floodplain, including the channel, which is reasonably required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

FLOODWAY FRINGE

That portion of the floodplain, excluding the floodway, where development may be allowed under certain restrictions.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING

(To be used in Calculating Parking Requirements)

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

FLOOR AREA OF A RESIDENTIAL BUILDING

The sum of the gross horizontal area of all floors of a residential building, excluding garages, basement floor areas, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FRATERNAL AND SOCIAL ASSOCIATION FACILITY

A meeting place for people formally organized for a common interest, usually public service, cultural, religious, or entertainment and where food and alcohol may be served.

FRONT LOT LINE

(See Lot)

FRONT YARD

(See Yard)

FUNERAL HOME

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for

burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

GARAGE; PRIVATE

An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is an accessory.

GARAGE; PUBLIC

A building or portion thereof, other than a private garage or filling station used for equipping, servicing, repairing, hiring, selling or storing vehicles, or similar equipment.

GARDEN CENTER

(See Nurseries and Garden Supplies Stores)

GAS STATION

(See Automobile Service Station)

GENERAL MERCHANDISE STORES

These facilities include department, variety, discount, home furnishing, grocery, retail sales, and drug stores.

GRAIN ELEVATORS AND FEED MILLS

A building structure, or premises used for the storage and retail sales of grain and other related agricultural supplies and products.

GREENBELT

A strip of land parallel to, and extending inwardly from, the lot lines or right-of-way lines. Said greenbelt shall be maintained at all times in grass, trees, shrubs or planting, and no structures, parking areas or signs shall be permitted.

GREENHOUSE-HOTHOUSE-NURSERY

A sun or artificially heated structure in which to grow, or the growing of plants, flowers, or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs and trees.

GROUP HOME

A residential care facility licensed or authorized by the State of Ohio or under contract to the State or political subdivision which provides room and board, personal care and supervision for not more than eight (8) developmentally disabled, blind, deaf, mute, neurologically handicapped, or physically handicapped persons.

HALFWAY HOUSE

A facility for the housing, rehabilitation, and training of persons on probation, parole, or early release from correctional institutions, or other persons found guilty of criminal offenses.

HEAVY EQUIPMENT RENTAL, SALES, SERVICE, AND STORAGE

These facilities include rental, sales, service, and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

HOME OCCUPATIONS

An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by a Conditional Use Permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting, and the like shall involve not more than three receivers of such services at any one time.

HOTEL

A building occupied as the temporary abode of individuals who are lodged with or without meals in which there are ten or more sleeping rooms and which shall have no provision made for cooking in any individual room or apartment. A "hotel" may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

HOUSEHOLD ITEMS REPAIR SHOP

Repair of items normally found in the household including, but not limited to, shoes, watches, clocks, jewelry, appliances, and similar items.

INDUSTRIAL; ENCLOSED

Any industrial use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 517, of this Zoning Code.

INDUSTRIAL; OPEN

Any industrial use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 517, of this Zoning Code.

INTERIOR LOT LINE

Any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.

JUNK

Old or scrap copper, brass, porcelain, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked automobiles or parts thereof; iron, steel, and other old or scrap ferrous and non-ferrous materials, scrap wood materials (excluding stacked firewood) which are not held for sale or plastic re-melting purposes by an establishment having facilities for processing such materials.

JUNK MOTOR VEHICLES

Any vehicle shall be deemed a junk motor vehicle if it is an unlicensed vehicle.

JUNK YARD OR SALVAGE YARD

An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. Two or more inoperative or unlicensed vehicles shall be construed to be a "junk yard".

KENNELS

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. "Kennel" shall also mean the keeping on or in any lot or building three or more dogs, cats, or other household pets, which are over the age of 6 months.

LANDSCAPING

The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass and other vegetation.

LAND USE PLAN

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

LIBRARIES

A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference.

LIVABILITY SPACE

Part of the open space as found in planned developments which includes all land not covered by roof or devoted to streets, easements of access and parking.

LOADING SPACE

A loading space is an off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT

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

- A. A single lot of record.
- B. A portion of lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE

The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures including swimming pools/ponds, Accessory Uses/accessory building or any part thereof, excluding projecting roof eaves.

LOT FRONTAGE

The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.

LOT LINE

(See Illustration, Exhibit "B" following this Section.)

- A. Front - A street right-of-way line forming the boundary of a lot. On a corner lot, both street right-of-way lines shall serve as front lot lines.
- B. Rear - The lot line that is most distant from, and is or is most nearly parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line. On a corner lot, the rear lot line shall be that lot line most distant from, and most nearly parallel to, the front wall of the principal building located thereon.
- C. Side - A lot line which is neither a front lot line nor a rear lot line.

LOT MEASUREMENTS

A lot shall be measured as follows:

- A. Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line.

LOT; MINIMUM AREA OF

The total horizontal area within the lot lines of a lot which is computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Warren County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES

Terminology used in this Zoning Regulation with reference to corner lots, interior lots, and through lots is as follows:

- A. Corner Lot - A lot located at the intersection of two or more streets or upon two (2) parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less. (See Illustration, Exhibit "B" following this Section.)
- B. Interior Lot - A lot with only one front yard on a street. (See Illustration, Exhibit "B" following this Section.)

- C. Through Lot - A lot other than a corner lot with a front yard on more than one non-intersecting street. Through lots abutting two streets may be referred to as double frontage lots. (See Illustration, Exhibit "B" following this Section.)

LUMBER YARDS AND BUILDING MATERIALS SALE AND STORAGE

Buildings or premises used for the storage and sale of lumber and building materials.

MANUFACTURED HOME

(See Factory-Built Housing)

MANUFACTURED HOME COURT

Any plot of ground upon which two or more trailer coaches or Manufactured Homes occupied for dwelling or sleeping purposes may be located. Only permitted within a Planned Unit Development.

MANUFACTURING

The assembling, altering, converting, fabricating, finishing, processing or treatment of a product.

MEDICAL OFFICES AND CLINICS

Offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

MEMBERSHIP SPORTS AND RECREATION USES

Country clubs and neighborhood swim clubs, but not including health spas, fraternal associations, or commercial recreation facilities as specified elsewhere.

MINERAL EXTRACTION, STORAGE, AND PROCESSING

Any mining, quarrying, or processing of limestone, shale, clay, sand, gravel, coal, or other mineral resources.

MINI-WAREHOUSE

(See Self-Service Storage Facility)

MIXED USE

A combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Board of Appeals, in the same building or on the same premises.

MOBILE HOME COURT

See Manufactured Home Court

MOBILE HOME

(See Factory-Built Housing)

MOTEL

(See Hotel)

MULTI-FAMILY DWELLING

(See Dwelling: Multi-Family)

NEIGHBORHOOD BUSINESSES

These facilities include barber and beauty shops, pharmacies, grocery stores, bakeries, specialty food stores, laundry and dry-cleaning pick-up service, self-service washing and dry-cleaning facilities, florists, and bait and tackle shops.

NIGHTCLUB

(See Bars, Taverns, and Nightclubs)

NONCONFORMITIES

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

NURSERIES AND GARDEN SUPPLIES STORES

A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products, equipment and supplies used for gardening or landscaping.

NURSERY

(See Child Day Care Center)

NURSING HOME, REST HOME, OR CONVALESCENT HOME

An establishment which specializes in providing necessary health and related services to those unable to care for themselves

OCCUPIED

Includes the words “designed” or “intended to be occupied”.

OFF-STREET PARKING

The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OPEN SPACE

That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot and shall not be used for storage or parking.

OPEN STORAGE

Storing or keeping of chattels not fully enclosed in a building.

PARKING LOT

An area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

PARKING SPACE; OFF-STREET

For the purpose of this Zoning Code, an off-street parking space shall consist of an area adequate for parking a passenger vehicle with room for opening doors on both sides, together with properly related

access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERMITTED USE

A use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Inspector provided that the applicant meets the applicable requirements of the Ordinance.

PERSON

Includes a corporation as well as an individual.

PERSONAL SERVICES

Services of a personal nature including, beauty and barber shops; individual laundry and dry-cleaning establishments; laundromats; photo studios and photofinishing; shoe repair; tailoring; watch, clock, and jewelry repair; clothing rental; and other services performed for persons or their apparel.

PET SHOPS

Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

PLACES OF WORSHIP

Establishments of recognized religious organizations operated for worship or for promotion of religious activities.

PLANNED UNIT DEVELOPMENT (PUD)

Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans, and design principles for all buildings intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. (See Article 8 Planned Unit Developments.)

PLANNING COMMISSION

The Village of Morrow Planning Commission as established by ORC Chapter 713.01.

POOL; SWIMMING

(See Swimming Pool)

PREEXISTING USE

An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this Zoning Code.

PRINCIPAL USE

The primary or predominant use of any land or improvement on it.

PRIVATE BUSINESS OR FAMILY GATHERING FACILITY

A private facility, which is owner occupied, that has a secondary use of the structure as a private rental facility for family gatherings, business functions, and community events. The facility shall be located in

and outside of the existing structure and a structure cannot be built for this purpose. The operator of the facility shall live on the property.

PRIVATE CLUBS

An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws.

PRIVATE LANDING STRIPS AND HELIPORTS

A site built to the current FAA recommendations where aircraft arrive and depart.

PRIVATE SCHOOLS

Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools other than educational facilities.

PROFESSIONAL OFFICES

(See Business, Professional, and Administrative Offices)

PUBLIC OFFICES AND PUBLIC BUILDINGS

Establishments for/housing activities of local, county, regional, state, or federal government agencies, but not including public service garages.

PUBLIC RECREATION FACILITIES

Parks, playgrounds, golf courses, sports arenas, gymnasiums, community centers, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and arid wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

PUBLIC SERVICE FACILITY

The erection, construction, alteration, operation, or maintenance of buildings 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 disposal services.

PUBLIC SERVICE YARDS AND GARAGE

Premises used for the storage, service, and repair of publicly-owned vehicle fleets.

PUBLIC UTILITIES

Publicly-owned or leased buildings, public utility buildings, telephone exchanges, and transformer stations.

PUBLIC WAY

An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

REAR LOT LINE

(See Lot Line)

REAR YARD

(See Yard)

RECONSTRUCTED

Any change, addition, or modification in construction, use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; the consummated act of which may be referred to herein as "altered".

RECREATION SPACE

(Countable) All area, open or enclosed, available for the general use of the residents of a planned residential district for active or passive recreation. Recreation space shall be provided in locations easily accessible to the living units. Such space may be a part of the required livability space.

RECREATION VEHICLE

(See Camping and Recreation Equipment)

RECREATION VEHICLE

Includes travel trailers, campers, unlicensed golf carts, motor home, camp car, truck campers, boats, personnel watercraft, four wheelers, dirt bikes, snow mobiles, Jet Ski, and their respective trailers.

REGIONAL PLANNING COMMISSION

Warren County Regional Planning Commission. Sometimes referred to as County Planning Commission.

RELIGIOUS PLACES OF WORSHIP

An institution that a congregation of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denominations are held.

RESTAURANT; FAST FOOD

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, with a motor vehicle parked on the premises, or off the premises, as a carry-out or drive-through order; and whose principal method of operation includes the following characteristics: food and/or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

RESTAURANT; STANDARD

An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

RETAIL BUSINESS

Any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.

RIGHT-OF-WAY

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

ROADSIDE STAND

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.

ROOM, HABITABLE

A room occupied, or designed to be occupied, by one or more persons for living, sleeping, eating, or cooking, including kitchens serving a dwelling unit; but not including bathrooms, toilet compartments, laundries, pantries, cellars, attics for storage and other similar spaces.

ROOMING HOUSE

A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

SATELLITE SIGNAL RECEIVER

Dish-type Satellite Signal-Receiving Antennas, earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.
- C. Not including telecommunications towers.

SCREENING

The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

SEAT

For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITY

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or materials.

SERVICE CLUBS

An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associated are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws.

SERVICE GARAGE

(See Automobile Repair, Painting, and Body Shops)

SERVICE STATION

(See Automobile Service Station)

SETBACK LINE

A line established by the Zoning Code, generally parallel with and measured from the lot line/right-of-way, defining the limits of a yard in which no portion of any principal structure, other than accessory building, may be located except as may be provided in said Zoning Code. No portion of the submerged lot shall be counted toward the required setback. (See Yard)

SHOOTING SPORTS

The act of firing a gun, bow, or similar device at an outdoor or indoor range or course within a business setting.

SEWERS, CENTRAL OR GROUP

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single-development, township, or region.

SIDE LOT LINE

(See Lot Line)

SIDE YARD

(See Yard)

SIGN

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Article 11 Signage.) Same as

SINGLE-FAMILY DWELLING

(See Dwelling; Single-Family)

SPA/HOT TUB

An artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or reticulating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

STABLE

A structure for the keeping of horses and ponies.

STORY

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See Illustration, Exhibit "E/C" following this Section.)

STREET

(See Thoroughfare)

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SURVEY

A description of land prepared by a professional, licensed surveyor.

SWIMMING POOL

A structure constructed or placed below ground or above ground, which contains water in excess of 30 inches in depth and is suitable or utilized for swimming or wading.

TAVERN

(See Bars, Taverns, and Nightclubs)

TEMPORARY USE OF BUILDING

The temporary use of land or a building permitted by the Zoning Inspector during periods of construction, or for special events. (See Section 1129.12/150.312/513 Temporary Uses.)

THIS CHAPTER

Where this term appears or shall appear, it shall be interpreted to mean and to refer to Zoning Code or The Village of Morrow, inclusive of all amendments and supplemental sections which have been or may be added thereto.

THOROUGHFARE

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley - A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
- C. Collector Street - A thoroughfare, whether a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

THROUGH LOT

(See Lot)

TOURIST HOME

A building or part thereof, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

TOURIST COURT

See Motel

TRAILER

(See Factory Built Housing)

TRAILER PARK

(See Manufactured Home Court)

TRANSPORTATION TERMINALS

Trucking and motor-freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

TRANSPORT TRUCKING TERMINAL

Any business, structures, or premises which primarily receives or distributes goods by tractor trailer or similar vehicle.

TRUCK TERMINAL

Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two (2) or more trucks.

TWO-FAMILY DWELLING

(See Dwelling; Two-Family)

USE

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

UTILITY SERVICE COMPANIES

Utility buildings, telephone exchanges, and transformer stations or uses other than general offices.

VARIANCE

A modification of the strict terms of this Zoning Code where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Zoning Code which would result in unnecessary and undue hardship for a use variance or practical difficulty for an area variance.

VEHICLE

Anything incorporating wheels and/or chassis within its assemblage to enable its mobility across the land.

VEHICLE SALES, RENTAL, AND SERVICE

The sales, service, and rental of new and used cars, trucks, trailers, motorcycles, manufactured homes, recreational vehicles, snowmobiles, and boats. This does not include semi-tractor trailers, farm equipment, and construction equipment.

ZONING INSPECTOR

The Zoning Inspector is appointed by the Mayor and approved by Village Council to administrate and enforce this Zoning Regulation. The Administrator may be provided with the assistance of such other persons as the Mayor may designate.

VISION CLEARANCE ON CORNER LOTS

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot. (Refer to The Village of Morrow Construction Standards and Drawings)

WAREHOUSE

A building used principally for the storage of goods and materials.

WHOLESALE BUSINESS

An establishment that is engaged in the selling of merchandise to retail establishments rather than to consumers.

YARD

An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this Zoning Code. (See Illustrations - Exhibit "B/C" and "D" following this Section.)

- A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot/right-of-way line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard. (See Illustration Exhibit "B" following this Section)
- B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building. (See Illustration Exhibit "B" following this Section)
- C. Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See Illustration Exhibit "B" following this Section)

ZONE

(See "District")

ZONING CERTIFICATE

The document issued by the Zoning Inspector authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

ZONING ENFORCEMENT OFFICER

(See Zoning Inspector)

ZONING INSPECTOR

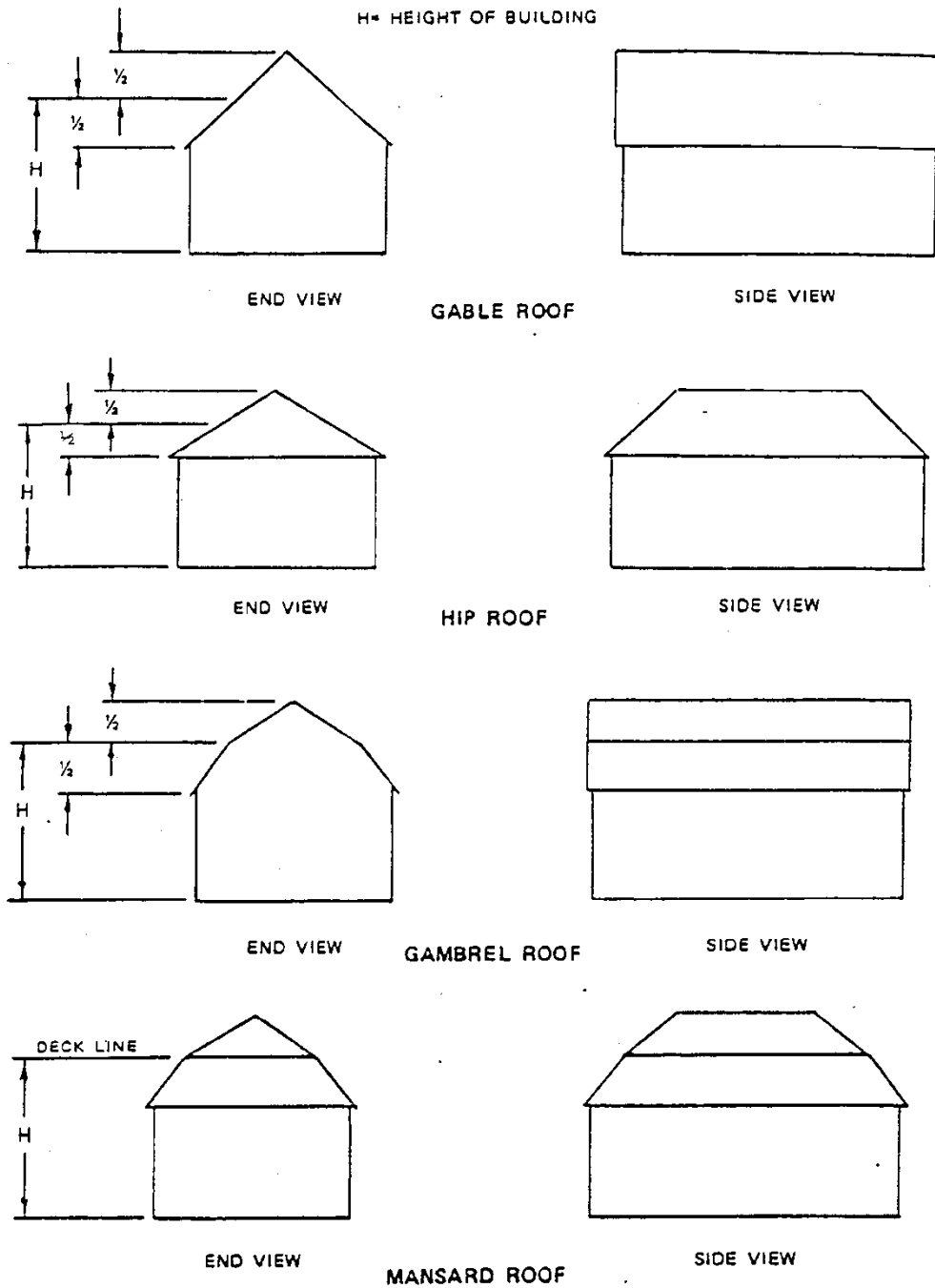
The person designated by the Village Council to administer and enforce zoning regulations and related ordinances.

ZONING MAP

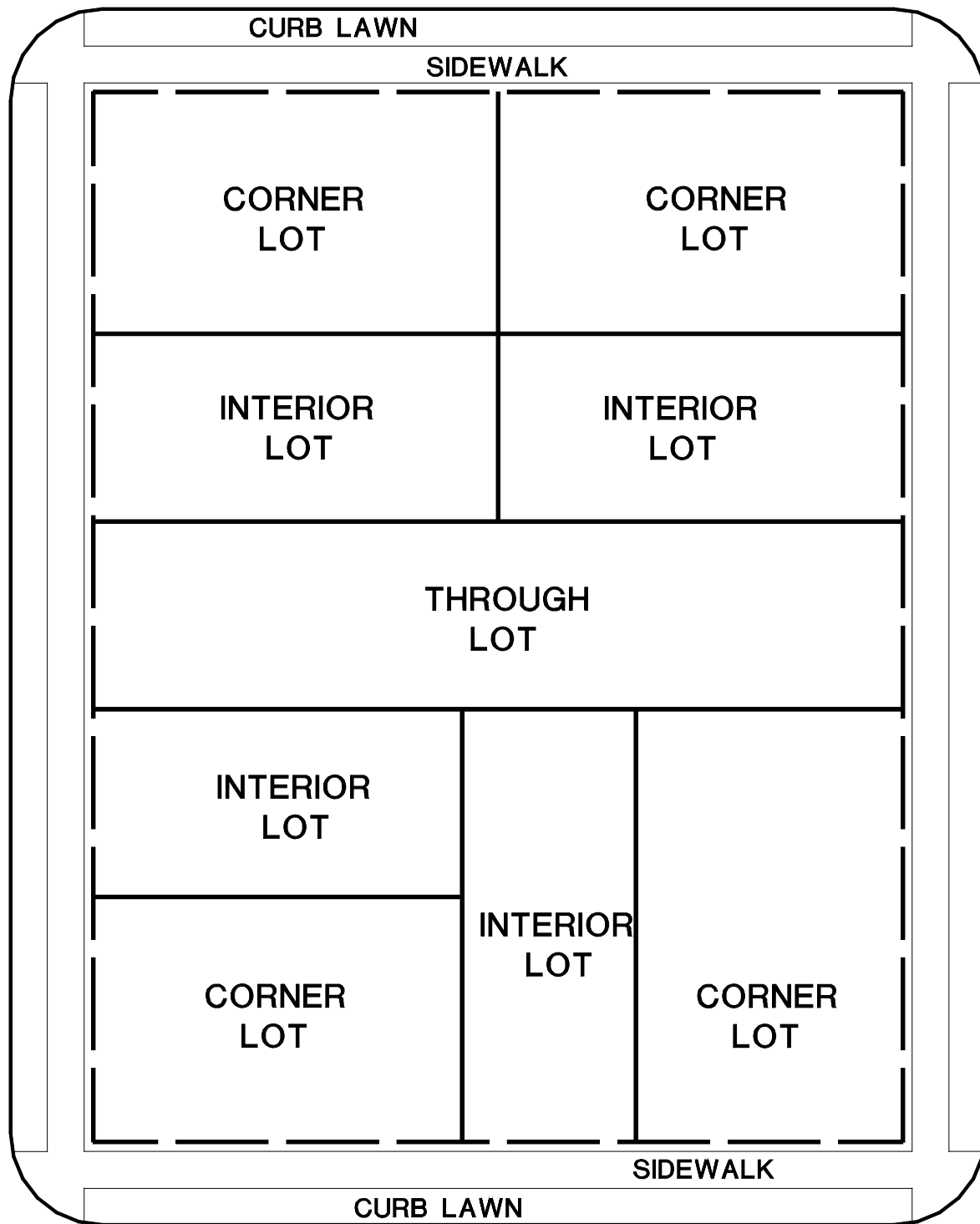
The Zoning Map or Maps of Morrow or portion thereof together with all amendments thereto subsequently adopted and incorporated and made part of the ordinance.

ZONING PERMIT

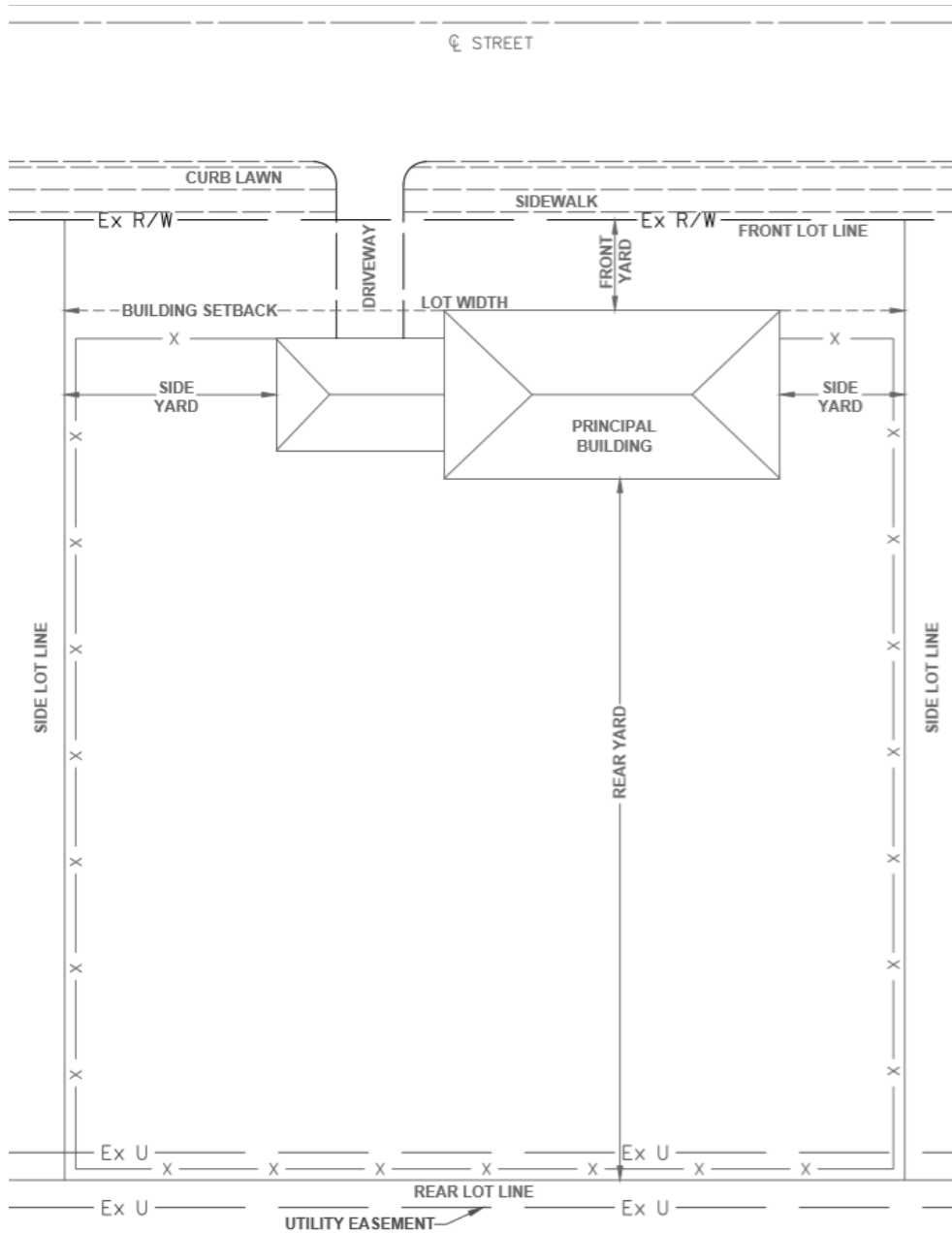
The document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.



Illustration/Exhibit "A" Roof Types and Building Height



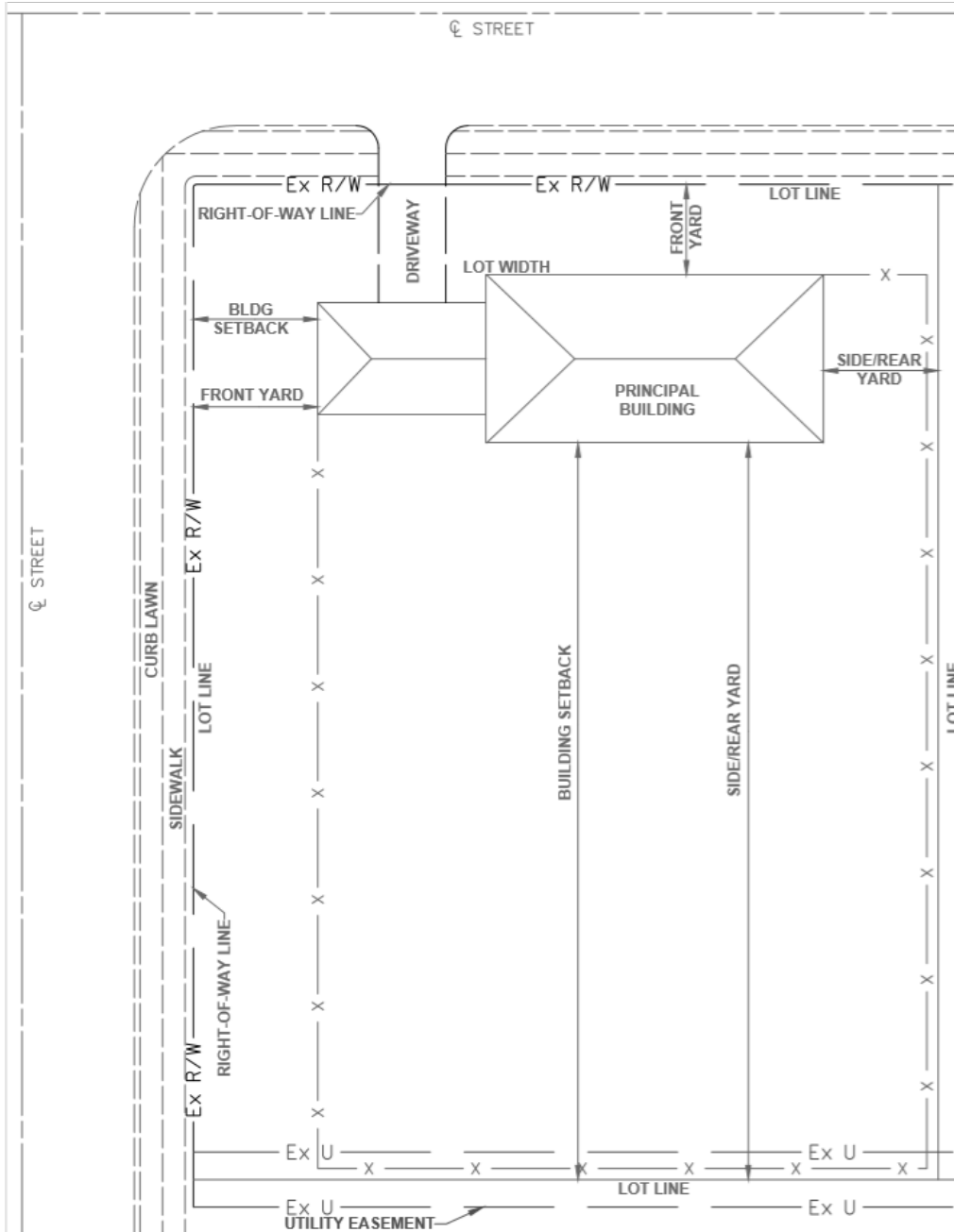
Illustration/Exhibit "B" Types of Lots



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY

LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

Illustration - Exhibit "C" Interior Lot Building - Principal and Lot Terms



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY

LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

Illustration - Exhibit "D" Corner Lot Building - Principal and Lot Terms

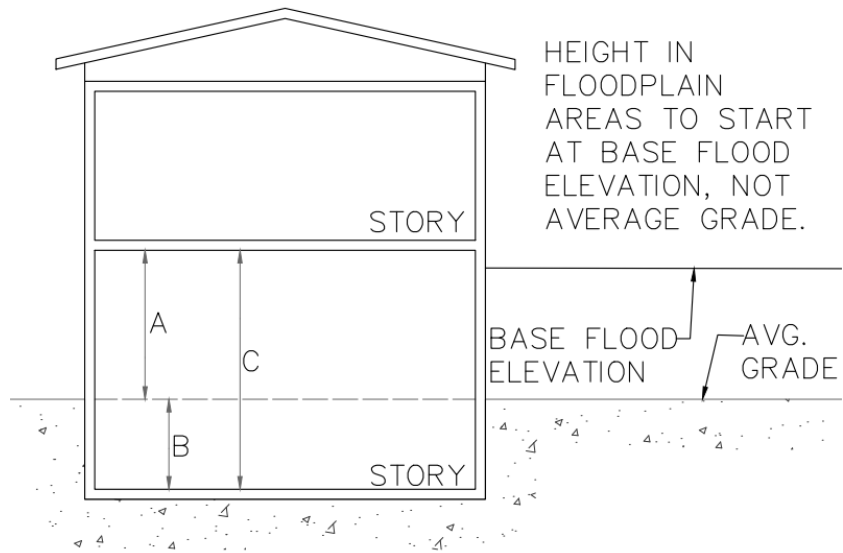
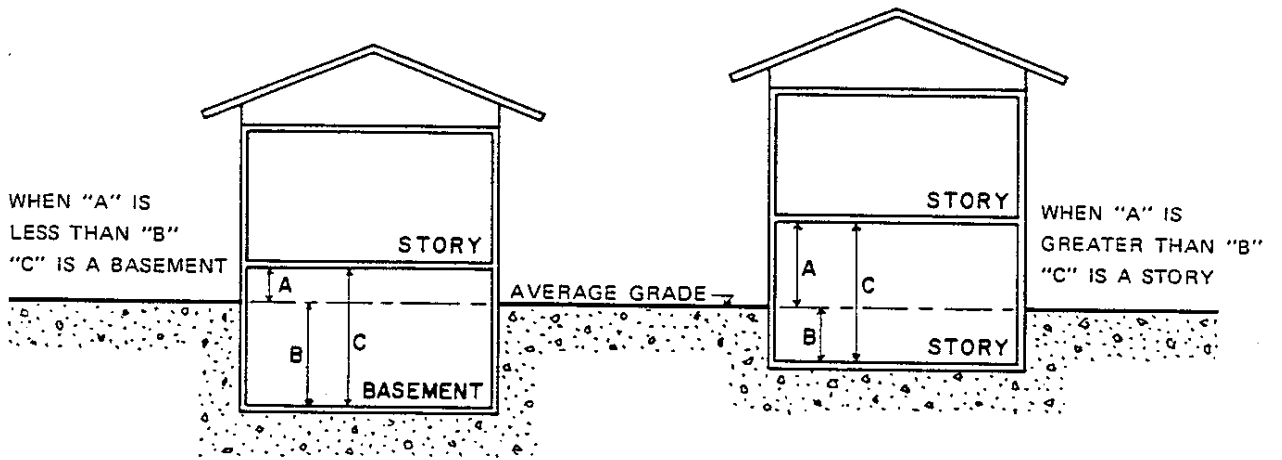


Illustration - Exhibit "E" Basement and Story

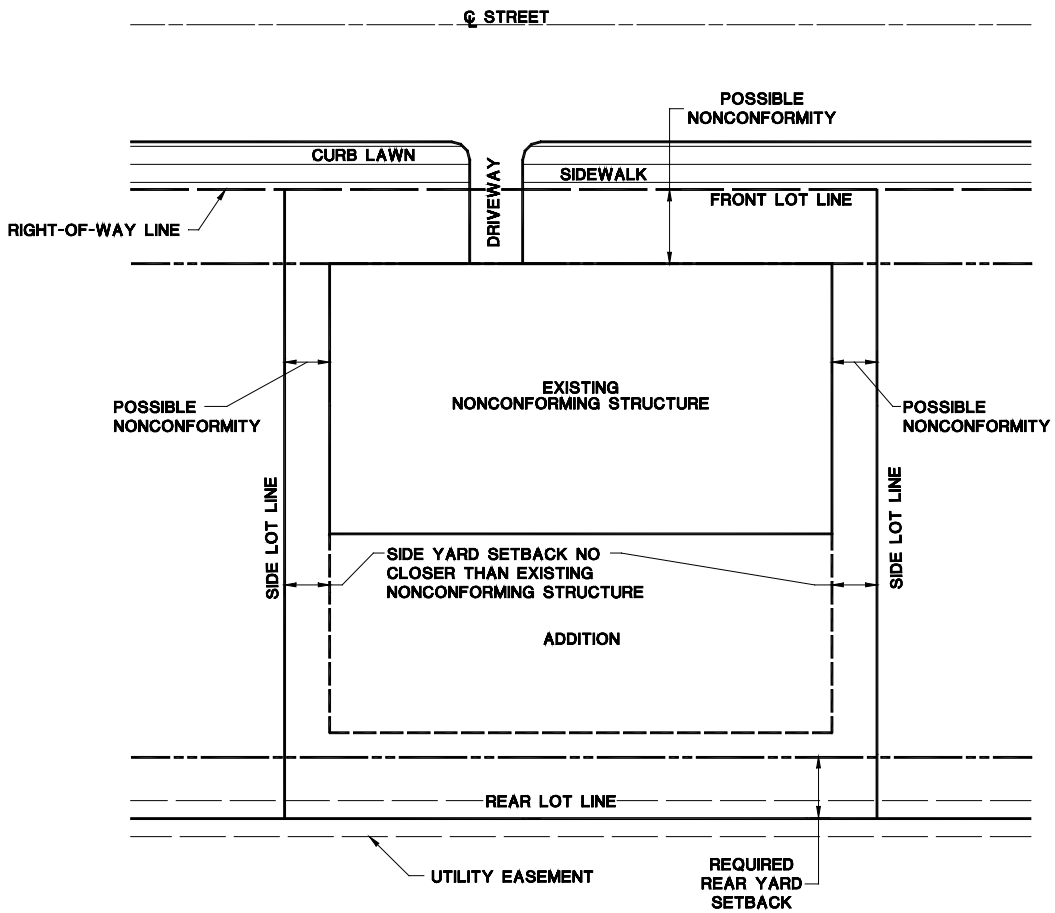
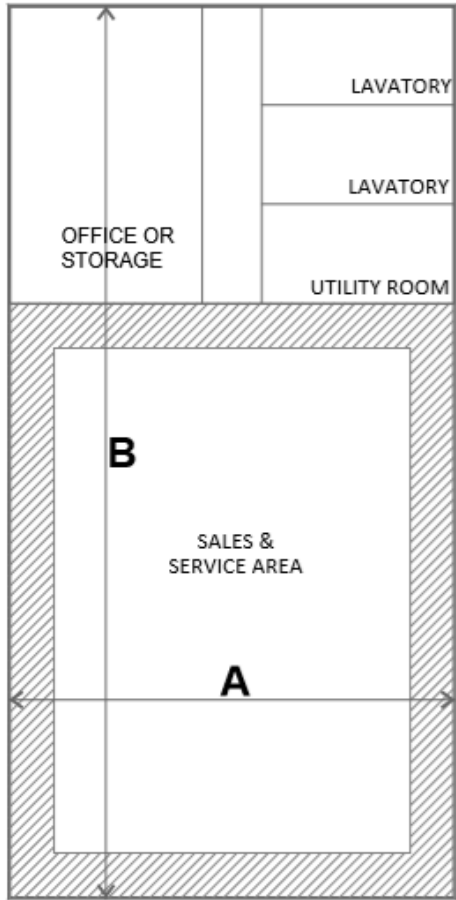


Illustration – Exhibit “F” Examples For Additions To Nonconforming Structures

See Section 709



FLOOR AREA TERMINOLOGY

(A) X (B): GROSS FLOOR AREA



Illustration - Exhibit "I" Village of Morrow - Usable Floor Area Terminology

ARTICLE 3 ESTABLISHING DISTRICTS AND ZONING MAP

301 Intent

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

302 Establishment of Districts

The following zoning districts are hereby established for The Village of Morrow, Ohio:

- A. R-1 Single Family Residential District
- B. R-2 Two-Family Residential District
- C. R-3 Multiple Family Residential District
- D. B-1 Downtown Business District
- E. B-2 Community Business District
- F. B-3 General Business District
- G. I-1 Light Industrial District

The following district overlays are hereby established for The Village of Morrow, Ohio:

- A. Flood Plain Overlay
- B. PUD – Planned Unit Development Overlay
- C. Downtown Historical Overlay

303 Zoning District Map

- A. The districts established above, as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. The official zoning map shall be identified by the signature of the mayor and clerk of the Village Council. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within thirty (30) normal working days after effective date of the amendment.
- C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the Village Council chambers, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the Village.

304 Rules for Map Interpretation

- A. When definite distances in feet are not shown on the official zoning district map, the district boundaries on the official zoning district map are intended to be along existing street, alley, or property lines or extensions of or from the same, and if the exact location of such line is not

clear it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of four members of the Board of Appeals.

- B. When the streets or alleys on the ground differ from the streets or alleys on the official zoning district map, the Board of Appeals may apply the district designation of the map to the property on the ground in such manner as to conform to the intent and purposes of this Section in the judgment of said Board.
- C. Whenever any street, alley, railroad right-of-way, or other public way is vacated by official action of the Council, the zoning district adjoining each side of street, alley, railroad right-of-way, or public way shall automatically extend to the center of such vacated way and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area. Any vacation of right-of-way or public way shall be subject to Ohio Revised Code, Section 723.041 and the right of permanent easement of any utility located on, over, or under such vacated public way or part thereof shall continue.

305 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official zoning map.

- A. Where district boundaries are so indicated as approximately following the centerlines of streets, or street right-of-way lines, such centerlines, street lines, or right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.
- F. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G. Whenever any street, alley, railroad right-of-way, or other public way is vacated by official action of the Village Council, the zoning district adjoining each side of such street, alley, railroad right-of-way, or public way shall automatically extend to the center of such vacated way and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area. Any vacation of right-of-way or public way shall be subject to Ohio Revised Code Section 723.041

and the right of permanent easement of any utility located on, over, or under such vacated public way or part thereof shall continue.

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

306 Zoning upon Annexation

Whenever any area is annexed to the Village, the petitioner shall cooperate and shall execute and deliver such documents as may be required by the Village Council to rezone such area to the zoning category designated by the Village Council.

- A. Where land previously zoned by another jurisdiction is annexed to the Village, the same shall be zoned the same zoning district as land that is already within the Village and most closely in accordance with the existing use of the land already within the Village.
- B. Land not zoned prior to annexation shall be classified in the same manner into whichever district of the Zoning Ordinance most closely is in accordance with the existing use of the annexed area or in accordance with the comprehensive development plan in the case of vacant land. Zoning/building permits may be issued only after the Village has given the land its permanent zoning classification.
- C. In all cases, within three months after the effective date of annexation, the Planning Commission shall recommend the appropriate permanent zoning district for such area to Council, and the official zoning district map shall be amended according to the prescribed procedure set forth in Article Three.

ARTICLE 4 DISTRICT REGULATIONS

401 Compliance with Regulations

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

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- B. Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of this Zoning Code.
- C. Except as otherwise provided in this Zoning Code, no yard or lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth in the district.
- D. These Zoning Regulation shall not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided that where these Zoning Regulation impose a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations the provisions of these Zoning Regulation shall control.

402 Summary of Zoning District Requirements

VILLAGE OF MORROW ZONING CODE

District	Lot Minimum		Maximum Height of Structures (c)			Minimum Setback Requirements (feet)				Minimum Usable Floor Area Per Unit (Sq.Ft.)	Maximum Coverage of Lot By All Buildings
	Area (sq. ft.) (a)	Width (feet)	In Stories	In Feet	Front Elevation	Front Yard	Side Yards		Rear Yard		
							Least One	Total of Two			
R-1 with sewers w/out sewers	12,500 43,560	80 (b)	2 1/2	35	25	35 (d)	15 (d) (e)	30 (d) (e)	40 (d)	1,500	30%
R-2	8,700	60	2 1/2	35	25	30 (d)	10 (d) (e)	20 (d) (e)	25 (d)	1,150	30%
R-3	(f)	90	3	40	30	35 (g) (h)	10 (g) (h)	20 (g) (h)	25 (g) (h)	(i)	30%
B-1	(j)	(j)	3	40	--	(k)	(l) (m)	(l) (m)	(l) (n)	--	--
B-2	(j)	(j)	3	40	--	0	(h) (l) (m)	(h) (l) (m)	(h) (l) (n)	--	--
B-3	(j)	(j)	3	40	--	0	(h) (l) (m)	(h) (l) (m)	(h) (l) (n)	--	--
I-1	(j)	(j)	--	40	--	0	(o)	(o)	(o)	--	--
PUD	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)	(p)

Footnotes to Summary of Zoning District Requirements

- A. Lot Area
"Net lot area", as defined in this Ordinance, shall be used to determine compliance with lot area requirements.
- B. Lot Proportions
Lot depths of newly created lots in the R-1 districts shall be no greater than four (4) times the lot width.
- C. Exceptions to Height Standards
The height standards shall not apply to certain structures listed in this Ordinance.
- D. Minimum Setbacks for Non-Residential Uses

Permitted non-residential uses shall comply with setback requirements set forth in this Ordinance for specific uses. Where setback requirements are not specified in this Ordinance, permitted non-residential uses shall comply with the minimum setback requirements set forth in the Schedule of Regulations, except that the minimum side yard shall be twenty (20) feet.

E. Setback on Side Yards Facing a Street

On corner lots there shall be maintained a front yard along each street frontage, except that the minimum setback on side yards facing a street where no other housing units in the block face the side street shall be ten (10) feet.

F. Lot Requirements

Single-family dwellings shall comply with the lot standards for the R-1 District. Two-family dwellings shall comply with the lot standards for the R-2 District. Multiple-family dwellings shall comply with the following minimum lot area standards:

Minimum Lot Area Per Unit	
First dwelling unit	3,000 sq. ft.
Each additional unit	2,500 sq. ft.

G. Setbacks in R-3 Districts

Single-family dwellings shall comply with the setback standards for the R-1 District. Two-family dwellings shall comply with the setbacks for the R-2 District. The minimum distance between any two multiple family structures erected on the same parcel shall be as follows:

Orientation of Buildings	1-Story Buildings	1-1/2 or 2 Story
Front to front	30 ft.	60 ft.
Front to rear	30 ft.	60 ft.
Rear to rear	30 ft.	60 ft.
End to end	20 ft.	20 ft.
End to front	30 ft.	30 ft.
End to rear	30 ft.	30 ft.

H. Parking Setback Adjacent to Resident District

Off-street parking shall be set back a minimum of forty (40) feet from any residential district boundary.

I. Minimum Floor Space in the R-3 District

The minimum required floor area in multiple family structures shall be as follows:

Number of Bedrooms	Required Floor Area (sq. ft.)
1	650
2	800
3	950
4	1,100
Each Additional	100

J. Lot Area and Width in Commercial Districts

Lot area and width requirements in the commercial and office districts shall be based on compliance with the setback and lot coverage standards.

K. Zero Lot Line

The front building wall shall be located on the front property line adjacent to the road right-of-way.

L. Side or Rear Yard Setback Along Interior Lot Lines in Business Districts

The maximum side or rear yard setback shall be zero (0) where all abutting or facing walls are composed of fireproof materials and contain no windows, doors, or other openings. Where any walls are not of fireproof construction or where any walls contain openings a side or rear yard setback shall be provided as follows:

Building Height	Minimum Side or Rear Yard Setback
1 story	5 ft.
2 stories	8 ft.
3 stories	10 ft.

M. Side Yard Setback on Corner Lots in Business Districts

No side yard setback is required except where the side street abuts an interior residential lot, in which case the side yard setback shall be equal to the required minimum front yard setback for the district in which the adjacent residential lot or building is located.

N. Rear Yard Setback on Through-Lots in Business Districts

The rear yard setback on lots which extend through from street to street shall be equal to the minimum front yard setback for the district in which the building is located.

O. Minimum Setback Adjacent to a Residential Use

Buildings in the industrial districts shall be set back a minimum of one hundred (100) feet from any residential district boundary.

P. Planned Unit Developments

See Article 8 for development standards in Planned Unit Developments.

403 Summary of Permitted and Conditional Uses

VILLAGE OF MORROW ZONING CODE

USE	ZONING DISTRICT						
	R-1 Single Family Residential	R-2 Two Family Residential	R-3 Multiple Family Residential	B-1 Downtown Business	B-2 Community Business	B-3 General Business	I-1 Light Industrial
P = Principal Permitted Use C = Conditional Use PD = See PUD Section							
RESIDENTIAL							
Single-Family	P	P	C	C	C		
Two-Family		P	P	C	C		
Multi-Family			P	C	C		
Boarding or Lodging Houses	C	C					
Residential Planned Unit Developments	PD	PD	PD				
Elderly Housing Facilities		C	C				
Manufactured Home Courts	PD	PD	PD				
Home Occupations	C	C					
INSTITUTIONAL & PUBLIC RECREATIONAL USES							
Elementary, Junior High, and High Schools	C	C	C				
Places of Worship	C	C	C				
Libraries	C	C	C				
Public Recreation Facilities	P	P	P				
Cemeteries	C	C					
Public Offices, Public Buildings, and Public Utilities	C	C	C				
Child Day Care Centers	C	C	C				
Nursing and Convalescent Homes		C	C				
Hospitals			C				
Private Clubs	C	C					

VILLAGE OF MORROW ZONING CODE
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT						
	R-1 Single Family Residential	R-2 Two Family Residential	R-3 Multiple Family Residential	B-1 Downtown Business	B-2 Communit y Business	B-3 General Business	I-1 Light Industrial
P = Principal Permitted Use C = Conditional Use PD = See PUD Section							
BUSINESS AND PROFESSIONAL OFFICE USES							
Business, Professional, and Administrative Offices				P	P	P	
Medical Offices and Clinics				P	P	P	
RETAIL COMMERCIAL AND SERVICE USES							
Neighborhood Businesses				P	P	P	
General Merchandise Stores				P	P	P	
Personal Services				P	P	P	
Restaurant, Standard				P	P	P	
Financial Establishments				P	P	P	
Commercial Planned Unit Developments				PD	PD	PD	
Nurseries and Garden Supply Stores						P	
Funeral Homes					C	C	
Animal Hospitals, Veterinary Clinics and Kennels, Animal Grooming, Pet Shops					C	C	
Private Schools	C	C	C				
Bowling Alley						C	
Arcade, Pool Hall						C	

VILLAGE OF MORROW ZONING CODE
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT						
	R-1 Single Family Residential	R-2 Two Family Residential	R-3 Multiple Family Residential	B-1 Downtown Business	B-2 Communit y Business	B-3 General Business	I-1 Light Industrial
P = Principal Permitted Use C = Conditional Use							
ROAD SERVICE AND COMMERCIAL ENTERTAINMENT USES							
Automobile Service Stations					C	C	
Fraternal and Social Association Facility					P	P	
Convenience Store				P	P	P	
Motels and Hotels						C	
Printing, Publishing, Lithographing, and Binding Establishments				P	P	P	
Self-Service Storage Facility							C
Automobile Repair, Painting, and Body Shops					C	C	
Service Garage					C	C	
Automobile Washing Facilities					C	C	
Bars, Taverns, and Nightclubs				P	P	P	
Commercial Entertainment Facilities						C	
Vehicle Sales, Rental, and Service				P	P	P	
Carry-Outs, Mini-Market and Drive-Through, and Drive-In Stores					P	P	
Restaurants, Fast Food					C	C	
Farm Implement Sales							
Grain Bins and Grain Elevator							
Adult Entertainment Facilities							C

VILLAGE OF MORROW ZONING CODE
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT						
	R-1 Single Family Residential	R-2 Two Family Residential	R-3 Multiple Family Residential	B-1 Downtown Business	B-2 Community Business	B-3 General Business	I-1 Light Industrial
P = Principal Permitted Use C = Conditional Use PD = See PUD Section							
LIGHT INDUSTRIAL USES							
Construction Trades and Contractor Offices						C	C
Building Services and Supplies							P
Plumbing and Heating Shops							P
Wholesale Distributors							P
Lumber Yards and Building Materials Sale and Storage							P
Warehouses							P
Heavy Equipment Rental, Sales, Service, and Storage							P
Transportation Terminals							C
Public Service Yards and Garages					C	C	C
Public Utilities							C
HEAVY INDUSTRIAL USES							
Planned Industrial Development							PD
Enclosed Industrial							P
Open Industrial							C

404 R-1 Single-Family Residential District

The intent of the R-1 Single Family Residential Districts is to provide areas of the Municipality for the construction and continued use of single-family dwellings within stable neighborhoods.

The regulations are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible. It is further the intent of this district to prohibit multiple family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with single family development of or quality of life in this district.

Principal Permitted Uses

In all areas zoned R-1 Single Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

- A. Residential Uses
 - 1. Single-Family
- B. Institutional & Public Recreational Uses
 - 1. Public Recreation Facilities

Conditional Uses

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 6.

- A. Residential Uses
 - 1. Boarding or Lodging Houses
 - 2. Home Occupations
- B. Institutional & Public Recreational Uses
 - 1. Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries
 - 4. Cemeteries
 - 5. Public Offices, Public Buildings, and Public Utilities
 - 6. Child Day Care Centers
 - 7. Private Clubs
- C. Retail Commercial and Service Uses
 - 1. Private Schools

Development Standards

- A. Site Plan Review

Site plan review and approval is required for all uses except detached single family residential uses, in accordance with Article 24, General Procedures and Related Standards.

B. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the R-1 Single Family Residential District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

C. Planned Unit Developments

Planned unit developments may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

D. General Development Standards

Buildings and uses in the R-1 Single Family Residential District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Floodplain, Article 9
Off-Street Parking and Loading Facilities, Article 10
Signage, Article 11
Zoning Permit Requirements and Enforcement, Article 15

405 R-2 Single-Family Residential District

The intent of the R-2 Two Family Residential District is to provide areas of the Municipality for the continued use and improvement of single- and two-family dwellings. It is further the intent of this district to prohibit multiple family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development of or quality of life in this district.

Principal Permitted Uses

In all areas zoned R-2 Two Family Residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

- A. Residential Uses
 - 1. Single-Family
 - 2. Two-Family
- B. Institutional & Public Recreational Uses
 - 1. Public Recreation Facilities

Conditional Uses

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 6.

- A. Residential Uses
 - 1. Boarding or Lodging Houses
 - 2. Elderly Housing Facilities
 - 3. Home Occupations
- B. Institutional & Public Recreational Uses
 - 1. Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries
 - 4. Cemeteries
 - 5. Public Offices, Public Buildings, and Public Utilities
 - 6. Child Day Care Centers
 - 7. Nursing and Convalescent Homes
 - 8. Private Clubs
- C. Retail Commercial and Service Uses
 - 1. Private Schools

Development Standards

- A. Site Plan Review

Site plan review and approval is required for all uses except detached single family residential uses and two-family dwellings, in accordance with Article 24.

B. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the R-2 Two Family Residential District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

C. Planned Unit Developments

Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

D. General Development Standards

Buildings and uses in the R-2 Two Family Residential District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Cross References

Supplemental District Regulations, Article 5

Conditional Uses; Substantially Similar Uses, Article 6

Planned Unit Developments, Article 8

Off-Street Parking and Loading Facilities, Article 10

Signage, Article 11

Zoning Permit Requirements and Enforcement, Article 15

406 R-3 Multiple-Family Residential District

The intent of the R-3 Multiple Family Residential District is to address the varied housing needs of the community by providing locations for development of multiple family housing at a higher density than is permitted in the single-family districts. In addressing these housing needs, multiple family housing in the R-3 District should be designed in consideration of the following objectives:

Principal Permitted Uses

In all areas zoned R-3 Multiple Family Residential District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

- A. Residential Uses
 - 1. Two-Family
 - 2. Multi-Family
- B. Institutional & Public Recreational Uses
 - 1. Public Recreation Facilities

Conditional Uses

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 6.

- A. Residential Uses
 - 1. Single-Family
 - 2. Elderly Housing Facilities
- B. Institutional & Public Recreational Uses
 - 1. Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries
 - 4. Public Offices, Public Buildings, and Public Utilities
 - 5. Child Day Care Centers
 - 6. Nursing and Convalescent Homes
 - 7. Hospitals
- C. Retail Commercial and Service Uses
 - 1. Private Schools

Development Standards

- A. Site Plan Review

Site plan review and approval is required for all uses except detached single family residential uses, in accordance with Article 24.

- B. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the R-3 Multiple Family Residential District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

C. Planned Development

Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

D. General Development Standards

Buildings and uses in the R-3 Multiple Family Residential District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 10
Signage, Article 11
Zoning Permit Requirements and Enforcement, Article 15

407 B-1 Downtown Business District

The purpose of the B-1 Downtown Business District is to integrate the community's objective to revitalize its historic commercial core. The B-1 Downtown Business District acknowledges that the commercial core should retain a specific mixture of retail and office uses which favor pedestrian traffic and comparison shopping. Further, to promote revitalization of the historic commercial core and reinvestment in businesses and properties within the district, these regulations contain provisions specifying development and design criteria and standards for their review.

Principal Permitted Uses

In all areas zoned B-1 Downtown Business District, no buildings shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses. Other uses not specifically listed in this Ordinance may be considered following a determination by the Commission that such use is similar to other permitted uses in this district.

- A. Business and Professional Office Uses
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- B. Retail Commercial and Service Uses
 - 1. Neighborhood Businesses
 - 2. General Merchandise Stores
 - 3. Personal Services
 - 4. Restaurant, Standard
 - 5. Financial Establishments
- C. Road Service and Commercial Entertainment Uses
 - 1. Convenience Store
 - 2. Printing, Publishing, Lithographing, and Binding Establishments
 - 3. Bars, Taverns, and Nightclubs
 - 4. Vehicle Sales, Rental and Service

Conditional Uses

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 6.

- A. Residential Uses
 - 1. Multi-Family
 - 2. Two – Family above the first floor
 - 3. Single Family above the first floor

Development Standards

- A. Required Conditions

Unless otherwise noted, buildings and uses in the B-1 Downtown Business District shall comply with the following requirements:

B. Site Plan Review

Site plan review and approval is required for all uses in the B-1 Downtown Business District in accordance with Article 24.

C. Exterior Design Review

1. Intent. The exterior appearance of any building located within the B-1 Downtown Business District has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes.

Maintenance of an attractive, compatible and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of such area, and will prevent attendant deterioration of conditions affecting the general welfare of Municipal citizens.

2. Scope of Application. Except for those items listed below, all plans submitted for site plan review shall be subject to design review requirements of this Section. Those items exempt from these provisions are:
 - a. Items such as window replacement, antennas, roof vents, small mechanical equipment not readily visible to the public, painting to a similar color, and items of ordinary repair and maintenance.
3. Approval Procedure. The Planning Commission shall review submitted materials concurrently with site plan review, when such is required.

D. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the B-1 Downtown Business District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

E. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

F. General Development Standards

Buildings and uses in the Downtown Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Downtown Design Concepts

Downtown design concepts applicable in the B-1 Downtown Business District include the following:

- A. New buildings shall be located along the front property line.
- B. Buildings located along Main Street shall have a higher vertical scale to reinforce the center of the business district.
- C. Buildings shall be contiguous with few gaps or breaks for parking.
- D. The façades facing Main Street shall be individual storefront bays and large windows or showcases.
- E. Façade materials and components shall be compatible with existing buildings, particularly immediately adjacent buildings.

F. Buildings shall front, and have the primary entrance, along Main Street.

Site Design Guidelines

The following standards are intended as guidelines not as ridged, prescriptive criteria to guide the redevelopment of the downtown consistent with community expectations and values.

A. Support Service Elements

The following provisions address the location of support service structures on the property:

1. Mechanical equipment such as transformers, compressors, HVAC systems, and chillers shall be located on the side, top or rear of the buildings and appropriately screened from pedestrians. Screening shall include a planting bed or low screen wall, alternately as required by this Ordinance. The clearance between the screen wall and the mechanical equipment shall conform to local building codes.
2. Trash dumpsters and their enclosures shall conform to the provisions of this Ordinance.
3. Utility meters, electrical conduit and other service lines shall not be located on the building façade facing the street and should, when practical, not be visible from the street.
4. Gutter down spouts should not be located on the building facade facing the street. If the rear of the building abuts a collective parking facility, the gutter down spout shall not discharge water on a sidewalk or other pedestrian way.

B. Building Design Guidelines

The intent of these requirements is to encourage the renovation of existing buildings and the construction of new buildings in the B-1 Downtown Business District that follow the “rules” established by the majority of existing buildings. The goal is to re-establish, and build upon, the visual character that once existed in order to recreate and preserve downtown character.

Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 10
Signage, Article 11
Zoning Permit Requirements and Enforcement, Article 15

408 B-2 Community Business District

It is the purpose of this district to provide community shopping facilities for the convenience and needs of persons residing in adjacent neighborhoods. Thus, the intent of the B-2, Community Business District is to provide for commercial development that offers a broad range of goods and services. Uses permitted in the B-2 District are generally more intensive than those permitted in the B-1 District. Because of the variety of business types permitted in the B-2 District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, Community Business District developments should be:

Principal Permitted Uses

In all areas zoned B-2 Community Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

- A. Business and Professional Office Uses
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- B. Retail Commercial and Service Uses
 - 1. Neighborhood Businesses
 - 2. General Merchandise Stores
 - 3. Personal Services
 - 4. Restaurant, Standard
 - 5. Financial Establishments
- C. Road Service and Commercial Entertainment Uses
 - 1. Fraternal and Social Association Facility
 - 2. Convenience Store
 - 3. Printing, Publishing, Lithographing, and Binding Establishments
 - 4. Bars, Taverns, and Nightclubs
 - 5. Vehicle Sales, Rental and Service
 - 6. Carry-Outs, Mini-Market and Drive-Through, and Drive-In Stores

Conditional Uses

The following uses may be permitted, subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 6.

- A. Residential Uses
 - 1. Multi-Family
 - 2. Two – Family above the first floor
 - 3. Single Family above the first floor
- B. Retail Commercial and Service Uses
 - 1. Funeral Homes
 - 2. Animal Hospitals, Veterinary Clinics and Kennels, Animal Grooming, Pet Shops

- C. Road Service and Commercial Entertainment Uses
 - 1. Automobile Service Stations
 - 2. Automobile Repair, Painting, and Body Shops
 - 3. Service Garage
 - 4. Automobile Washing Facilities
 - 5. Restaurants, Fast Food
- D. Light Industrial Uses
 - 1. Public Service Yards and Garages

Development Standards

A. Required Conditions

Unless otherwise noted, buildings and uses in the B-2 Community Business District shall comply with the following requirements:

B. Site Plan Review

Site plan review and approval is required for all uses in the B-2 Community Business District in accordance with Article 24.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the B-2 Community Business District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

D. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

E. General Development Standards

Buildings and uses in the Community Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 10
Signage, Article 11
Zoning Permit Requirements and Enforcement, Article 15

409 B-3 General Business District

The intent of the B-3, General Business District is to provide for intensive commercial development. B-3 Districts typically exhibit one or more of the following characteristics:

- The market for businesses in the B-3 District may include the general Village population, residents in surrounding communities, and the people in transit.
- Permitted businesses are frequently auto-oriented, rather than pedestrian-oriented.
- Because of the negative impacts commonly generated by B-3 uses, these districts are not generally appropriate adjacent to residential uses unless extensive buffering is provided.

Because of the variety of business types permitted in the B-3 District, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, spacing of uses, and coordination of site features between adjoining sites. Accordingly, General Business District developments should be:

- compatible in design with adjacent commercial development;
- designed in coordination with development on adjoining commercial sites;
- buffered from or located away from residential areas; and
- directly served by a major thoroughfare.

Principal Permitted Uses

In all areas zoned B-3 General Business District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

- A. Business and Professional Office Uses
 1. Business, Professional, and Administrative Offices
 2. Medical Offices and Clinics
- B. Retail Commercial and Service Uses
 1. Neighborhood Businesses
 2. General Merchandise Stores
 3. Personal Services
 4. Restaurant, Standard
 5. Financial Establishments
 6. Nurseries and Garden Supply Stores
- C. Road Service and Commercial Entertainment Uses
 1. Fraternal and Social Association Facility
 2. Convenience Store
 3. Printing, Publishing, Lithographing, and Binding Establishments
 4. Bars, Taverns, and Nightclubs
 5. Vehicle Sales, Rental and Service
 6. Carry-Outs, Mini-Market and Drive-Through, and Drive-In Stores

Conditional Uses

The following uses may be permitted, subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 6.

- A. Retail Commercial and Service Uses
 - 1. Funeral Homes
 - 2. Animal Hospitals, Veterinary Clinics and Kennels, Animal Grooming, Pet Shops
 - 3. Bowling Alley
 - 4. Arcade, Pool Hall
- B. Road Service and Commercial Entertainment Uses
 - 1. Automobile Service Stations
 - 2. Motels and Hotels
 - 3. Automobile Repair, Painting, and Body Shops
 - 4. Service Garage
 - 5. Automobile Washing Facilities
 - 6. Commercial Entertainment Facilities
 - 7. Restaurants, Fast Food
- C. Light Industrial Uses
 - 1. Construction Trades and Contractor Offices
 - 2. Public Service Yards and Garages

Development Standards

- A. Required Conditions

Unless otherwise noted, buildings and uses in the B-3 General Business District shall comply with the following requirements:

- 1. All permitted retail or service establishments shall deal directly with customer. Manufacturing of products for wholesale distribution off of the premises is not permitted.
 - 2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - 3. There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.
 - 4. Commercially used or commercially licensed vehicles used in the normal operation of permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
 - 5. Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.
 - 6. All sites shall be maintained in compliance with the open space and landscaping requirements of Article 19.
- B. Site Plan Review

Site plan review and approval is required for all uses in the B-3 General Business District in accordance with Article 24..

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the B-3 General Business District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

D. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

E. General Development Standards

Buildings and uses in the B-3, General Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 10
Signage, Article 11
Zoning Permit Requirements and Enforcement, Article 15

410 I-1 Light Industrial District

The intent of the I-1 Light Industrial District is to provide locations for planned industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential or commercial uses.

Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within well-designed buildings on amply landscaped sites, with adequate off-street parking and loading areas. Extra consideration shall be provided to heavy industrial uses, that may, by the nature of the use, have a severe impact on residential and non-residential uses alike.

Principal Permitted Uses

In all areas zoned I-1 Light Industrial District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one (1) or more of the following principal permitted uses:

- A. Light Industrial Uses
 - 1. Building Service and Supplies
 - 2. Plumbing and Heating Shops
 - 3. Wholesale Distributors
 - 4. Lumber Yards and Building Materials Sale and Storage
- B. Heavy Industrial Uses
 - 1. Enclosed Industrial

Conditional Uses

The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in Article 6.

- A. Road Service and Commercial Entertainment Uses
 - 1. Self-Service Storage Facility
 - 2. Adult Entertainment Facilities
- B. Light Industrial Uses
 - 1. Construction Trades and Contractor Offices
 - 2. Transportation Terminals
 - 3. Public Service Yards and Garages
 - 4. Public Utilities
- C. Heavy Industrial Uses
 - 1. Open Industrial

Development Standards

- A. Required Conditions

Except as otherwise noted, buildings and uses in the Light Industrial District shall comply with the following requirements:

B. Site Plan Review

Site plan review and approval is required for all uses in the Light Industrial District in accordance with Article 24.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Light Industrial District are subject to the area, height, bulk, and placement requirements in Article 16, Schedule of Regulations.

D. Planned Development

Planned Development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in Article 15.

E. General Development Standards

Buildings and uses in the Light Industrial District shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 10
Signage, Article 11
Zoning Permit Requirements and Enforcement, Article 15

411 Downtown Historical Overlay

Purpose

- A. To enhance property values, protect property rights, stabilize and improve downtown and adjacent neighborhoods, and increase economic and financial benefits to Village of Morrow businesses and inhabitants.
- B. To create a vibrant community focal point through innovative and creative site design and architecture consistent with the Village Comprehensive Plan.
- C. To encourage new development at appropriate locations in a manner consistent with desired architectural and urban design guidelines that honor the history of the Village's downtown area.
- D. To promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of urban design and architectural design elements that honor the history of the Village's downtown area.
- E. To prohibit or restrict uses that are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as automobile service stations, auto parts retail stores, car washes, new and used motor vehicle sales or service establishments.
- F. To discourage residential uses in a primarily business district and environment.

Creation and Boundaries

This subchapter of the Zoning Ordinance is created as an overlay district to be applied within and adjacent to the B-1 (Downtown Business District), the B-2 (Community Business District), and the R-2 (Single Family Residential District) generally in the "downtown" area of the Village. The boundaries of the district are depicted on the Official Zoning Map and are generally described as:

- A. The area bounded by W. Pike Street (US 22/3) to the south, Center Street to the west, the Little Miami River to the north, and Front Street to the east.

Effect of Downtown Overlay Designation

The Downtown Historical Overlay regulations apply in combination with the underlying base zoning district regulations and all other applicable standards of this Zoning Ordinance. When Downtown Overlay District standards conflict with the underlying base zoning district regulations and other standards of this zoning Ordinance, the regulations of the Downtown Overlay District will apply. In this case, the underlying zoning districts are:

- A. B-1 (Downtown Business District);
- B. B-2 (Community Business District);
- C. R-2 (Single Family Residential District).

Permitted Uses

Within the Downtown Historical Overlay, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for uses permitted in the underlying zoning district with the following additional provision:

- A. All uses permitted in B-1 or B-2 District shall be permitted in any R-2 District within the Downtown Historical Overlay.

Prohibited Uses

The following uses are prohibited in the Downtown Overlay District including:

- A. Vehicle sales, rental and services.
- B. Equipment sales, rental and services.
- C. Auto repair and body shops.
- D. Automobile washing facilities.
- E. Automobile service stations.
- F. Vehicle storage.
- G. Residential uses on the first floor located in a B-1 or B-2 underlying zoning district.
- H. Outdoor sales or storage.
- I. Gas stations.
- J. Kennels
- K. Convenience Stores
- L. Printing Establishments

Grandfathered Uses

Any building (residence or commercial) may be rebuilt on its original footprint as noted prior to adoption of the Downtown Historical Overlay. Exterior of any rebuild should conform with the aesthetics portion of the Overlay district and must be approved by the Planning Commission to ensure compatibility with current standards wherever feasible.

Development Standards

Good urban design is paramount to the success of the Downtown Historical Overlay. Particular attention must be paid to the architecture, scale and placement of buildings in mixed use environments. Downtown Historical Overlay developments must incorporate the reasonable site development standards articulated in this section.

- A. Building placement.
 - 1. New buildings shall have a 0-20 minimum front setback or build to line. Outdoor patio seating does not count against the front setback, although no outdoor seating shall be permitted to block public sidewalk. Planning Commission may allow relief from the front yard setback requirement when the street or sidewalk is already widened or when a formal pedestrian plaza is provided.
 - 2. The minimum side yard setback requirement is zero feet to allow for a continuous downtown street wall. Maximum side yard setback is 20 feet.
- B. Maximum floor area. The gross floor area of any single structure or single business space is recommended to not exceed 20,000 square feet, or an area deemed appropriate by the Planning Commission through formal site plan review.
- C. Building architecture.
 - 1. Franchise architecture. No building or addition constructed in the Downtown Historical Overlay should be designed with or modeled after franchise-or formula-based architecture. All buildings and/or new structures are encouraged to be an original design unique only to the Downtown Historical Overlay. This development standard does not prohibit the use of franchise trademarks, symbols or standard signage.

2. Building materials. As a way of creating a unifying visual appearance for the district, the design of newer buildings with dominant masonry materials is desired along the front and sides of the building, or any façade that can be easily seen from a street that the building has frontage on. Additions to existing structures should match the building materials and colors of the existing structures to the extent possible. Materials such as split, burnished, or smooth concrete masonry units, stucco, wood, or metal should be used only to accent the architectural character of the building.
3. Building rhythm and Articulation.
 - a. Buildings should be designed to reflect the characteristic rhythm of traditional facades with repetitive use and positioning of building materials that provide discrete bay appearances. The façade can be treated with breaks, indentations, or façade recesses or protrusions that help to break up the mass of the building at an interval of approximately 40 feet or less.
 - b. Proper spacing of windows and doors, recesses and protrusions, columns and pilasters or other elements should be used to further break-up the massing of building elevations facing public streets.
 - c. Building proportion is the relationship of width to height. The proportions of a new building should be respectful of the overall proportions in the immediate vicinity.
 - d. The size and proportion of window and door openings should be consistent with traditional multi-story, mixed-use buildings.
 - e. The composition of the building's facade (that is, the organization of its parts) should incorporate the traditional commercial building elements of storefront and upper façade.
4. Parking
 - a. Location. Off-street parking areas should be located within public R/W, or within side or rear yards. Parking may be permitted in the front yard on a case-by-case basis, but this is discouraged. All formal site plan applications within the Downtown Historical Overlay will need to include a parking plan that will be reviewed by the Planning Commission on a case-by-case basis. Modifications from the standard Village parking requirements in Article 10 may be granted by the Planning Commission, although no modifications shall vary from the stated Article 10 requirements by more than 33%.
 - b. Screening. Parking lots located in any side or rear yard that are visible from adjacent road rights-of-way should be screened by a masonry wall, landscaping, or similar. Planning Commission shall review the landscaping plan for compliance with the screening requirements.
 - c. Size. No off-street parking lot area shall exceed one acre in size unless on property owned by the Village of Morrow.
5. Equipment placement and screening. Equipment that is needed to support common business operations may be integrated into the building design as long as such items can be screened from the public realm.
 - a. Mechanical equipment such as transformers, compressors, HVAC systems, chillers and communications equipment shall be located on the top or rear

- of buildings and appropriately screened from pedestrian rights-of-way, adjacent property, and road rights-of way.
- b. Ground- or wall-mounted equipment shall be screened with planting beds, evergreen plantings, low masonry walls, or any combination thereof. Roof-mounted equipment shall be screened from public view and from adjacent property. The screening treatment shall be integrated with the overall building design with the use of complementary materials, colors and architectural style.
 - c. Window air-conditioning units shall not be allowed on any building wall visible from a public street.
 - d. Pipes, conduit, and cables are limited to the back facade of buildings if conditions do not allow for them to be enclosed within the building itself. They shall be located as far away from public view as practical.
 - e. Trash receptacles shall be located in rear yards only unless there is front yard outdoor seating. Trash receptacles to be completely screened with evergreen landscaping, an opaque fence, a masonry wall, or a combination thereof.
6. Signage. No billboard signs shall be erected in the Downtown Historical Overlay. Signage shall meet requirements as detailed in Article 11.

ARTICLE 5 SUPPLEMENTAL DISTRICT REGULATIONS

501 Intent

The purpose of Supplemental District Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

502 Accessory Uses

- A. It is the purpose of this Zoning Code to regulate Accessory Uses in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
 1. The combined building footprint of all accessory buildings shall be 50% or less of the gross floor area of the principal use or structure except in lots of 2 acres or more. Decks and detached garages shall be located in the rear yard and not to occupy more than 30% of the rear yard area.
 2. It shall not contain or be used as a dwelling unit.
 3. It shall not exceed 14 feet in height.
 4. It shall meet all yard requirements of the principal use, except rear yards shall be no closer than 10 feet and no closer than 10 feet from a recorded easement. However, driveways can be within 3 feet of any property line where there is no recorded easement.
 5. Front decks and/or porches shall maintain required setbacks and shall not occupy more than 30% of the front yard.
 6. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building (exception contractors' temporary building).
 7. No accessory structure shall be permitted in the required front yard. For lots that are on a corner with two fronting streets, no part of any accessory building on such corner lot shall be nearer a side street lot line than 25 feet and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for a principal building. (exception-fences see Section 150.309)
 - a. Children's swing set/playsets and trampolines shall not be placed in the front yard and shall comply with all setback requirements. No permit for said swing set/playset or trampoline shall be required.
 8. Permanently attaching any accessory building or structure to a primary building in any way shall be considered a conversion and shall be subject to all required setbacks for primary structures.

9. Accessory structures motif (design and fit) shall blend with other construction on the property.
- C. Retail sales and services are permitted as accessory uses when clearly incidental to the principal use.
 - D. This shall not apply to grain bins or grain elevators which are authorized as conditional uses in an I Industrial District.
 - E. All accessory uses require a Zoning Permit.
 - F. The following accessory uses are permitted in each Residential District:
 1. Private garages or carports
 2. A structure for storage incidental to a permitted use
 3. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.
 4. A swimming pool, bath house, and other recreational facilities designed for the use of the occupants of a single-family dwelling and their guests. Swimming pools shall comply with this Zoning Regulation Article 5, Section 517.
 5. A child's playhouse, tree house, birdhouse
 6. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, walls and hedges
 7. Fallout shelters
 8. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principle use, and which meets the definition of accessory use.
 - G. Exempted Structures
 1. Any person constructing one or more accessory structures having an accumulated total floor area of not more than one hundred twenty (120) square feet shall be exempt from the need to obtain a zoning certificate for any such accessory structures. However, the placement of any such accessory structure shall be required to be in conformance with all applicable setbacks and location restrictions contained in this zoning ordinance.
 - H. Permitted Accessory Uses – Business and Industrial Districts
 1. In a Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principle use which meets the definition of accessory use and which complies to the applicable standards of the district in which it is located, is permitted.
 - I. Accessory Uses Not Permitted – Residential District

None of the following shall be permitted as an accessory use in a Residential District:

 1. Overnight parking or outdoor storage of buses or mobile homes.
 2. Outdoor storage, unless specifically permitted by the specific zoning district regulations.

J. Standards

1. Not more than two (2) accessory buildings or structures shall be permitted on a single residential lot.
2. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.
3. No detached accessory building shall be erected in any requiring yard or court, except a rear yard, and shall not occupy more than thirty-five (35) percent of the area of the required rear yard.
4. For computing the percentage of occupancy of a rear yard, as required in Subsection (2) hereof, if a detached accessory building by a breezeway, it shall be considered as a part of the accessory building and be included in the computation.
5. A detached accessory building shall not exceed twenty-five (25) feet in height.
6. A detached accessory building shall be at least six (6) feet from the side or rear lot lines.
7. On a corner lot abutting in the rear, the side lot line of a lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street; and in no case shall any part of such accessory building be closer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
8. Except as provided in Article 5, Section 531B, any accessory building, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory; and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building.

503 Garage Sale (including a patio, basement, yard or block sale)

The sale or offering for sale over five (5) items of personal property to the general public on any portion of a lot principally used for residential purposes, or accessory to an adjacent residence, whether occurring within or outside any building.

Garage sales (including patio, basement, yard or block sales) may be held from 8:00 a.m. to sundown, providing:

- A. No sale may extend for more than four consecutive days (or portion thereof).
- B. No more than two (2) garage sales per dwelling unit may be held on any such zoning lot in any calendar year.
- C. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale and food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Board of Health of Warren County.
- D. No fee or other charge shall be imposed upon members of the public attending any such sale.
- E. One non-illuminated sign not exceeding four (4) square feet in size, nor more than three (3) feet in height above grade may be displayed on the property where the sale is being held.

- F. Off-premise directional-type signs may be provided if they do not exceed four (4) square feet per sign and not more than three (3) feet in height. All signs shall be removed within twenty-four (24) hours following the conclusion of the garage sale.
- G. Balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.

504 Satellite Dish Antenna Regulations

Satellite dish antennas shall be permitted as an Accessory Use in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted satellite dishes in excess of three (3) feet in diameter installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel. Small satellite dishes under three (3) feet in diameter may be placed anywhere on the property pursuant to sections B-J of this Section and do not require a Zoning Permit.
- B. No property shall have more than 1 satellite dish located on it. Properly zoned multifamily residences shall not have more than 1 satellite dish located on the property per zoned household.
- C. Setbacks for all satellite dish installations shall be a minimum of 10 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Zoning Inspector.
- D. Roof-mounted satellite dishes shall be limited to a maximum diameter of 6 feet or less and such installations shall be located on the rearward portion of the roof as viewed from the front yard. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- E. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- F. All satellite dish antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- G. Maximum diameter of any satellite dish shall not exceed 12 feet.
- H. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed 15 feet.
- I. Placement of satellite dish antenna systems within any easement shall be prohibited.
- J. A Zoning Permit shall be required prior to installation of any satellite dish antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Inspector's requirements, for the purpose of verification of each of the provision of this Section.

505 Radio and Television Antenna Regulations

Radio and television antennas shall be permitted as an Accessory Use in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.

- B. Setbacks for all antenna system installations shall be a minimum of 6 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Building Inspector. Placement of antenna systems within an easement shall be prohibited.
- C. Roof-mounted antenna systems shall be located on the rearward portion of the roof as viewed from the front yard and shall be limited to a maximum height of 15 feet above the highest roof peak. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. Ground-mounted antenna systems in residential and business districts shall not exceed a maximum overall height of 50 feet. Maximum overall height for ground-mounted TV antenna systems shall not exceed 15 feet above the highest roof peak of the principal structure or 50 feet total, whichever is least.
- E. All antenna systems shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- F. All antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- G. A Zoning Permit shall be required prior to installation of any antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Inspector's requirements, for the purpose of verification of each of the provisions of this Section.

506 Buffer and Transition between Residential/Commercial and Residential/Industrial Zoned Properties

- A. Under those circumstances where the development of either a single-family residential project is proposed to occur adjacent to or abutting property zoned and/or used for industrial or commercial purposes, or in the case where an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the existing or future occupant of the residential area. This requirement would only be triggered when new development occurs; it does not apply to existing conditions.
- B. The following provisions shall apply with respect to screening:
 - 1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter.
 - 2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector, or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:

- a. A solid masonry wall.
 - b. A solidly constructed decorative fence.
 - c. A louvered fence.
 - d. A dense vegetative planting.
 - e. Landscaped mounding
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 6 feet high in order to accomplish the desired screening effect, except in required front and side yards where the maximum height shall not be greater than 3-1/2 feet. Fences in front yards are not permitted to be solid fences. Plantings shall be minimum of 4 feet in height at the time of planting.
 - b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 6 feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
 4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Inspector in relation to the nature of the use.
 5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
 6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
 7. The installation of the buffer and transition area must not interfere with existing storm water drainage flow patterns or utilities which may be located within easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation of the buffer.
 8. The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of utilities or easements, on the property which is subject to development. If insurmountable conditions prohibit the commencement of the buffer and transition area on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Zoning Inspector may permit the installation of the obscuring wall on the opposite side of an alley, street, or right-of-way when mutually agreeable to the affected property owners.

507 Principal Building Per Lot

Only one principal building shall be permitted on each lot in any zoning district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot.

The development of Planned Unit Developments, as well as approved site plans, shall also be exempt from this provision.

508 Parking and Storage of Vehicles, recreational vehicles, Watercraft, Dirt Bikes, Motorized Sport Vehicles, Trailers, Utility Trailers, Commercial Vehicles, etc.

A. Non Commercial Vehicles:

1. In any residential district or any residential home in a commercial district; no trailer(s), aircraft, tractor, agriculture equipment, or machinery, nor any truck larger than 10,000 lb. GVWR(Gross Vehicle Weight Rating), shall be parked on a public right of way for more than 72 hours and no such items shall be stored or parked in any front yard area.
2. Such items must be at least 3 feet from any lot line while items are parked or stored in a side or back yard.
3. Items parked after the 72 hours must be removed from the front yard area for a minimum of 3 full days before a new 72 hour parking limitation can begin. Items can be parked or stored on the side or back yard areas.
4. For vehicles with a gross weight greater than 10,000 lb. GVWR(Gross Vehicle Weight Rating); shall not be parked in any residential district or at any residential home in a commercial district other than in a completely enclosed building.

B. Commercial Vehicles

1. Residential Districts:

- a. No commercial vehicle(s) over 10,000 GVWR, including commercial tractors, trucks, buses, manufactured home, semi-trailers shall be parked on a public right of way for more than 72 hours and no such items shall be parked or stored in a front yard area.
- b. Commercial vehicle(s) over 10,000 GVWR, including commercial tractors, trucks, buses, manufactured homes, and semi-trailers, shall not be parked or stored on any property within a residential district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. Other exceptions include making pickups or deliveries, parked at a repair shop receiving service or providing emergency services.

2. Commercial Districts:

- a. In a commercial area, vehicles that are owned by the property owner may be parked.
- b. Parking of semi-trailers is permitted in a commercial district or commercial area only in specified loading and unloading zones.
- c. For any residential home in a commercial district, no commercial vehicle(s) over 10,000 GVWR, including commercial tractors, trucks, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property other than in a completely enclosed building, except those commercial vehicles conveying

the necessary tools, materials and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. Other exceptions include making pickups or deliveries, parked at a repair shop receiving service or providing emergency services.

C. Recreational Vehicles:

1. In any residentially zoned district(s) and any single, two family, or multifamily dwellings located in a commercial or industrial zoned district such recreational vehicle(s), recreational trailer, etc. are permitted to be parked or stored in the front yard, side yard, or rear yard. Recreational vehicles shall not be parked in the public right of way and shall not block vehicle site lines or overlap/block sidewalk.
2. Such recreational vehicle parked or stored shall not have a fixed connection to electricity, gas, water, or sanitary sewer facilities, and no person shall occupy any recreational vehicle or motor home or camper for more than 72 hours.
3. Such items must be at least 3 feet from any lot line while items are parked or stored in a side or back yard.
4. No more than 2 recreational vehicles may be parked at a residential lot at any given time.

D. Terms for Appearance in District

1. For purposes of this section the 72 hour period shall mean any 3 day period in which a "day" shall mean any period of time, regardless of the duration between 12:00 AM and 11:59PM. For example, vehicles parked, stored or located on the property for 3 hours one day and 4 hours the next day would constitute 2 days.

509 Required Refuse Collection Areas

The refuse collection areas provided by all multi-family residential, business, and industrial uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall, fence, or shrubbery of at least 4 feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. Storage areas of proper density in residential districts shall utilize such additional screening as required in this Zoning Code.

510 Fences

Every fence constructed or erected in the Municipality shall comply with the regulations of this Chapter. No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this Section.

A. General Requirements

1. Fence Materials. Fences shall consist of materials commonly used in conventional fence construction, such as wood, wrought iron or other metal, or vinyl. The use of metal panels or corrugated metal or razor wire shall not be permitted. Fences which carry electric current are prohibited. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least eight (8) feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the

interior of the site. Fence posts shall be sunk into the ground at least 3 feet, and all posts shall be encased in concrete below the surface of the ground.

2. Finished Appearance. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot with the following exceptions:
 - a. When a fence is approved for construction under a joint permit as provided for in this subsection, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property line(s) of the joint permit holders.
 - b. An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. Such waiver of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this subsection. The written consent statement shall be attached to the permit application and maintained with permit records by the Zoning Inspector.
3. Obstruction to Use of Adjoining Property. No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Inspector may require a fence to be set back a minimum distance of not more than two (2) feet from a driveway or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.
4. Fence Maintenance. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair by the Zoning Inspector, the Zoning Inspector shall issue orders to complete such repairs. Failure to comply with written notice from the Zoning Inspector ordering completion of such repairs shall be deemed a violation of this Ordinance.
5. Location - General Requirements. Any fence shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the Zoning Inspector may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another owner's lot without the express written agreement of the owner's of both fences. No more than three (3) inches is permitted between such fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining an upright position and the location described in the original application for permit to construct the fence.
6. Corner Clearance. Fences located adjacent to a street or driveway shall be designed to provide unobstructed sight distance for drivers in accordance with this Ordinance.
7. Nonconforming Fences. Any future additions or improvements will be required to conform to this Ordinance.

B. Review and Approval Procedures

1. Application for Permit. No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this Section. An application for permit to construct a fence shall be filed with the Zoning Inspector. The application shall be accompanied drawings and other information which illustrate the dimensions, design and location of the proposed fence. The following minimum information shall be included on the drawing submitted in support of a fence permit application:
 - a. Fence location.
 - b. Location of all structures within twenty-five (25) feet of the proposed fence.
 - c. Location of all driveways within twenty-five (25) feet of the proposed fence.
 - d. Location of all sidewalks within twenty-five (25) feet of the proposed fence.
 - e. Location of all existing fences within ten (10) feet of the proposed fence.

The Zoning Inspector may determine other additional information is reasonably necessary to provide a complete review of the proposed fence. Such additional information shall be provided by the applicant as may be required by the Zoning Inspector to assure compliance with the regulations set forth in this Ordinance and to assure the fence is constructed with sound materials.

2. Application Review Fee. Each fence permit application shall be accompanied by an application review fee to recover the reasonable costs for review and permit issuance. The amount of the fee shall be fixed by resolution of Council and posted in the Municipal Offices. If the fence is constructed before an application for a permit is obtained, the fee shall be increased to an amount equal to twice the fee that is required if the permit application and fee were obtained prior to construction of the fence.
3. Survey Required. In the event lot lines for the subject property cannot be located to the satisfaction of the Zoning Inspector, the Zoning Inspector may require the applicant to establish lot lines on the property through placement of permanent stakes located by a licensed surveyor (paid for by the applicant). Lot lines must be located before the fence permit is issued. The Zoning Inspector may withhold issuance of the permit to construct the fence until the lot lines are located and permanent stakes are placed by a licensed surveyor.
4. Administrative Rules. The Zoning Inspector may establish reasonable rules and procedures, consistent with the intentions of this Ordinance, which may be necessary to provide for the proper administration of this Section.
5. Application Review and Permit Issuance by the Zoning Inspector. The Zoning Inspector shall review the fence application and supporting data with respect to the standards set forth in this Ordinance, the Building Code, and administrative rules which may be established to provide for proper administration of this Section. The Zoning Inspector shall grant a permit to construct a proposed fence upon finding that the proposed fence fully complies with all applicable regulations.
6. Appeal of a Decision. An applicant may appeal a decision of the Zoning Inspector or Planning Commission concerning a proposed fence or enforcement of the provisions of this Section to the Zoning Board of Appeals. The Zoning Board of Appeals shall review the appeal in accordance with the standards and procedures set forth in this Ordinance.

C. Fence Regulations in Residential Districts

1. Location and Height.
 - a. Fences in residential districts shall not exceed six (6) feet in height, with an additional three (3) inch clearance underneath for maintenance.
 - b. Fences are permitted in a rear yard only not to extend past the rear sidelines extended of the residence.
 - c. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.
2. Border Treatment. A border treatment, as defined in this Ordinance, shall not exceed thirty (30) inches in height. Typical border treatments include, but are not limited to those devices known as split rail fences and picket fences. A border treatment may be created in any required yard area in accordance with the following limitations:
 - a. If a border treatment is used at a property corner to deter pedestrians from walking on a private yard area, the border treatment that will be visible must be visible so as not to present a safety hazard at night or during other times of low visibility.
 - b. Thin strands of wire, cable or cord shall not be permitted to be attached to standing poles to form a border treatment.
 - c. The border treatment shall be located on the private property owner's lot not less than two (2) feet from all sidewalks and driveways and not less than one (1) foot from all lot lines.
 - d. No permit shall be required for a border treatment. However, a border treatment must comply with these specifications and other applicable Municipal regulations.
3. Fences Enclosing Public Areas. Fences which enclose public parks, playgrounds, or similar public areas located within a residential district shall not exceed eight (8) feet in height, measured from the surface of the ground.

D. Fence Regulations in Nonresidential Districts

1. Location.
 - a. Except as otherwise permitted in this Section for industrial facilities, fences shall be permitted in the rear or side yards of nonresidential districts, provided that no fence shall extend closer toward the front of the lot than any portion of the principal structure.
 - b. A fence may also be installed in the front yard of a lot located in any B or I District, for the purpose of providing security for goods, supplies, and vehicles stored on the lot. An application for the security fence shall be considered consistent with the special use approval procedures described in this Ordinance. The fence permit application for the security fence shall be accompanied by an application for special use approval. Reasonable conditions for the placement of such fences may be included when such fence is approved as a special use.

- c. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.
 - d. Fences on corner lots shall comply with the corner clearance requirements in this Ordinance.
2. Height. Fences in commercial districts shall not exceed six (6) feet in height. Fences in industrial districts shall not exceed eight (8) feet in height, except that barbed wire shall be at least eight (8) feet above ground, as specified in sub-section (A)(1). If barbed wire is attached to the top of a fence in an industrial district, the barbed wire may extend not more than one (1) foot above the height of the fence.
 3. Signs Attached to Fences. Signs advertising the availability of services or products shall not be attached to any fence. The only sign that may be attached to a fence shall indicate the name of the individual or company that constructed the fence and that sign shall not exceed one (1) square foot in area.

511 Projections into Required Yards

Architectural features may project into required yards or into courts as follows:

- A. Into any required front or side yard adjoining a side street:
 1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
 2. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.
 3. An open stair and necessary landing may project a distance not to exceed six (6) feet.
 4. A front porch may project into a front yard a distance not to exceed (6) feet, providing it is open on three (3) sides, except for railing or banisters.
 5. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.
- B. Subject to the limitations in the preceding Subsections, the above-named features may project in to any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.
- C. Subject to the limitation in Paragraph (A), the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

512 Visibility at Intersections

Vision clearance as defined in these Regulations is required on all corner lots at the street corner. The Zoning Inspector is hereby empowered to cause all obstructions to be removed in the interest of public safety. In any district on any corner lot, no fence, or planting shall be erected or maintained within twenty (20) feet of the right-of-way line if it interferes with traffic visibility across the corner.

513 Reduction of Area or Space

No lot, yard, court, parking area or other space shall be reduced in area or dimension, thereby making said area or dimension less than minimum required by this Zoning Ordinance, and, if already less than the minimum required by this Zoning Ordinance, said area or dimension shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Zoning Ordinance, shall be included as part of a yard, court, parking area or other space required under this Zoning Ordinance, for another building or structure.

514 Temporary Uses

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a Temporary Use Permit, at least 7 days before the instigation of such use an application for a Temporary Use Permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

Temporary uses of public land are exempt from the requirements of this Section.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

- A. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of 1 year, except that two 6-month extensions each may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.
- B. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of 1 year, except that 6-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the Temporary Use Permit, whichever occurs first.
- C. Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed 4 consecutive days shall only be issued three times within any 12-month period to any individual or organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than 25% of the required parking area.
- D. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient

vendor's license, and a written statement from the property owner giving permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the Temporary Use Permit shall be prominently displayed at the site.

515 Swimming Pools/Ponds

A. Swimming Pools/Ponds

A private swimming pool or pond shall be any pool, pond, lake or open tank not within an enclosed building capable of containing a water depth of more than 18 inches and/or has a maximum total surface more than 350 square feet. It does not include a river stream, ditch, or manmade earthen basin made naturally or constructed and maintained for the purpose of storing or retaining storm water.

All swimming pools/ponds must comply with the following requirements:

1. The swimming pool/pond is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
2. The swimming pool/pond may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 10 feet to any property line or easement.
3. The swimming pool/pond, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Fence shall be 5 feet in height, and it shall be maintained in good condition with a self-closing latching gate and lock. Above ground pools that have integral fences or railings and have a swing up securing/locking ladder is acceptable in lieu of fence
4. The Owner must obtain a Zoning Permit
5. Any person having a swimming pool/pond on their property shall maintain a policy of liability insurance on said property.

B. Temporary Private Pools

A temporary private pool is an inflatable pool or device intended for the sole noncommercial use and enjoyment of the occupants of the principle use property and which has a minimum water depth of 18 inches and a maximum water depth of 36 inches.

1. Prior to the installation of a Temporary Private Pool the occupant of the subject property must obtain a permit from the Zoning Inspector. Said inspector shall have the authority to inspect the premises after installation.
2. So long as the Temporary Private Pool has a manufacturer's specified cover, no fence shall be required to limit access to the pool. If the pool does not have a manufacturer's specified cover then the occupant must abide by the fencing requirements of Section 515.
3. No temporary private swimming pools shall be located in any front yard, driveway or other area other than the rear area of the property. No temporary private pool shall be erected within 10 feet of a lot line or easement.

4. No temporary private swimming pool shall be installed prior to May 1 and must be removed by October 1 of the same calendar year in which it is installed. Between October 2 and April 31 all temporary private swimming pools must be stored in an enclosed place.
5. Any person having a temporary private pool on their property shall maintain a policy of liability insurance on said property.

516 Home Occupations

- A. Customary Home Occupations: Customary home occupations such as handicraft, dressmaking, millinery, laundering, preserving and home cooking; provided that such occupation shall be conducted solely by resident occupants in their residence.
- B. Home occupations may be conditionally permitted at any residence regardless of the zoning classification.
- C. Only members of the immediate family occupying such dwelling shall be employed in such occupation.
- D. The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and only the first floor and not more than 25% of the first floor of the principal structure shall be used in conducting the home occupation.
- E. There shall be no change in the outside appearance of the building or premises, that no such residence shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings, and that the entrance to the space devoted to such use shall be from within the dwelling or other visible evidence of conducting the home occupation other than one sign, not exceeding 2 square feet in area, non-illuminated, and not located on or projecting over any right-of-way and mounted flat against the wall of the building.
- F. No electrical or mechanical equipment shall be used except such as may be used for domestic or household purposes or as deemed by the BZA to be of similar power and type, unless authorized by the BZA. The BZA may authorize machinery or equipment which is customarily found in the home associated with a hobby or avocation not conducted for gain or profit and may limit the hours or operation of such equipment or machinery. In addition, electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
- G. No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effect shall be produced therein or therefrom.
- H. No additional parking demand shall be created.
- I. The following uses shall be prohibited as home occupations:
 1. Appliance repair;
 2. Light assembly, manufacturing, or fabricating;
 3. Motor vehicle repair, sales, disassembling, part distribution, painting or auto body work, including upholstery, detailing, or washing;

4. Small engine repair, lawn and garden equipment repair;
 5. Veterinary offices, kennels;
 6. Warehousing of any type; and welding or machine shop.
- J. All home occupation owners and employees shall be registered for Village Income Tax.
- K. All home occupations require a Zoning Permit.

517 Nuisance Performance Standards

No land or structure, in any district, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, including potential hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element; in such a manner or in such amount as to adversely affect the adjoining lots or surrounding areas.

The following minimum standards shall apply to all uses:

- A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point. There shall be no open fire in residential zoning at any time. The only exception is open burning with prior notification to the Fire Department, the Zoning Inspector, and the Warren General Health District for either the prevention or control of disease or pests or for ceremonial purposes. Ceremonial fires shall be less than 5 feet by 5 feet and shall burn no longer than 3 hours. Fires allowed by this Section shall not be used to burn garbage, landscape waste or any other waste material. The fuel used shall be a clean fuel, which is fuel chosen to minimize the generation and emission of air contaminants.
- B. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission of air pollutants shall be permitted which violate the minimum requirements of the Warren County Department of Health. Dust and other airborne pollutants shall be minimized through the paving or landscaping of the lot area around any building.
- C. Glare, Heat, and Exterior Light: Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
- D. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the Ohio Department of Health or such other governmental agency as shall have jurisdiction of such activities.
- E. Noxious Gases: Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.

- F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are discernable without instruments at the property lines of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- G. Odor: Any use, activity, or operation which releases odors to the atmosphere shall be so controlled as to ensure that it will produce no public nuisance or hazard at or beyond the nearest lot line.

518 Environmental Performance Standards

Environmental performance standards are regulations which are intended to promote a peaceful and quiet environment. Restrictions or limits are established on uses or facilities whose environmental factors may create a nuisance or cause a noxious, objectionable or other undesirable effect on persons or properties outside of the subject property. These restrictions apply to a uses' construction as well as its operation. Materials and/or products of a use shall be maintained in a method so that the health, safety, and welfare of persons occupying the subject property or adjacent properties are not jeopardized.

A. Applicability and Compliance

The Environmental Performance Standards are applicable to all land uses in all zoning districts in the Village of Morrow, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this Ordinance at the time of its adoption and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.

B. Noise

No activity on private property shall emit noise in excess of sound levels indicated in the table below. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

Maximum Permitted Sound Levels

Source Property		Receiving Property		
Noise Source	Time	Residential	Commercial	Industrial
Residential	Daytime ¹	55 dBA	55 dBA	55 dBA
	Nighttime ²	50 dBA	50 dBA	50 dBA
Commercial	Daytime ¹	55 dBA	60 dBA	60 dBA
	Nighttime ²	50 dBA	50 dBA	50 dBA
Industrial	Daytime ¹	55 dBA	60 dBA	70 dBA
	Nighttime ²	50 dBA	50 dBA	60 dBA

¹Daytime shall be considered as the hours between 7:00 a.m. and 10:00 p.m.

2 Nighttime shall be considered as the hours between 10:00 p.m. and 7:00 a.m.

C. Exemptions

The following noise levels shall be exempt from the noise provisions during the daytime only:

1. Firearms on authorized ranges.
2. Legal blasting.
3. Temporary construction activity and equipment.
4. Installation of utilities.
5. Lawn mowers, chain saws and garden equipment.

The following noise sources shall be exempt from the noise provisions at all times:

1. Aircraft.
2. Railroads.
3. Emergency vehicles and equipment.
4. Warning devices operating continuously for not more than 5 minutes.
5. Bells, chimes or carillons operating continuously for not more than 5 minutes per hour.
6. The repair of essential utility services.
7. Officially sanctioned parades or other events.

D. Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point outside the property line of the property on which the use is located.

E. Glare

Any process producing intense light or heat, which may cause physical harm, including high temperature processes such as combustion or welding, shall not be visible beyond any lot line bounding the property wherein the use is conducted. All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or rights of way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

F. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

G. Hazardous Materials

The storage, utilization, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state, or federal agency having jurisdiction in this matter.

H. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

I. Fire Hazards

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire-suppression equipment and by safety devices. Such potentially hazardous activities shall be kept from adjacent activities at a distance determined by the National Fire Protection Code.

J. Erosion

No erosion, by either wind or water or other liquid shall be permitted which will carry substances onto neighboring properties or rights-of-way. Erosion control methods shall be implemented on all sites where the existing ground surface is altered or disturbed. All such work shall comply with all local, state, and federal erosion control regulations or standards.

519 Residential Design and Appearance Standards

Single-Family, Two-Family, and Multi-Family residential dwellings and accessory buildings when located in a residential zone whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. The structure is affixed to a permanent foundation and is connected to appropriate utilities. All dwellings hereafter erected including all modular homes and all mobile homes outside mobile home parks shall have a continuous masonry foundation extending from ground level to the bottom-most portion of the first floor;
- B. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 1200 square feet;

520 Automobile Filling Station

Automobile filling stations are conditionally-permitted in the B Business District and I Industrial District provided that they meet the conditions outlined below:

- A. The minimum site shall contain 12,000 square feet.
- B. The minimum yard requirements shall be as follows:
 - 1. Front Yard – 40 feet for all buildings, 15 feet for all gasoline pumps
 - 2. Side Yard – 20 feet
 - 3. Rear Yard – 40 feet
- C. The minimum frontage shall be 100 feet.
- D. Development Plan shall be submitted with the application.
 - 1. There shall be a minimum of two separate driveways providing ingress and egress to and from the property located not closer than 20 feet from one another. Village Engineer to review access management of sites.
 - 2. On all corner lots, all vehicular entrances to or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended. All

curb openings whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line.

3. All hydraulic lifts, oil pits and all lubricants, greasing, automobile washing, and repair equipment shall be enclosed entirely within the automobile service station building.
 4. The entire lot area, exclusive of the area covered by the building, shall be paved or landscaped. A 4 to 6-inch high curb shall separate all paved areas from all landscaped areas.
 5. The light from exterior lighting shall be so shaded, shielded or directed that light intensity or brightness shall not be objectionable to surrounding development.
 6. A solid fence, wall, or evergreen hedge 6 feet high shall be constructed or planted, and maintained in good condition, where the service station site is located adjacent to Residential zoning districts.
 7. No gasoline filling station or public garage shall be permitted where any dispensing pumps, any oil drainage pit or visible appliance for any such purpose, other than filling cars, is located within twelve (12) feet of the established right-of-way line, or within twenty-five (25) feet of any "R" District, except where such appliance or pit is within a building.
- E. No outdoor storage of dismantled automobiles shall be permitted.
- F. Not more than one pole sign shall be permitted.

521 Animals

Dogs, cats, chickens, or other household pets, which are kept for domestic purposes only, and are not kept, bred, or maintained for any commercial purposes are allowed. No more than two dogs and two cats may be kept on any lot, except such dogs or cats, in excess of such numbers are less than 6 months of age. All animals must be restrained on the owner's lot with fencing and owners shall take all steps necessary to ensure the same. No more than 4 chickens are permitted and chickens must be housed with an enclosure at least 30 feet from any lot line.

No other animals, birds, insects, reptiles, or livestock of any kind shall be raised, bred or kept on any lot except for those held within an enclosure at least 100 feet from any lot line.

522 Adult Entertainment Facilities

A. Definitions

1. Adult Entertainment Facility: A commercial entertainment facility having a significant portion of its function as adult entertainment which includes "Adult book/video store", "Adult entertainment theater", or "Adult entertainment business".
2. Adult Book/Video Store: A facility, in which at least ten (10%) percent of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under "Specified Sexual Activities" or "Specified Anatomical Areas". A facility

meeting this definition shall meet the requirements of a commercial entertainment facility.

3. Adult Entertainment Theater: A commercial entertainment facility which devotes at least 10% of its presentation time to the display of material distinguished or characterized by all items listed in "Specified Sexual Activities" or "Specified Anatomical Areas."
4. Adult Entertainment Business: Any commercial entertainment facility involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in, by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "Specified Sexual Activities".
5. Specified Sexual Activities: Activities such as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
6. Specified Anatomical areas: Areas of the human body as follows:
 - a. Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered;
 - b. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

B. Location Standards

Adult commercial entertainment facilities, as defined in section 522, are subject to the following standards regulating their location.

1. No adult entertainment facility shall be established within one thousand (1,000') feet of any R-1, R-2, R-3, and B district.
2. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any school, library, or teaching facility that is attended by persons under the age of eighteen (18) years of age. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any park or recreational facility attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any permanently established place or religious services.
4. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any day care center or type A or B family day care home as established by the Ohio Revised Code.

5. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any other adult entertainment facility.
6. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any two of the following:
 - a. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 - b. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - c. Pool or billiard halls.
 - d. Pinball palaces or halls.
 - e. Dance halls or discotheques.
 - f. Massage parlors.
 - g. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated in by persons under eighteen (18) years of age.

C. Measurement Standards

Distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in Section 522.

D. Advertisement Display Standards

No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas.

All building openings, entries, windows, etc. for adult use shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public, semi-public, or quasi-public areas.

No screens, speakers, or sound equipment shall be used for adult motion picture theater, or other adult entertainment facility, that can be seen or discerned by the public from any public semi-public, or quasi-public areas.

523 Bed and Breakfast Inns

Bed and Breakfast Inns may be approved when the following conditions are met:

- A. The applicant shall provide a site plan showing the lot proposed to contain the Bed and Breakfast Inn, existing structures, proposed improvements, parking, signage, and screening and a floor plan indicating the proposed operations.
- B. The Bed and Breakfast Inn shall maintain a register listing the name, address, phone number, and dates of stay of all paying guests. The registry shall be made available for inspection by Morrow.
- C. No more than five persons, two adults and three children may occupy each guestroom.

- D. There shall be no change in the outside appearance of the building or lot or other visible evidence of the conduct of the Bed and Breakfast Inn that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a single family dwelling.
- E. Signage shall be permitted as non-illuminated, not to exceed two feet square, and not to be placed above the first story and as indicated in Section 11 Signage.
- F. One off street parking space shall be provided for every guestroom in addition to the off street parking otherwise required for a single-family dwelling. All off-street parking shall be screened in accordance with Section 10 Off-Street Parking and Loading Facilities. Off-street parking for guests may be double stacked. On-street parking on public rights-of-way (where permitted) adjacent to the lot may be counted to reduce the number of parking spaces required.
- G. No kitchen facilities within individual rooms. No kitchen or cooking facilities shall be permitted within the individual guestrooms.
- H. The percentage of structure occupied by the Bed and Breakfast Inn shall be no more than 50% of the gross floor area of the single-family dwelling.
- I. Rental of the Bed and Breakfast Inn for special gatherings such as wedding receptions and parties shall be prohibited.
- J. The plans for the proposed Bed and Breakfast Inn shall be reviewed by the Fire Chief, and a Zoning Permit shall not be issued by the Zoning Inspector until the Fire Chief has inspected the Bed and Breakfast Inn.
- K. The applicant shall submit the proposed Bed and Breakfast Inn to the Warren County Health Department for review.
- L. Other appropriate conditions may be prescribed by the BZA on an individual basis.

524 Automobile Washing Facilities

- A. All washing activities shall be carried on within a building.
- B. The minimum lot size shall be 15,000 square feet, with no less than 100 feet of frontage.
- C. Automobile washing structures shall be located at least 50 feet from any adjoining residential property and shall be no closer than ten feet from side property lines.
- D. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjacent residential property and at least 20 feet from a public right of way.
- E. Water or residue from the washing process shall not be allowed to drain from the site containing such establishment.
- F. All parking and access drives shall be hard-surfaced and dust-free.
- G. The following waiting and parking requirements shall be minimum requirements:
 - 1. A minimum of six off street waiting spaces shall be provided for every bay of a self-service washing facility, and a minimum of ten off street waiting spaces shall be provided for every bay with automatic or assembly line type washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.

2. A minimum of two parking spaces shall be provided at the exit end of each washing bay for drying and hand finishing of vehicles.
 3. One parking space for each regular employee of the premises with a minimum of two employee parking spaces for the site.
- H. A solid fence, wall, or evergreen shrubbery at least 6 feet in height shall be required when an automobile washing facility is adjacent to a Residential ~~or Agriculture~~ District, or adjacent to any residential property. (See Section 506 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties).
- I. Access shall only be from arterial or commercial collector streets to which the automobile washing facility shall adjoin. Alleys shall not be used for access to or from an automobile washing facility, nor shall alleys be used for maneuvering, waiting, or parking purposes.

525 Junk

The accumulation or storage of junk or junk motor vehicles, abandoned vehicles, recreational vehicles, etc. shall be prohibited, except in an approved junk yard. These can be approved as a conditional use.

A. Required Conformance

No junk vehicles shall be stored or parked within Morrow except in accordance with the regulations of this section.

B. Outdoor Storage of Junk Vehicles Prohibited

No person in charge or control of any property within Morrow, whether as owner, tenant, occupant, lessee, or otherwise, shall allow more than one junk or inoperable vehicle to remain on such property outside of an area completely screened from public streets or adjoining property.

C. Business Use of Junk Vehicles

No business shall be conducted in connection with any parked or stored junk or inoperable vehicle, except authorized junk yards, scrap metal processing facilities, and automobile repair facilities.

D. Required Screening of Junk Vehicles

Authorized junk yards, scrap metal processing facilities, and automobile repair facilities shall be exempted from required building enclosure insofar as junk or inoperable vehicles are completely screened from public streets and adjoining property. Such screening shall consist of mounding, fence, wall, and/or vegetation. Any screening shall be in accordance with the following requirements:

1. Fences or walls shall be neatly constructed of opaque material and maintained to ensure their opaqueness.
2. Vegetation and/or mounding shall be designed and grown to an opaque state and maintained as such.
3. It shall not be less than 6 feet in height above grade.
4. It shall be maintained in a condition so as to ensure its opaqueness.
5. It shall not contain advertising.

E. Removal of Junk Vehicles

No junk vehicle shall remain stored or parked in violation of this section after receipt of a notice of violation.

526 Billboards

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the lot where displayed on only incidentally on such lot. All billboards require a Zoning Permit. (See Illustration – Exhibit H.)

A. Required Conformance

All billboards within Morrow shall be in accordance with the provisions of this Section.

B. Permitted Locations

Billboards may be erected on free-standing structures and on any side or rear building wall only in the Industrial District.

C. Number of Faces

Free-standing billboards can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.

D. Maximum Height

The top of a free-standing billboard shall not extend more than 25 feet above the grade of the street.

E. Required Spacing

No billboard shall be located closer than 1500 feet to another billboard facing traffic flowing in the same direction.

F. Maximum Sign Area

The maximum sign area permitted for a free-standing billboard shall not exceed 250 square feet of total area. The maximum sign area for a wall billboard shall not exceed 10% of the wall area or 200 square feet of total area, whichever is less.

G. Structural Design

Structures for free-standing billboards shall be of vertical (cantilever) construction and where the back of the sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance.

H. Lighting

All lighting used in the illumination of billboards shall be adequately shielded or shaded, and properly directed so as to not cast direct light upon public streets and/or adjacent and surrounding properties.

I. Required Setback From Street

All free-standing billboards shall be set back from right-of-way lines a minimum distance of 100 feet along all roadways.

J. Setback From Residential Uses and Districts

No billboard shall be located closer than 500 feet to any residential zoning district or 200 feet from any existing residential dwelling.

527 Landfills

A. Required Conditions

Landfills may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for landfills within Morrow shall be accompanied by the following information, at a minimum:

1. Vicinity maps, drawn at a scale of 1 inch equal to 1,000 feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and the Warren County Comprehensive Plan.
2. Topographic maps, drawn at a scale no greater than 1 inch to 200 feet with 5 foot contour intervals, showing the existing and the proposed final physiographic layout of the site.
3. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thickness', and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply.
4. A plan for monitoring underground water contamination.
5. A transportation plan for the site illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site.
6. Proposed methods of control for insects, rodents, and other disease vectors.
7. Proposed methods of controlling odor, dust, and/or blowing debris such as paper.
8. Proposed methods for screening.
9. Proposed hours of operation.
10. The location and size of proposed shelters for landfill personnel and equipment.
11. A proposed plan for future use of the site.

C. Permit To Install Required

All proposed landfill operations shall be required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective.

D. Screening

The site shall contain mounding or screening adequate to obscure the view of the landfilling operation from any public street, existing dwelling unit, or any residentially-zoned property.

E. Water Pollution

The site shall be limited to areas where surface or underground water pollution will not occur.

F. Access From Residential Areas

The site shall not be accessible from any established residential area.

G. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

H. Attendant Required

An attendant shall be on duty during the time the landfill site is open to supervise the unloading of refuse.

I. Control Of Blowing Debris

Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

J. Open Storage/Burning Prohibited

There shall be no open storage or burning of refuse or garbage.

K. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly in a systematic manner.

L. Domestic Animals Excluded

Domestic animals shall be excluded from the site.

M. Cover Layer Required Daily

A compacted layer of at least 6 inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.

N. Other Required Conditions

Conditions which the BZA deems necessary to ensure that the landfill operation will not be detrimental to surrounding properties or to the environment.

O. Hazardous Waste Restriction

No hazardous waste, defined under Ohio Revised Code Section 3724.01 (I) (I) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806 2812, 42 U.S.C. 6921 to 6931 shall be deposited in or stored on any site designated as a landfill under Section 515 of this zoning resolution without application for and receipt of a hazardous waste storage-burial Conditional Use Permit from the Board of Appeals and submission of an operating plan by the proposed site operator to include the following information and assurance:

1. The full legal and corporate name of the site operator to include any other names used by said site operator within the past 5 years, and the names of all the officers of the said proposed operator and include detailed resumes of same indicating prior experience or expertise in the operation of a hazardous waste storage-burial facility.

2. A detailed listing of the specific types of hazardous waste to be stored on site to include chemical and generic designation and known effects on flora and fauna of same.
3. A complete fire and population evacuation plan for all areas within 5 miles of the site center.
4. A complete geologic and hydrologic study of the site showing site barrier control sufficient to prevent all off-site leachate transmission and ensure protection of all water supplies.
5. Operator shall submit the name of its waste transport company to include the type of vehicles to be used to transport the hazardous waste and the training of the driver-operators.
6. Operator shall submit a plan for the control of malodorous airborne pollutants so that no such odors are transported off site.
7. Operator/applicant shall present proof to the Board of Licensure for Hazardous Waste Storage under Section 3734.03 of the Ohio Revised Code prior to issuance of any Conditional Use Permit by the BZA.
8. Operator/applicant shall present proof of bond or surety to the sum set by Zoning Board of Appeals subject to the approval of the Morrow Council. Proof of bond shall be required prior to the grant of a Conditional Use Permit for hazardous waste storage in Morrow.

P. Inspections and Enforcement

The Zoning Inspector or a Warren County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a landfill is in violation of any of the above sections or any other conditions imposed by the BZA.

528 Transfer Stations

A. Required Conditions

Transfer Stations may be permitted, with all operations performed inside an enclosed building, as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for transfer stations within Morrow shall be accompanied by the following information, at a minimum:

1. Vicinity maps, drawn at a scale of 1 inch equal to 1,000 feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and the Warren County Comprehensive Plan.
2. Topographic maps, drawn at a scale no greater than 1 inch to 200 feet with 5 foot contour intervals, showing the existing and the proposed final physiographic layout of the site.

3. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer registered in the State of Ohio, illustrating the various depths, thickness', and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply.
 4. A plan for monitoring underground water contamination.
 5. A transportation plan for the site illustrating any proposed external routes or access to the transfer and any proposed internal circulation routes within the transfer.
 6. Proposed methods of control for insects, rodents, and other disease vectors.
 7. Proposed methods of controlling odor, dust, and/or blowing debris such as paper.
 8. Proposed methods for screening.
 9. Proposed hours of operation.
 10. The location and size of proposed shelters for transfer station personnel and equipment.
 11. A proposed plan for future use of the site.
- C. Permit To Install Required
- All proposed transfer station operations shall be required to secure a "Permit to Install" from the OEPA prior to the Conditional Use Permit becoming effective.
- D. Screening
- The site shall contain mounding or screening adequate to obscure the view of the transfer station operation from any public street, existing dwelling unit, or any residentially zoned property.
- E. Water Pollution
- The site shall be limited to areas where surface or underground water pollution will not occur.
- F. Access From Residential Areas
- The site shall not be accessible from any established residential area.
- G. Odor Control
- The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.
- H. Attendant Required
- An attendant shall be on duty during the time the transfer station site is open to supervise the unloading of refuse.
- I. Control Of Blowing Debris
- Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.
- J. Open Storage/Burning Prohibited
- There shall be no open storage or burning of refuse or garbage.

K. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine transfer station operations promptly in a systematic manner.

L. Domestic Animals Excluded

Domestic animals shall be excluded from the site.

M. Other Required Conditions

Conditions which the BZA deems necessary to ensure that the transfer station operation will not be detrimental to surrounding properties or to the environment.

N. Hazardous Waste Restriction

No hazardous waste, defined under Ohio Revised Code Section 3724.01 (I) (I) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806 2812, 42 U.S.C. 6921 to 6931 shall be stored on any site designated as a transfer station under this Section of this zoning resolution without application for and receipt of a Conditional Use Permit for hazardous waste storage from the BZA and submission of an operating plan by the proposed site operator to include the following information and assurance:

O. Inspections and Enforcement

The Zoning Inspector or a Warren County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a transfer station is in violation of any of the above sections or any other conditions imposed by the BZA.

529 Composting

A. Required Conditions

Composting may be permitted as a conditional use upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. Compliance with the requirements contained in this Section inclusive shall be guaranteed by the applicant prior to the issuance of a Conditional Use Permit.

B. Application Requirements

All Conditional Use Permit applications for composting within Morrow shall be accompanied by the following information, at a minimum:

1. Proposed methods of control for insects, rodents, and other disease vectors.
2. Proposed methods of controlling odor, dust, and/or blowing debris.
3. Proposed methods for screening.

C. Screening

The site shall contain mounding or screening adequate to obscure the view of the composting operation from any public street, existing dwelling unit, or any residentially zoned property.

D. Odor Control

The site shall be so located and operated as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.

E. Control Of Blowing Debris

Blowing debris shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.

F. Vector Control

Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine composting operations promptly in a systematic manner.

G. Inspections and Enforcement

The Zoning Inspector or a Warren County Health Department employee may visit the site at any time and may have cause for a cease and desist order if the owner and/or operator of a composting area is in violation of any of the above sections or any other conditions imposed by the BZA.

530 Mineral and Soil Extraction

A. Intent

The intent of this Section is to protect the health, safety, welfare, and environmental quality of Morrow. Soil and mineral extractive industries can contribute to soil erosion and sedimentation of streams, traffic hazards, and may pose other ground water pollution dangers. This Section is intended to prevent or minimize these effects.

B. Definition

Soil and mineral extractive industries are those activities of removing stone, gravel, sand, soil, or other minerals from the ground through processes commonly referred to as quarrying or mining and whose primary purpose and intent is the removal of minerals as a primary product for use or sale. This Section does not refer or apply to excavations made for other primary purposes, including but not limited to, construction of sewage lagoons, manure lagoons, swimming pools, and retention ponds for canals. This exemption shall apply to these primary purpose even if the materials excavated are moved or sold as a secondary means of disposal.

C. Application Requirements

In addition to other items required on a Conditional Use Permit application, the following information shall be submitted:

1. Vicinity maps, drawn at a scale of 1 inch equals 1,000 feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, and surrounding zoning districts.
2. A map at a scale of at least 1 inch equals 100 feet showing existing contours at intervals of 5 feet or less, to any existing building structures, and any public utilities of easements on the property.
3. Name and address of the applicant, including all partners and officers of the corporation.
4. Name and address of the owner of surface rights of the property.
5. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavation.

6. A list of the types of resources or minerals to be extracted.
 7. The proposed method of removal of such resources and whether or not blasting and other uses of explosives if required (storage of explosives is forbidden anywhere in Morrow).
 8. A study of the anticipated depth of excavations and probable effect to the existing water table, conducted by a qualified professional engineer who is registered in the State of Ohio. If the water is to be effected, the operator shall provide proof, before permission for excavation is given, the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply.
 9. The location of any processing plant to be used, and any accessory of kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation.
 10. A general description of the equipment to be used for excavating processing, and/or transporting excavated mineral resources.
 11. A transportation plan for the site illustrating any proposed external routes of access to the site and any proposed internal circulation routes within the site.
 12. A plan for the rehabilitation and reclamation of the excavated area as specified in this Section; and any other information the BZA may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.
- D. All proposed mineral extraction operations shall require a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources prior to the issuance of a Conditional Use Permit.
 - E. A description of adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.
 - F. The location of any storage or processing activities upon the site shall be subject to approval by the BZA because of possible detrimental external effects, such as air or water contamination. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially-zoned property.
 - G. Mineral extraction to a depth not exceeding 6 feet may be conducted to within 100 feet of any residential district, provided the operation is conducted over a temporary period not to exceed 12 months. The operation of equipment is limited to the extraction process. All other mineral operations shall not be conducted closer than 500 feet from an existing residential district or any dwelling.
 - H. Temporary operational roads shall not be located closer than 200 feet from any residential district or any existing dwelling.
 - I. Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing for processing for which no other use is practical or feasible, shall be demolished and removed at expiration of the Conditional Use Permit.

- J. In order to ensure adequate lateral support for public roads in the vicinity of mineral extraction operations:
1. All sand, soil, and gravel excavations shall be located at least 100 feet and backfilled to at least 150 feet from a street right-of-way line.
 2. No blasting shall be used as a means of soil and mineral extractions in any zoning district.
 3. Such excavation or quarrying, may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway where officially approved by the authority charged with maintenance of such platted street, road, or highway.
- K. All excavations of gravel, soil, or sand shall either be made to a depth not less than 5 feet below a water-producing level or graded and/or backfilled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform to the contours of the surrounding area.
- L. The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than 3 feet horizontal to 1 foot vertical, with a minimum of 6 feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where re-vegetation is possible.
- M. Whenever the floor of a quarry is greater than 5 feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely closed by a mound of earth not less than 6 feet in height and planted with suitable landscaping, or a fence shall be sufficient in either case to prevent persons from trespassing on the property and shall be subject to approval by the BZA. Such mound shall be located not less than 25 feet from any street right of way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the BZA because of the presence of a lake, stream, or other existing barrier.
- N. When any quarrying has been completed, such excavated area shall be left as a permanent spring fed lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive erosion. Said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover.
- O. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the BZA to conduct a mineral extraction operation, as herein provided shall furnish a reclamation plan and performance bond to the Clerk of Morrow, Warren County, Ohio. The amount of the performance bond shall be based on an estimate of costs to meet the aforementioned requirements prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by resolution of the Morrow Council depending upon the type and extent of restoration required. The performance bond shall be a guarantee that such applicant in restoring, reclaiming, and rehabilitating such land, shall be completed within a reasonable time and to the satisfaction of the BZA meet the requirements of this Section.
- P. The reclamation plan for the extracted area shall contain at a minimum the following information:

1. A map at a scale of 1 inch equals 100 feet showing the existing contours at intervals of 5 feet or less, any existing buildings or structures, and any public utilities or easements on the property.
2. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operation, but which in no event need be more than 18 inches.
3. The angle of slope of all earthen banks, which shall be no greater than 1 foot vertical to 3 feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
4. The angle of slope of all banks consisting of rock and the required cover.
5. The location of fences or effective plantings in those locations where the BZA determines that such angles of slope are not physically or economically feasible to reduce.
6. The number of trees and shrubs, and the type ground cover to be provided. The type and number per acre of trees, shrubs, ground cover, or legume to plant shall be determined in consultation with the Warren County Soil and Water District.
7. The location of proposed ultimate land uses, and physical improvements such as roads, drives, and drainage courses, utilities and other improvements as determined in consultation with the Regional Planning Commission of Warren County, the County Engineer, and the Sanitary Engineer.
8. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts said reclamation area where the same is not submerged under water.
9. A grading plan showing the proposed final topography of the area indicated by contour lines of no greater intervals of 5 feet.

531 Erosion Control/Landscaping Requirements

Within 1 year of the completion of any residential or commercial structure, the owner/occupant shall cause appropriate landscaping to be completed within the 1-acre area adjacent to and surrounding the structure.

532 Private Business or Family Gathering Facility

The primary use of a facility shall be for the rental of the building and the immediate grounds around the building. The average length of rental shall be for a short duration, i.e. For business meetings, family picnics, small weddings, anniversaries, and events to promote future economic expansion of Warren and neighboring counties. No food or alcohol shall be sold by the property owners or any rental client. The size of the gathering would be limited to small groups no greater than the parking capacity provided. The rental hours may include daytime events and some evening events.

No rental may be provided for overnight events and camping shall not be permitted. No use shall be permitted for parties of the type of bachelor or bachelorette or lewd or adult entertainment. No underage consumption of beer or intoxicating liquor shall be permitted. No persons shall be housed or provided with overnight accommodations as part of the rental agreement. No guns shall be discharged

from the premises and no mechanized vehicles will be provided for rental. At no time shall any pollutants be discharged off of the property, no any trash be expelled on adjoining properties.

All consumable foods or liquids consumed shall be the sole responsibility of the owner and the renter, and such shall comply with the laws of the State of Ohio. No renter or their guests shall be allowed to use motorized vehicles such as 3 or 4 wheelers, ATVs, motorcycles, or scooters on the facility.

The primary intent of the property for rent shall be for business use in the form of meetings, award banquets, retirement ceremonies, and economic development planning. The secondary use shall be for small weddings or family gatherings. All parking shall be contained on premises and no inhibiting traffic on the roadway shall be permitted.

This Conditional Use is granted to the applicant/property owner only. The Conditional Use Permit shall terminate upon any transfer of the title ownership of the property.

533 Small Wind Energy Project Regulation

A. Intent

The purpose of this regulation is to establish regulations for small wind energy projects in order to preserve and protect the public health and safety.

B. Applicability

This regulation applies to all lands within the boundaries of Morrow, Ohio.

C. Definitions

In this regulation:

1. Clear Fall Zone

An area surrounding the wind turbine unit into which the turbine, tower and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure. The area shall remain confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that, if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.

2. Megawatt

Unit of power equal to one million watts.

3. Met Tower

A tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a small wind energy project.

4. Equipment Owner or Owner

The person or entity that owns a small wind energy project or met tower.

5. Participating Landowner

The owner of the property on which a small wind energy project is built.

6. Non-participating Landowner

An owner of property on which a small wind energy project is not being built.

7. Rotor Diameter

The cross sectional dimension of the circle swept by the rotating blades.

8. Small Wind Energy Project

A wind energy project that has a capacity of more than 2 kilowatts and less than 5 megawatts, including the wind turbine generator or anemometer or any parts thereof and is primarily used to generate energy for use on the property where it is located. If the wind energy project is affixed to a primary or accessory structure and not a tower then the project developer must provide definitive evidence that the existing structure has adequate capacity to support that additional weight, overturning moments and cyclic loading due to operating resonance generated by the wind turbine. Approval by a licensed professional engineer is required for any building integrated projects over 5kW.

9. Total Height

The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

10. Tower

Either the freestanding or monopole structure that supports a wind generator or the freestanding or monopole structure that is used as a met tower.

11. Wind Energy Project

Equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Ohio R.C. 1551.20) and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the project.

12. Wind Generator

The mechanical and electrical conversion components mounted at the top of a tower in a wind energy project.

D. Standards – Small Wind Energy Project

A small wind energy project is a conditional use in any district and is subject to the following requirements:

1. Setbacks - A wind tower for a small wind energy project shall be set back:
 - a. A distance equal to 3 times its total height from any public road right of way;
 - b. A distance equal to 3 times its total height from any overhead utility lines, unless written permission is granted from the affected utility;
 - c. A distance equal to 3 times its total height from all adjacent property lines, unless written permission is obtained from the adjacent participating or non-participating landowner or landowners waiving such setback.

The Owner shall provide for a “clear fall zone” that shall be maintained at all times the turbine or tower is standing. The “clear fall zone”, along with the manufacturer’s recommendations of such a zone, must be attached to the engineering report submitted as part of the application.

2. Sound – The noise generated by the operation of a small wind energy project may not exceed 40 decibels measured from all adjacent non-participating landowners’ property lines.
3. Blade Clearance - The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point shall be at least 30 feet.
4. Access - All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 16 feet of the ground that is readily accessible to the public.
5. Electrical Wires - All electrical wires associated with a small wind energy project, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.
6. Lighting - A wind tower and generator shall be artificially lighted only if lighting is required by the Federal Aviation Administration or Ohio Department of Transportation.
7. Appearance, Color, and Finish - The wind generator and tower shall remain painted or finished. The color cannot be a distractive color which causes a safety issue.
8. Signs - No sign, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a small wind energy project.
9. Code Compliance - A small wind energy project, including tower, shall comply with all applicable State construction and electrical codes, and the National Electrical Code.
10. Signal Interference - The owner of a small wind energy project or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
11. Utility Interconnection - A small wind energy project that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

E. Standards – Met Tower

A met tower is a conditional use in any district subject to the same standards as a small wind energy project set forth in this Section, except for the standards contained in Sections 534.D.2 and 534.D.3 in these Standards - Small Wind Energy Project.

F. Permit Requirements

1. Conditional Use Permit - A Conditional Use permit is required for the installation of a small wind energy project or a met tower.
2. Site Plan Review - The Conditional Use permit application shall be accompanied by a site plan which includes the following:

- a. Property lines and physical dimensions of the property;
 - b. Location, dimensions, and types of existing major structures on the property;
 - c. Location of the proposed wind project tower;
 - d. Location of any overhead utility lines on or adjacent to the property;
 - e. The right of way of any public road that is contiguous with the property;
 - f. Description and specifications of the components of the small wind energy project, met tower, or both, including the manufacturer, model, capacity, blade length, rotor diameter, and total height of any small wind energy project; and
 - g. A statement from the applicant that all Wind Energy Project(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.
3. Fees - The application for a Conditional Use permit for a small wind energy project shall be accompanied by the appropriate fee required.
 4. Expiration - A Conditional Use permit issued pursuant to this regulation shall expire if:
 - a. The small wind energy project or met tower is not installed and functioning within 12 months from the date the Conditional Use permit is issued; or
 - b. The small wind energy project is out of service or otherwise unused for a continuous 12-month period.
 5. Building Permits - Applicants for all small wind energy projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio, as required.
 6. The system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including Part 77 of Title 14 of the Code of Federal Aviation Regulations regarding installations close to airports.
 7. The Conditional Use permit application for a small wind energy project shall include standard drawings and an engineering analysis and report of the system's tower and certification by a professional engineer.

G. Maintenance

Wind turbines shall be maintained in good working order.

1. The equipment owner shall, within 30 days of permanently ceasing operation of a met tower or small wind energy project, provide written Notice of Abandonment to the Zoning Enforcement Officer.
2. A small wind energy project or met tower that is out-of-service for a continuous 12 month period will be deemed to have been abandoned. The Zoning Enforcement Officer may issue a Notice of Abandonment to the equipment owner of the small wind energy project or met tower that is deemed to have been abandoned. The equipment owner shall have the right to respond to the Zoning Enforcement Officer's Notice of Abandonment within 30 days from the Notice date. The Zoning Enforcement Officer shall withdraw the Notice of Abandonment and notify the equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the small wind energy project or met tower has not been abandoned.

3. If the small wind energy project or met tower is determined to be abandoned or the Zoning Enforcement Officer receives a Notice of Abandonment from the equipment owner, the small wind energy project or met tower must be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/or other hardware associated with the existing wind turbine, including removal of the above mentioned items to a depth of three (3) feet below grade. If the owner fails to remove a small wind energy project or met tower and reclaim the site, the Village may remove or cause the removal of the small wind energy project or met tower and cause the site to be reclaimed. The cost of removal and reclamation shall become a lien upon the property and may be collected in the same manner as property taxes.

H. Conditional Use Permit Procedure

1. An Owner shall submit an application to the Zoning Enforcement Officer for a Conditional Use permit for a small wind energy project. The application shall be on a form approved by the Village and shall be accompanied by three (3) copies of the site plan identified in Section 1129.30.F.2.
2. The Board of Zoning Appeals shall authorize issuance of a permit or deny the application within the time provisions set out in the Zoning Ordinance.
3. The Board of Zoning Appeals may authorize the issuance of a Conditional Use permit for a small wind energy project after a public hearing on the application if the application and supporting materials show that the proposed small wind energy project meets the requirements of this regulation and the use is otherwise authorized by the Board of Zoning Appeals.
4. In the event that the maximum permitted height for a small wind energy system cannot be achieved on a specific property by virtue of setback constraints, the maximum permitted height shall be controlled by the setback constraints. The Board of Appeals shall not issue a variance to the minimum required setbacks for a small wind energy project.
5. The Owner shall conspicuously post the Conditional Use permit on the premises upon issuance so as to be visible to the public at all times until construction or installation of the small wind energy project is complete.

I. Violations

1. It is unlawful for any person to construct, install, or operate a small wind energy project or met tower that is not in compliance with this regulation or with any condition contained in a permit issued pursuant to this regulation. A small wind energy project or met tower that was installed prior to the effective date of this regulation is exempt from the requirements of this regulation.
2. It is unlawful for a person to disobey, fail, neglect, or refuse to comply with or otherwise resist an order issued pursuant to this regulation.

J. Enforcement

1. The Zoning Enforcement Officer may enter any property for which a permit has been issued under this regulation to conduct an inspection to determine whether there is any

violation of this regulation or whether the conditions stated in the permit have been met.

2. The Zoning Enforcement Officer may issue an order to abate any violation of this regulation.
3. The Zoning Enforcement Officer may issue a citation for any violation of this regulation.
4. The Zoning Enforcement Officer may refer a violation of this regulation to legal counsel for legal action.

K. Relationship to Other Regulations

This regulation does not abrogate, annul, impair, interfere with, or repeal any existing regulation.

L. Penalty

1. Any person who fails to comply with any provision of this regulation or a building permit issued pursuant to this regulation shall be subject to enforcement and penalties as stipulated in the Zoning Ordinance.
2. Nothing in this section shall be construed to prevent the Village from using any other lawful means to enforce this regulation.

534 Manufactured Homes on Individual Parcels (Lots)

It is the intent of this ordinance that no mobile home shall be permitted in any zoning district other than a Residential Planned Unit Development in a manufactured home park, except those which exist in other districts prior to the enactment of this ordinance. Mobile homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue, provided the following conditions are met:

- A. An existing mobile home is a vehicle or mobile structure more than 40-feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.
- B. An existing mobile home may be replaced by a newer mobile home of the same or larger size as long as the minimum zoning lot requirements of the district in which it is located are met.
- C. If in so replacing the existing mobile home, it is not physically possible to meet the minimum zoning lot requirements of this ordinance, the replacement will be permitted as long as the yard setbacks of the existing mobile home being replaced are maintained. In no way shall the nonconforming yard setbacks be decreased.
- D. If an existing mobile home is removed from said individual parcel (lot) for a period of 3 months or longer, the use of the parcel (lot) reverts to that for which that district is zoned, and no mobile home will be permitted thereafter.

535 Wireless Telecommunications Facilities

- A. The purpose of this Section is to regulate the placement, construction, and modification of wireless telecommunications facilities and their support structures in order to protect the public health, safety, and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace. Specifically, the purposes of the Section are:
1. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the Village.
 2. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.
 3. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
 4. To promote and encourage shared use/co location of towers and antenna support structures as a primary option rather than construction of additional single use towers.
 5. To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified; are appropriately maintained; and are fully removed.
 6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
 7. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

B. Applicability

All towers, antenna support structures, and wireless telecommunications facilities any portion of which are located within the Village are subject to this Ordinance except as provided in this Ordinance, any use being made of an existing tower or antenna support structure on the effective date of this Ordinance shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Ordinance. Any tower site that has received approval in the form of a permit by the Village, but has not yet been constructed or located shall be considered a nonconforming structure so long as such approval is current and not expired.

C. Definitions

Specific words and terms as used in this Section are defined as follows:

1. Antenna - Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.
2. Antenna Support Structure - Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
3. Clear Fall Zone - An area surrounding the wireless telecommunication facility into which the tower and/or support structure components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing failure. The area shall remain confined within the property lines of the primary parcel where the

facility is located. The purpose of the zone being that, if the facility should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, will not fall onto dwellings or accessory buildings, and will not intrude onto a neighboring property.

4. Co-location - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
 5. Emergency - A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
 6. Equipment Shelter - The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
 7. FAA - The Federal Aviation Administration and any legally-appointed, designated, or elected agent or successor.
 8. FCC - Federal Communications Commission and any legally-appointed, designated, or elected agent or successor.
 9. Monopole - A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.
 10. Person - Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or non-profit.
 11. Tower - A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.
 12. Wireless Telecommunications Facility - Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:
 - a. Any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned Business or Industrial.
 - b. Any satellite earth station antenna 1 meter or less in diameter, regardless of zoning category.
 - c. Antennas used by amateur radio operators.
- D. Standards Applicable to All Wireless Telecommunications Facilities
1. Construction Standards - All wireless telecommunications facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally-sound and, at a minimum, in conformance with Ohio Basic Building Code.
 2. Natural Resource Protection Standards - The location of the wireless telecommunications facility shall comply with all natural resource protection standards established either in this Zoning Ordinance or in other applicable regulations, including those for floodplains, wetlands around water protection, and steep slopes.

3. Historic or Architectural Standards Compliance - Any application to locate a wireless telecommunications facility on a building or structure that is listed on a federal, state, or local historic register, or is in a historic district established by the Village, shall be subject to review by the County Building Commissioner to ensure architectural and design standards are maintained.
4. Color and Appearance Standards - All wireless telecommunications facilities shall be painted a non-contrasting gray or similar color minimizing its visibility unless otherwise required by the FCC, FAA, and/or by historical or architectural standards imposed. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village.
5. Advertising Prohibited - No advertising is permitted anywhere upon or attached to the wireless telecommunications facility.
6. Artificial Lighting Restricted - No wireless telecommunications facility shall be artificially lit except as required by the FAA.
7. Co-Location - All wireless telecommunications facilities shall be subject to the co-location requirements set forth in this Section.
8. Abandonment - All wireless telecommunications facilities shall be subject to the abandonment requirements set forth in this Section.
9. Setback from Edge of Roof - Any wireless telecommunications facility and its appurtenances permitted on the roof of a building shall be set back 1 foot from the edge of the roof for each 1 foot in height of the wireless telecommunications facility. However this setback requirement shall not apply to antennas that are less than 2 inches in thickness mounted to the sides of antenna support structures and do not protrude more than 6 inches from the side of such an antenna support structure. This requirement is subject to change by the Village upon review of the photo simulation provided in compliance with this Section.
10. Security Enclosure Required - All towers and equipment shelters shall be enclosed either completely or individually as determined by the Village. No fencing shall be permitted in a residential zone. The Village and co locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
11. Existing Vegetation and Buffer Plantings - Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Village. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
12. Access Control and Emergency Contact - "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.
13. The Owner shall provide for a "clear fall zone" that shall be maintained at all times the tower or support structure is standing. The "clear fall zone" along with the

manufacturer's recommendations of such a zone, must be attached to the engineering report submitted as part of the application.

E. Co-Location Requirements

1. Exemption from Proof of Co-Location Availability - Persons locating a wireless telecommunications facility on a publicly owned property shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunications facility on publicly owned property shall continue to be subject to the requirements contained in this Section.
2. Exemption from Certain Requirements - Persons locating a wireless telecommunications facility on a publicly owned property identified by the Village to be suitable for such purposes shall be exempt from the requirements of this Section.
3. Co-Location Design Required - No new tower shall be constructed in the Village unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by another person.
4. Technically-Suitable Space - Authorization for a tower shall be issued only if there is no technically-suitable space reasonably available on an existing tower or structure within the geographic area to be served.
5. Application Requirements - With the permit application, the applicant shall list the location of every tower, building, or structure within 3 miles that could support the proposed antenna. The applicant must demonstrate that a technically-suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically-suitable, applicant must show that an offer was made to the owner of such tower to co locate an antenna on a tower owned by the applicant on reciprocal terms within the geographic area, and the offer was not accepted. If such co location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

F. Wireless Telecommunications Facilities in Residential Districts

1. Permitted Principal Use - No wireless telecommunications facility is permitted as a principal use on a lot.
2. Accessory Use - The following wireless telecommunications facilities are permitted as an Accessory Use on a lot, subject to the following requirements:
 - a. Tower - No wireless telecommunications tower is permitted as an Accessory Use within a residential district without conditional use approval under the guidelines of this Section.
 - b. Antenna - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:
 - i. Maximum Height - The antenna shall not extend more than 20 feet above the roof of the existing building or top of the existing structure.

- ii. Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.
 - iii. Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.
- 3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
 - a. Tower - A wireless telecommunications tower may be an Accessory Use to a public or institutional use within a residential zoning district, provided the BZA finds the following standards have been met:
 - i. Minimum Lot Size for Principal Use - The minimum lot size for principal use for which the tower is accessory shall be 5 acres.
 - ii. Minimum Setback from Property Lines and Residential Structures - The minimum setbacks and yard requirements shall be as per this ordinance.
 - iii. Maximum Height - The height of such tower shall be subject to approval by the BZA and be the minimum height necessary.
 - iv. Equipment Shelter - The minimum setbacks, height limits, bulk requirements, and screening standards shall be established by the BZA during the conditional use process. Such shelter shall not be located aboveground in any required front or side yard.
 - b. Antenna - The BZA may approve the location of an antenna extending more than 20 feet above the roof of an existing building or structure.
 - i. Attachment to Existing Building - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:
 - 1. Roof Setback - The pole structure supporting such antenna shall be set back 1 foot from the edge of such roof for each 1 foot of height above such roof. This requirement shall not apply to antennas 2 inches or less in thickness without a supporting pole structure.
 - 2. Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.
 - 3. Required Buffer - A buffer shall be planted in accordance with this Section.

4. Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

G. Wireless Telecommunications Facilities in Business and Professional Districts

1. Permitted Principal Use - The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:
 - a. Tower
 - i. Maximum Height - The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.
 - ii. Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - iii. Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.
 - iv. Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
 2. Accessory Use - The following wireless telecommunications facilities are permitted as an Accessory Use on a lot, subject to the following requirements:
 - a. Tower
 - i. Maximum Height - The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.
 - ii. Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - iii. Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.
 - iv. Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
 - b. Antenna - The antenna shall not be attached to a residential structure.
 3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on lots subject to the following requirements:
 - a. Tower 200 Feet or More in Height
 - i. Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - ii. Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.

- iii. Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
- b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

H. Wireless Telecommunications Facilities in Industrial Districts

1. Permitted Principal Use - The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:
 - a. Tower
 - i. Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
 - ii. Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - iii. Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - iv. Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
2. Accessory Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
 - a. Tower
 - i. Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
 - ii. Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - iii. Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - iv. Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
 - b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.
3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
 - a. Tower
 - i. Maximum Height - Any height of such tower in excess of the distance of such tower from the nearest property line shall require approval of the BZA.

- ii. Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - iii. Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - iv. Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
 - b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.
- I. Abandonment of Tower
 - 1. Required Notification - All providers utilizing towers shall present a report to the Village notifying it of any tower facility located in the Village whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Zoning Inspector may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Zoning Inspector and be instructed to either reactivate use of the facility within 180 days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.
 - 2. Required Notice to Owner - The Village must provide the tower owner a 30-days' notice and an opportunity to be heard before the BZA before initiating such action. After such notice has been provided the Village shall have the authority to initiate proceedings to either acquire the tower and its appurtenances attached thereto at the current fair market value at that time or in the alternative, order the demolition of the tower and all appurtenances.
 - 3. Right To Public Hearing By Owner - The Village shall provide the tower owner with the right to a public hearing before the BZA which public hearing shall follow the 30-day notice required in this Section. All interested parties shall be allowed an opportunity to be heard at the public hearing.
 - 4. Order of Abatement or Demolition - After a public hearing is held pursuant to this Section, the Village may order the abatement or demolition of the tower. The Village may require licensee to pay for all expenses necessary to acquire or demolish the tower.
- J. Application and Review Requirements
 - 1. Required Information for Applications - All applications for wireless telecommunications facilities including towers shall include the information required under this Section.
 - 2. Plot Plan Required - When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than 1 inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plans.

3. Photo Simulations Required - Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights of way taken at designated locations shall be provided.
4. Proof Why Nonresidential Tower Location Not Feasible - In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically-feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by the Village. If the Village refutes the evidence, then the tower is not permitted.
5. Technical Necessity - The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.
6. Land Owner Support and Access - Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.
7. Required Site and Landscaping Plan - The applicant shall present a site and landscaping plan showing the following:
 - a. Specific placement of the wireless telecommunications facility on the site.
 - b. The location of existing structures, trees, and other significant site features.
 - c. Type and locations of plant materials used to screen the facilities.
 - d. The proposed color of the facilities.
8. Co-Location and Removal Agreement - The applicant shall present signed statements indicating that:
 - a. The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and
 - b. The applicant agrees to remove the facility within 180 days after its use is discontinued.
9. Review Procedure - Once an application for the placement or expansion of a wireless telecommunications facility has been submitted and accompanied by a \$100 nonrefundable application fee, the application shall be reviewed by the Planning Commission within 30 days after submission of all necessary information required in this Section.
10. Denial by Village - Any decision to deny a request to place, construct, or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record.

K. Variances

Any request to deviate from any of the requirements of this Ordinance shall require approval of a variance in conformance with the procedure set forth in the Zoning Ordinance.

L. Separability

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

536 Height Limits

Height limitations stipulated elsewhere in this Zoning Ordinance shall not apply:

- A. To barns, silos, or other farm buildings or structures provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. To places of public assembly in church, schools and other permitted public and semi-public buildings; provided that these are located on the first floor of such building and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, elevator penthouses, water tanks, monitors, scenery lofts, towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures when the manufacturing process requires a greater height; provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distanced not less than twenty-five (25) feet in all parts from every lot line.
- D. Height limitations within a floodplain area are modified per Exhibit XXX.

537 Corner Lots

- A. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.
- B. When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.
- C. On all corner lots, the principal building shall be set back a minimum of twenty-five (25) feet on each street from the established right-of-way line as shown on the Official Thoroughfare Plan for Morrow, Ohio.

538 Front Yard Exceptions and Modifications

- A. In any Zoning District where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block the front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Ordinance, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards of the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front

yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections, nor required to be more than fifty (50) feet.

- B. In any Zoning District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Ordinance, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.

539 Double Frontage Lots

- A. Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

540 Side Yard Exceptions or Modifications

- A. Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than six (6) feet in any case.

541 Drinking Water Source Protection Plan Zone

- A. Purpose
 - 1. Drinking Water Source Protection Plan Zone has been established to prevent contamination and depletion of the groundwater resources within the aquifer area that provides drinking water for municipal wells operated by The Village of Morrow. The Drinking Water Source Protection Plan Zone is not restricted to any particular zoning district, but overlays other existing districts shown on the Zoning Map. Any uses permitted in the underlying zoning districts shall be permitted in the Drinking Water Source Protection Plan Zone, except where the Drinking Water Source Protection Plan Zone prohibits or imposes greater or additional restrictions and requirements. In any cases where conflicts arise between these requirements and any other existing regulations, the more restrictive regulations shall apply. If a lot or combination of parcels for which a single development is proposed is wholly or partially within the Drinking Water Source Protection Plan Zone, the provisions of the Drinking Water Source Protection Plan Zone shall apply to all property within such lot or combination of parcels.
 - 2. For the purposes of this law, land included in the Drinking Water Source Protection Plan Zone shall be delineated on a map entitled "Village of Morrow Drinking Water Source Protection Plan Zone".
- B. Prohibited Uses And Activities in the Drinking Water Source Protection Plan Zone
 - 1. Establishment of any solid waste management facility, radiological waste facility, pathological or medical waste facility or hazardous waste treatment, storage or disposal

facility. The Village of Morrow waste treatment plant is not covered under this statute as a prohibited use.

2. Surface land application of septage, sewage, sludge or human excreta.
 3. Disposal of any solid waste, petroleum, radioactive material, hazardous substance, hazardous waste or non-sewage wastewater into or onto land.
 4. Outdoor uncovered stockpiling or bulk storage of coal, deicing compounds, pesticides or fertilizers.
 5. Underground storage of petroleum products, hazardous substances, hazardous waste, pesticides and fertilizers. All pre-existing, or proposed new underground storage tanks, must meet USEPAS regulations and standards for UST's as found in 40 CFR Part 280 and 40 CFR Part 281.
- C. Except for single-family residential use, any proposed use to be implemented in the Drinking Water Source Protection Plan Zone shall be reviewed by the Village Planning Commission before granting a Zoning Permit.
- D. A Site Development Plan with specific uses located on a map and described in detail shall be submitted to the Village Planning Commission for all uses pursuant to this law. This plan will include details regarding the location of the premises and all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of storm water, processes wastes, wastewater, petroleum, hazardous substances and wastes, solid waste and incidental wastes. In addition, description of the means of water supply will be provided including an estimate of the total daily groundwater withdrawal rate if applicable.

The Village Planning Commission, in its review of the Site Development Plan, shall be guided by the following standards:

1. Any proposed use will not adversely impact the quality of water resources supplying all wells serving as water sources for The Village of Morrow water supply.
2. Any proposed use will not adversely impact the quantity of water resources supplying private wells and/or any and all wells serving as water sources for The Village of Morrow water supply.
3. The Village Planning Commission may require the applicant to submit detailed technical data concerning: (a) the effects of the use on water quality and quantity; and (b) the design of control measures proposed to reduce any such effects.
4. The Village Planning Commission may require changes or additions to the Site Plan as a condition of approval to safeguard water resources. No permit shall be issued unless and until such conditions have been fully met or performed. All improvements to the site shall be completed in strict conformance with the Site Development Plan as approved.
5. Granting approval for any use shall not constitute a guarantee of any kind of the municipality, or by any officer or employee, of the safety of any use and shall create no liability upon or cause of action against any public body, officer or employee for any damage that may result from the approval of a Zoning Permit.

542 Solar Panels

- A. Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard only, subject to the setback requirements for accessory buildings. Solar panels shall also be permitted on the rooftop of single family and multi-family dwellings. Solar panels on rooftops shall still require an accessory building permit.

ARTICLE 6 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES

601 Intent

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that these Zoning Regulation should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such consideration as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation.

602 Contents of Conditional Use Permit Application

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing it with the Zoning Inspector, who shall within 14 days transmit it to the BZA. Such application at a minimum shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Locational description of the property.
- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, lot lines, landscaping features, and such other information as the BZA may require.
- G. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.
- H. A list containing the names and mailing addresses of all owners of property within 200 feet of the property in question.
- I. A fee as established by the Zoning code
- J. A narrative addressing each of the applicable criteria contained in the following section, General Standards for All Conditional Uses.

603 General Standards for All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in this Section, the BZA shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of these Regulations and appears on the Schedule of District Regulations adopted for the zoning district involved;
- B. Will be in accordance with the general objectives, or with any specific objective, of the Village's Comprehensive Plan and/or the Zoning Code;
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, utilities and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village;
- G. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- J. Will otherwise be in conformance with all other sections of this ordinance.

604 Action by the Board of Zoning Appeals

Within 30 days after the receipt of application, the BZA shall hold a public hearing and take one of the following actions:

- A. Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplemental conditions and safeguards. Upon making an affirmative finding, the BZA shall direct the Zoning Inspector to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the BZA for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- C. Make a written finding that the application is denied and specify the reason(s) for disapproval.

605 Additional Criteria

- A. Additional Conditions

The BZA may impose other conditions for a conditional use in addition to those prescribed in this Section if, in the BZA's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, and convenience.

B. Public Hearing

All Conditional Use Permit applications shall require a public hearing. The Board shall hold a public hearing within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

C. Notice of Public Hearing

Before conducting a public hearing, notice of such hearing shall be given in one newspaper of general circulation in The Village of Morrow at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

D. Supplemental Conditions and Safeguards

In granting approval for any conditional use, the BZA may prescribe appropriate conditions and safeguards in conformance with this Zoning Code. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Zoning Code.

E. Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 1 year of the date on which the permit was issued, or if for any reason such use shall cease for more than 2 years.

606 Notice to Parties of Interest

Prior to conducting a public hearing, written notice of such hearing shall be by first-class mail, at least 10 days before the date of the hearing to all parties of interest, to include all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such grant of a Conditional Use Permit. The notice shall contain the same information as required in the Notice of Public Hearing in Newspaper.

607 Procedure and Requirements to determine that a Use is Substantially Similar

Where a specific use is proposed that is not listed or provided for in this Zoning Code, the BZA will make a determination, if the proposed use is substantially similar to a specific use that is listed or provided for in this Zoning Code. If BZA finds that a use is substantially similar to a specific use listed in this Zoning Code, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in this Zoning Code. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless

the decision is rejected within 30 days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment.

The following standards shall be considered by the BZA when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- A. The compatibility of the proposed use with the general use classification system as specified in this Zoning Code.
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Zoning Code as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Zoning Code.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Zoning Code, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

If the Zoning Inspector determines that a proposed use is not substantially similar, such determination can be appealed to the BZA. If the Zoning Inspector determines that a proposed use is substantially similar, such determination can also be appealed to the BZA by other affected or interested parties.

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Zoning Code, the use listed in the Zoning Code about which the determination of substantial similarity was made, and the dates of any actions thereupon. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

ARTICLE 7 NONCONFORMITIES

701 Intent

Within the districts established by this Zoning Code, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Zoning Code shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination, for which a Zoning Permit became effective prior to the effective date of this Zoning Code, or any amendment thereto. Nevertheless, while it is the intent of this Zoning Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Zoning Code.

702 Uses under Conditional Use Provisions, Not Nonconforming Uses

Any use which is permitted as a conditional use in a district under the terms of this Zoning Code shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

703 Incompatibility of Nonconformities

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

704 Avoidance of Undue Hardship

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

705 Substitution of Nonconforming Uses

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

706 Single Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code, notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. A one family detached dwelling may be erected on any lot of official record as of the effective date of the Revised Zoning Ordinance of this Village when by reason of its lot area or width, it does not meet minimum requirements for a lot under these regulations:

- A. The sum of the side yard widths on any such lot of record shall be at least twenty-five (25) percent of the width of the lot.
- B. In no case shall the width of any side yard be less than ten (10) percent of the width of the lot, except that on a corner lot, the width of side yard adjoining the side street lot line shall be not less than ten (10) feet.
- C. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.
- D. If the width of such lot meets the standards of this Ordinance, but the depth is such that the total area is less than seven thousand, five hundred (7,500) square feet, the rear yard for such lot shall have a minimum of thirty (30) percent of the depth of the lot, but in no case shall it be less than thirty (30) feet.

Variances of requirements listed in these Zoning Regulation, other than lot area or lot width, shall be obtained only through action of the Zoning Board of Appeals as described in Section Article 12 Appeals and Variances.

707 Nonconforming Lots of Record in Combination

If 2 or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands

involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code.

708 Nonconforming Uses of Land

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

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code.
- C. No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.

709 Nonconforming Structures

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

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Any such structure may be enlarged, maintained, repaired, or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structures. It shall not be considered an increase to its nonconformity if the addition meets all zoning requirements or does not increase its nonconformity. (See Illustration – Exhibit “F” Section Article 2 Definitions.)
- B. The Board of Zoning Appeals may permit a nonconforming building or structure to be extended, expanded, enlarged, or increased in intensity; subject to the following conditions;
 - 1. A nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on the effective date of this Ordinance.
 - 2. The Board may permit either an expansion of a nonconforming building or structure, or a substitution of a nonconforming use in such a building or structure, but not both.
 - 3. A nonconforming building or structure may be extended or enlarged upon the lot occupied by such building on the effective date of this Ordinance or on an adjoining lot, provided such lot was under the same ownership as the lot in question on the effective

date of this Ordinance. Such nonconforming building may be enlarged or extended to an extent non exceeding twenty-five (25) percent of the gross floor area of such nonconforming structure of building lawfully existing at the time of the adoption of this Ordinance.

4. The extension or enlargement of a nonconforming building or structure may not occupy ground space suitable and otherwise available for meeting the off-street parking requirements of this Ordinance.
5. A nonconforming use of land may not be extended, enlarged or increased in intensity.
6. Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking space.
7. Application for an extension or enlargement in accordance with paragraphs (1) through (6) shall be noticed and heard in the manner prescribed for appeal to the Board of Zoning Appeals.

710 Nonconforming Uses of Structures or of Structures and Land in Combination

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

- A. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the BZA, be changed to another nonconforming use provided that the BZA shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the BZA may require appropriate conditions and safeguards in accord with other provisions of this Zoning Code.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

711 Termination of Nonconformities

- A. Termination of Use Through Discontinuance
 1. Discontinuance of nonconforming use of Land: In the event that operation of a nonconforming use of land is voluntarily discontinued for a period of two (2) years, such nonconforming use shall not thereafter be re-established and any subsequent use of occupancy of such land shall conform to the regulation of the district in which it is located.

2. Discontinuance of nonconforming use of building or structures: In the event that operation of a nonconforming use of all or part of a building or other structure is voluntarily discontinued for a period of two (2) years, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located.
3. The intent to continue a nonconforming use shall not be evidence of its continuance.

B. Use by Damage or Destruction

Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. When such a nonconforming structure is so damaged or destroyed, and not going to be reconstructed as it previously existed, no rebuilding, restoration, or reoccupation shall be permitted except in conformity with all applicable regulations of these Zoning Regulation. In the event that any building or other structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds sixty (60) percent of the current replacement cost of the entire building or other structure, exclusive of foundation, such building or other structure shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located. Moreover, even if such damage is sixty (60) percent or less, no repair or restoration shall be made unless a Zoning Permit is obtained, and restoration is actually begun within on (1) year after the date of such partial destruction and rebuilding shall be diligently pursued to completion.

712 Moving of Nonconformities

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

713 Repairs and Maintenance

- A. Work may be done on ordinary maintenance and repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing; provided, however, that this paragraph (1) shall not be deemed to authorize any violation of Sections 709 through 712.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure other than a damage or destroyed building or other structure in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.
- C. Nonconforming residential buildings in the Industrial District may be maintained, repaired, improved, modernized or enlarge; provided, however, that no increase in the number of dwelling units shall be permitted.

714 Change of Nonconformities

The Board of Zoning Appeals may permit a substitution for a nonconforming use in a building or structure lawfully existing at the time of the adoption of this Ordinance subject to the following condition;

- A. The Board may permit either an expansion of a nonconforming building or structure or a substitution of a nonconforming use, but not both.
- B. A nonconforming use of land may not be changed.
- C. Application for a substitution in accordance with paragraph (1) shall be noted and heard in the manner prescribed for appeals to the Board of Zoning Appeals.

715 Nonconforming Accessory Use

No nonconforming accessory use shall continue after the principal use to which it is accessory has been discontinued.

ARTICLE 8 PLANNED UNIT DEVELOPEMENTS (PUD)

801 Intent

The intent of this Section is to permit and encourage the creative design of new residential, business, and industrial areas in order to promote imaginative proposals for local development while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

802 Requirements

The owner or owners of any parcel of land in the districts designated may submit an application to the Village Council for the type of PUD permitted in that district. Residential Planned Unit Developments, hereafter referred to as R-PUD's may be permitted in the R-1, R-2, and R-3 Residential zoning districts. Business Planned Unit Developments, hereafter referred to as B-PUD's may be permitted in the B-1, B-2 and B-3 Business zoning districts. Industrial Planned Unit Developments, hereafter referred to as I-PUD's may be permitted in the I-1 Industrial zoning districts.

803 Permitted Uses

The uses permitted in the PUD shall be those uses permitted by the zoning district containing such development.

804 Procedure

A. Pre-application Meeting

The developer shall meet the Zoning Inspector and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

B. Preliminary Development Plan

The submittal for a commercial, residential, or industrial PUD shall be filed with the Zoning Inspector. In consideration of the submittal, the Planning Commission shall file a written report on the submittal to the Village Council within 30 days. The report shall address the impact of the proposed development on adjacent and nearby areas of the Village, the effect of the proposed development on the provision of services to the community, and other matters relating to the public health, safety, and general welfare. The report shall include a recommendation of approval, approval with amendments, or denial.

Upon receipt of the recommendation of the Planning Commission, the Village Council shall hold at least one public hearing in consideration of the submittal prior to reaching a decision. The decision of the Village Council shall be made no later than 60 days after the receipt of the recommendation of the Planning Commission. The Village Council may approve, approve with amendments, or deny the submittal. If the submittal is denied, there shall be no resubmittal for a period of 12 consecutive months after the date denied.

C. Final Development Plan

Within 12 months of approval or approval with amendments of the PUD submittal and the preliminary development plan, the applicant shall submit a final development plan along with any necessary performance surety to the Planning Commission. The Planning Commission shall evaluate the plan for conformance with the preliminary development plan for the PUD as approved by the Village Council. If the Planning Commission finds the final development plan is in conformance with the preliminary development plan, then such plan shall be filed as a final plat and shall be recorded in the office of the County Recorder. Upon recording of the final plat, the Zoning Inspector shall issue the necessary permits.

D. Final Development Plan Effect

Subsequent to the approval of the final development plan, the lands included with the site area thereof shall not be developed or used in any manner whatsoever that is not in conformance with the approved plan; and no permit shall be issued for any building, structure, or use of the lands except in conformance with the approved plan. After the building is constructed, any necessary condominium plats and legal documents shall be recorded in the Office of the County Recorder. Such plats and legal documents will not require further review if they are in conformance with the approved final development plan as verified by the Planning Commission.

E. Final Development Plan Changes

Any changes in an approved final development plan desired by the owner of the tract of land involved shall be submitted to the Planning Commission. The Planning Commission shall conduct a public hearing on all proposed revisions to an approved final development plan and make a determination or finding that:

1. The proposed revision is a minor change, not substantially altering the overall concept of the PUD. Generally, such changes are limited to small site alterations such as realigning a street, shifting a setback, or slight changes in building designs that do not result in the loss of open space. Increases of up to 10% of the total development density and any decreases in density may be determined by the Planning Commission to be minor changes. Minor changes shall not involve reductions in required improvements, such as open space, parking areas, pavement widths, etc.
2. The proposed revision is a major change, which will affect the general character and overall concept of the PUD, including substantial relocation or redesign of principal or Accessory Uses, parking, open space areas, and streets. A major change is involved in density increases in excess of 10% of the total development density and/or revisions affecting the land coverage by building, parking, and open space areas.
3. Where the Planning Commission determines that the proposed revision is a minor change, the proposal may be reviewed as a revised final plan, and action to approve, modify, or deny approval may be taken by the Planning Commission following the public hearing. Minor changes involving or affecting public improvements shall be referred to Village Council for review and action, not requiring a public hearing by Village Council.
4. Where the Planning Commission determines that the proposed revision is a major change, the proposal shall be reviewed as a revised preliminary development plan as a part of the same public hearing, and the Planning Commission may act to approve, modify, or deny approval for the revised preliminary plan, following the public hearing.

The revised preliminary plan shall be reviewed in the same manner as the original plan, including a public hearing review by Village Council.

5. Upon approval of a revised final development plan as a minor or major change, the original final plan shall be considered void and the revised final plan shall have the same force effect as if it were the original plan.

805 Preliminary Development Plan Application Requirements

Any submittal for a PUD shall contain the following information in the submittal package including the information constituting a preliminary development plan. The applicant shall submit an original plus 7 copies of the preliminary development plan, and written documents as determined by the Zoning Inspector.

- A. Names, address, and phone number of owners, developers, and designers of the plan, and proposed name of the development.
- B. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- C. A legal description of the land to be developed under the submittal.
- D. Present use(s).
- E. Present and proposed zoning district.
- F. Proposed schedule for the development of the site.
- G. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within 2 years.
- H. A fee as established by this Zoning Code (see Section xxx Schedule of Fees).
- I. A list containing the names and mailing addresses of all owners of the property within 200 feet of the property in question.
- J. Verification by at least one owner of property that all information in the submittal is true and correct to the best of their knowledge.
- K. A statement of the objectives to be achieved by the PUD through the particular approach proposed by the applicant and the rationale behind the assumptions and choices made by the applicant.
- L. A development schedule indicating the approximate date when development and construction of the PUD can be expected to begin and be completed.
- M. Quantitative data for the following items:
 1. Total number of dwelling units, commercial facilities, industrial buildings, and parcel size.
 2. Proposed lot coverage of buildings and structures.
 3. Approximate gross and net residential, business, or industrial densities.
 4. Total amount of open space including separate figure for usable open space.

5. Economic feasibility study or market analysis where deemed necessary by the Planning Commission.
- N. Site plan and supporting maps. Maps shall be drawn at an appropriate scale to show the following information:
1. Date, north arrow, and scale.
 2. Existing zoning district.
 3. Existing site conditions including contours at 1-foot intervals, water course, floodplains, unique natural features, and natural cover.
 4. Proposed lot lines and plot designs.
 5. The location and floor area size and height of all existing and proposed buildings, building elevations, structures, and other improvements including maximum heights, types of dwelling units, density per acre, and nonresidential structures, including commercial facilities.
 6. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and public and semi-public uses.
 7. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
 8. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.
 9. The existing and proposed utility systems including proposed and existing easements for the sanitary sewers; storm sewers; and water, electric, gas, and telephone lines.
 10. A general schematic landscape plan indicating the treatment of materials used for private and common open spaces.
 11. Information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features, and land uses within a ½ mile of the boundaries of the proposed development.
 12. A landscaping and screening plan for all perimeters of the PUD.
 13. Phases of development and approximate starting dates.

806 Notice of Public Hearing in Newspaper

Notice of the public hearing shall be given by the Planning Commission and Village Council by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least 10 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the nature of the proposed PUD.

807 Notice to Parties in Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed, by the Village Planning Commission, by first-class mail, at least 10 days before the day of the hearing to all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such PUD. The notice shall contain the same information as required in Section 806 Notice of Public Hearing in Newspaper.

808 Final Development Plan Application Requirements

After approval of a preliminary development plan by the Village Council, the applicant shall submit the following information as a final development plan to the Zoning Inspector. The submittal shall consist of an original plus 7 copies of all required documents.

Each submittal shall be signed by the owner, attesting to the truth and exactness of all information supplied on the submittal for the final development plan. Each submittal shall clearly state that the approval shall expire and be revoked if construction on the project has not begun within 1 year from the date of issuance of the approval. At a minimum, the submittal shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land uses considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes, a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing, estimated non-residential population by type of housing, estimated non-residential population, anticipated construction timing for each unit, and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Ordinances governing development.
- D. A fee as established by this Zoning Code (see Section xxx Schedule of Fees).
- E. Preliminary building plans, including floor plans and exterior elevations.
- F. Any legal agreements stipulating conveyance of public open space to homeowners' or merchants' association and indicating responsibility for maintenance of the open space.
- G. Any restrictive covenants or other conditions which shall apply to any parcel of land in the PUD.
- H. All necessary legal documentation relating to the incorporation of a homeowners' or merchants' association for the purpose of maintaining any common open space included within the PUD.
- I. Final plat for necessary lot creation and right-of-way or easement dedication, if necessary.
- J. Necessary engineer's estimates and performance surety for any public improvements that will eventually be taken over by the Village.
- K. All surveying and legal documents to be recorded shall meet County Standards.

- L. Site plan and supporting maps indicating the following:
 - 1. Survey of land area to be developed showing topography with existing and proposed contours at 1-foot intervals, drainage, vegetation, and natural cover.
 - 2. Detailed construction plans in conformance with The Village of Morrow Design Criteria and Construction Standards and Drawings along with necessary specifications shall at a minimum consist of the following items:
 - a. The location of lot lines, building outlines, and setbacks.
 - b. Pedestrian and vehicular circulation system.
 - c. Street plans including plan and profile and cross-sections.
 - d. All utility systems, including sanitary sewers; storm sewers; water, electric, gas, and telephone lines including plan and profiles.
 - e. Landscaping indicating the specific types of vegetation to be used and their location in the development.
 - f. Location of fire hydrants and fire lanes.
 - g. Any additional information in the form of written documents, plans, and supporting maps required by the Planning Commission and Village Council in consideration of the application.
 - h. Storm water management plan, including detention and erosion control.
 - i. Grading plan.

809 Special Provisions

- A. In a PUD, the Village Council may approve greater densities and smaller lot sizes than those permitted in the zoning district in which the PUD is located. In no case shall the overall density exceed the density permitted in the zone by more than 25%, and no lot size shall be more than 50% smaller than that permitted in the zone.
- B. If the Planning Commission determines it is consistent with the public health, safety, and general welfare and necessary for the overall development and usefulness of the residential PUD, commercial uses may be permitted by the Planning Commission in the development provided they are designed and intended primarily for the use of the residents of that development. All such uses shall:
 - 1. Be located within a multiple dwelling, an administration building for the development, or a building providing community facilities primarily serving the occupants of the development and their guests.
 - 2. Have no business signs, advertising, or displays visible from the outside of the building in which they are located; and
 - 3. Have a total area that does not exceed 5% of the gross floor area of all dwellings within the development.
- C. The Planning Commission shall make a recommendation to the Village Council as to overall density of development and lot sizes. In making its recommendation, the Planning Commission shall consider the following:

1. The proposed development can be initiated within 1 year of the date of approval.
 2. The proposed streets are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
 3. Any proposed commercial or industrial development can be justified at the proposed location.
 4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price.
 5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
 7. Amount, design, and uses of open space in the development.
 8. Overall design quality of the development.
 9. Impact of the proposed development on utilities.
 10. Amenities to be provided by the developer, including, but not limited to, recreational facilities, infrastructure improvements, environmental improvements, and land set aside for public purposes.
 11. Relationship of the development to surrounding land uses.
 12. Impact of the development in providing housing and other community needs.
- D. The Planning Commission may take into account any other factors it deems appropriate to the development under consideration.
- E. Ownership of Common Open Space.
1. In an R-PUD, the common open space shall be owned by the homeowners as tenants-in-common. A homeowners' association shall be formed prior to the conveyance of the first property, and the legal documents establishing the association shall stipulate that the association will control and have responsibility for maintenance of the common open space upon conveyance of more than 50% of the lots or units in the development.
 2. The common open space shall be protected against building development and environmental damage by conveying to the Village an open space easement restricting building development and prohibiting removal of soil, trees, and other natural features, except as is consistent with conservation or recreation uses or uses accessory to permitted uses. This easement shall be conveyed before recording of the final plat.
 3. A written agreement or contract shall be executed between the developer and the Village stating the following:
 - a. That in the event of failure of the owners, successors, or assignors to maintain any common open space or the landscaping or improvements thereon, the Village may enter into the development and perform any necessary

maintenance, and charge the cost, including, but not limited to engineering and attorney fees, to the owner, successors, or assignors.

- b. That the developer will construct the development and install landscaping and improvements in accordance with the approved plan.
 - c. That this contract shall be binding upon the owner, successors, assignors, or receivers of the development and shall constitute a lien on the property.
4. Copies of any management policies, deed restrictions, or covenants with the land shall be provided to the Planning Commission prior to the final hearing on the plan.

810 Additional Requirements

- A. A written agreement or contract shall be executed between the developer and the Village prior to approval of the final development plan stating at least the following:
 1. That in the event of failure of the owners, successors, or assignors to maintain any common open space or the landscaping or improvements thereon, the Village may enter into the development and perform any necessary maintenance, and charge the cost, including, but not limited to engineering and attorney fees, to the owner, successors, or assignors.
 2. That the developer will construct the development and install landscaping and improvements in accordance with the approved plan.
 3. That this contract shall be binding upon the owner, successors, assignors, or receivers of the development and shall constitute a lien on the property. Said agreement shall be recorded with the Warren County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
- B. The Design Criteria and Construction Standards and Drawings along with 100% surety and 10% maintenance surety shall apply to all public improvement construction that will eventually be taken over by the Village. The 100% performance surety and 10% maintenance surety shall follow the regulations in the Village of Versailles Subdivision Regulations even if a major subdivision is not applicable.
- C. If the Planning Commission determines it is consistent with the public health, safety, and general welfare and necessary for the overall development and usefulness of the residential PUD, commercial uses may be permitted by the Planning Commission in the development provided they are designed and intended primarily for the use of the residents of that development. All such uses shall:
 1. Be located within a multiple dwelling, an administration building for the development, or a building providing community facilities primarily serving the occupants of the development and their guests.
 2. Have no business signs, advertising, or displays visible from the outside of the building in which they are located; and
 3. Have a total area that does not exceed 5% of the gross floor area of all dwellings within the development.

4. All exterior lighting of parking areas, buildings, and attached signs shall be so arranged as to reflect light away from adjoining premises, and no flashing lights or signs of any kind shall be permitted except those required by traffic regulations.
5. All buildings, structures, parking areas, and loading spaces shall be kept and maintained in a neat and orderly manner and appearance. All areas not occupied by buildings or structures or by parking or loading areas shall be landscaped and maintained in a neat manner and appearance. Parking and loading areas located across a street from facing residential premises or closer than 30 feet to the property lines of adjoining residential premises and building entrances located closer than 50 feet to such property lines shall be appropriately screened from such adjoining premises by means of planting, ornamental fences or walls, or approved design.
6. In order to preserve the character of the adjacent residential areas, no outdoor display of goods, merchandise or services, or outdoor display or exhibit of any nature, shall be permitted. However, the BZA may, after public hearing, authorize a specific exhibitor display for a period up to, but not exceeding 14 days, provided that the applicant has substantiated to the satisfaction of the BZA that such display or exhibit would be appropriate in a Residential PUD and that the activity will not adversely affect adjoining or nearby residential property.

D. Ownership of Common Open Space.

1. In a R-PUD, the common open space shall be owned by the homeowners as tenants-in-common. A homeowners' association shall be formed prior to the conveyance of the first property, and the legal documents establishing the association shall stipulate that the association will control and have responsibility for maintenance of the common open space upon conveyance of more than 50% of the lots or units in the development. Said agreement shall be recorded with the Warren County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
2. The common open space shall be protected against building development and environmental damage by conveying to the Village an open space easement restricting building development and prohibiting removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses. This easement shall be conveyed before recording of the final plat.

- E. Copies of any management policies, deed restrictions, legal documentation, homeowners association agreements, or covenants with the land shall be provided to the Planning Commission prior to the approval of the final development plan.

811 Residential and Business Planned Unit Development Minimum Design Standards

- A. Applicants are encouraged to use innovative design, including varying of lot sizes and building orientation. Proposals which do not reflect these innovations may be rejected by the Planning Commission.
- B. PUDs shall be designed in a manner which promotes harmonious relationships between the development and surrounding land uses.

- C. Open space within a PUD may be required by the Planning Commission and if required shall meet the following criteria:
1. No less than 20% of the total land area, exclusive of streets and street rights-of-way, shall be devoted to common open space. In R-PUDs, this land shall be used for recreation or conservation purposes. This common open space may include such areas as pedestrian walkways, park and open areas, drainage ways, and other lands of an essentially open character, exclusive of off-street parking spaces. In B-PUDs, this land shall be appropriately landscaped and may contain walkways, benches, and the like.
 2. In R-PUDs, at least half of the common open space shall be usable for active recreation.
 3. The size, location, shape, and character of the open space must be suitable for the designated uses. The common open space shall be usable by the residents of the Planned Unit Development and shall not consist of isolated or fragmented pieces of land which would serve no useful purpose.
 4. No more than 20% of the common open space may be devoted to paved areas (such as parking lots, walks, and hard-surfaced play areas) and structures used for or accessory to open space uses.
 5. Landscape plans for the common open space must be approved by the Planning Commission.
 6. Ownership of this common space either shall be transferred to a legally established Homeowner's Association or, if desired by the village, dedicated to The Village of Morrow, and the proper legal documents necessary for such transfer or dedication, be prepared by the owner(s) of the tract of land.
- D. Single-Family, Two-Family, and Multi-Family residential dwellings, whether of modular or site-built construction, shall comply with the following design and appearance standards:
1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
 2. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.
 3. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
 4. The site shall be serviced by utilities in such a manner as required by the Zoning Code.
 5. Minimum roof pitch requirements entailing a 4-inch vertical rise for each 12 inches of horizontal run.
 6. Roof overhang shall have a minimum overhang of 12 inches, except where approved decks or certain accessory structures are attached or semi-attached.
 7. Roof material shall be either wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, or asphalt or fiberglass shingle (no corrugated metal or corrugated fiberglass).

8. Exterior siding shall be one or a combination of materials such as brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood shingles, shakes or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used.
 9. Structure size shall be a minimum width of 25 feet.
 10. Attached enclosed garages with overhead doors for single-family and two-family residences for each dwelling are required on all new structures.
 11. Enclosed garages with overhead doors are required for each dwelling unit for multi-family residences on all new structures.
- E. Townhouses constructed in PUDs must meet the following criteria:
1. No more than 4 contiguous townhouses shall be built in a row with the same or approximately the same front line, and no more than eight townhouses shall be contiguous.
 2. Each townhouse shall have its own yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. These yards shall not be used for off-street parking, garages, storage facilities, driveways, or accessory buildings.
 3. The minimum distance between any 2 rows of townhouse buildings substantially parallel to each other shall be 60 feet.
 4. The minimum distance between any 2 abutting ends of townhouse buildings in the same general plan or row shall be 25 feet or greater.
- F. Parking within the PUD shall be regulated in conformance with Section 10 Off-Street Parking and Loading Regulations. Parking areas containing more than 40,000 square feet shall be landscaped in accordance with a plan approved by the Planning Commission.
- G. Signs in a PUD shall conform to the requirements with Section 11 Signage, except that in addition to the other permitted signs, there may be one sign at each entrance to the development indicating the name of the development. In residential PUDs, the signs shall not exceed 40 square feet in size, and in business PUDs, the signs shall not exceed 80 square feet in size. The Planning Commission may reduce the maximum size of the signs in accordance with the size, design, and location of the PUD.
- H. Street layouts to PUDs shall be designed in a manner to minimize pavement lengths. To the extent possible, streets shall conform to the natural contours of the land. In business PUDs, fire lanes shall be provided and approved as to location and width by the fire department.
- I. Maximum Height
1. No Single-family or two-family dwelling shall exceed thirty-five (35) feet in height.
 2. No multiple-family dwelling shall exceed forty (40) feet in height.
- J. Minimum Lot Area, Width and Maximum Density
1. The tract of land to be developed on a Planned Unit basis shall be a minimum of five (5) acres.

2. Where the Planned Unit Development includes single-family homes only, the maximum gross density shall not exceed five (5) dwelling units per acre.
3. Where the Planned Unit Development contains a combination of single-family, two-family, and multiple-family dwelling, the maximum gross density shall not exceed eight (8) dwelling units per acre.
4. Where the Planned Unit Development includes multiple-family dwellings only, the maximum gross density shall not exceed fifteen (15) dwelling units per acre.

812 Manufactured Home Park Planned Unit Development Design Standards

No Manufactured Home whether left to remain on wheels or set on a fixed foundation shall be permitted to be used for habitation in the Village except in a Manufactured Home Park. Such park:

- A. Shall contain a minimum of 5 acres.
- B. Shall provide an adequate supply of Village water.
- C. Shall provide an adequate system of collective sanitary sewers, sewage treatment and disposal, and refuse pick-up areas. These areas must be screened or fenced in on a hard surface area with adequate containers.
- D. Shall provide a clearly-defined minimum lot area of 4,000 square feet with a minimum lot width/frontage of 40 feet and 600 square feet of floor area for each Manufactured Home.
- E. Shall provide a minimum of 20 feet clearance between the individual Manufactured Homes and a 50 foot setback from any property line bounding the Manufactured Home park.
- F. Shall require each Manufactured Home space to abut upon an asphalt or concrete driveway of not less than 10 feet in width, which shall have unobstructed access to a public street of not less than 36 feet in width of pavement.
- G. Shall have a safe, usable, developed recreation area conveniently located in each Manufactured Home park and shall not be less than 10% of the gross area of the tract.
- H. Shall conform to all Village, State Health Department, and OEPA requirements.
- I. Shall be effectively screened on all sides by means of walls, fences, or plantings except where the area is sufficiently removed from other urban uses as determined by the Planning Commission. Walls or fences shall be a minimum of 4 feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than 10 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height may be substituted.
- J. Shall require proper routine maintenance.
- K. Shall require proper skirting on all Manufactured Homes.
- L. Shall provide two off-street parking spaces for each Manufactured Home, plus one space per each five Manufactured Home sites for guest parking.
- M. Shall provide a minimum of 15 feet for a front yard setback and a minimum of 10 feet for a backyard requirement.

813 Industrial Planned Unit Development Minimum Design Standards

- A. All land in contiguous ownership shall be shown on the plans. The entire parcel is to be included, even if the development is to take place in phases.
- B. The development shall be designed in a manner as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for storm water runoff and possible retention, adequate solid waste and sewage disposal, buffers, parking, and other utilities.
- C. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from residential boundaries. The buffer shall consist of one or more of the following items: fences, berms, mounding, or plantings that are more than 6-feet tall and form a solid barrier. Where the proposed development may produce excessive noise, traffic, dust, glare, or odor, a planted green belt up to 100 feet in depth shall be required, and shall be considered part of the open space.
- D. All areas for outdoor storage of materials, waste, or finished products shall be indicated on the plans. The plans shall state the chemical composition or form of the materials, type of storage, length of storage, and height of materials. All outdoor storage areas shall be enclosed by a wall or fence of solid appearance or a tightly-spaced evergreen hedge to conceal the areas or facilities from view from adjacent land uses and primary access roads.
- E. No raw galvanized or other raw metal sheeting or untreated concrete block may be used for the exterior construction of any building in the I-PUD.
- F. All buildings shall be of designs and materials which will promote a visually harmonious environment.
- G. Outdoor lighting shall not disrupt neighboring land uses by excessive glare.
- H. Not more than 80% of the total land area of an industrial development shall be devoted to structures, accessory uses, parking areas, and streets.
- I. All parking areas in an I-PUD shall contain landscaping in accordance with an approved landscaping plan. The landscaping shall be completed as soon as practicable according to weather conditions. Where permanent planting must be delayed due to weather conditions, erosion control measures shall be employed until the landscaping is completed.
- J. Erosion and runoff control measures shall be employed during construction of buildings and improvements in an I-PUD.
- K. Access requirements:
 - 1. A paved road shall be provided with adequate frontage for each structure. The road shall be constructed in conformance with standards established by the Village. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent land zoned for residential use or in residential use; nor shall primarily residential roads be used for access to industrial developments. No portion of any lot shall be paved unless in accordance with the approved site plan.
 - 2. Loading docks, truck parking, or truck turn-around areas shall be designated through the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrians. Roadway shall not be used for truck

parking, standing, or backing areas. Parking and loading facilities shall not be located between structures and local access streets.

3. Fire lanes shall be provided at all entrances to and exits from structures and storage areas and at all locations of hydrants. Fire lanes shall be designated by signs and pavement markings.
 4. All rail lines, sidings, or switching facilities shall be indicated on the site plan. The Village may require additional vehicular or pedestrian crossings.
- L. Industrial Performance Standards - Any applicant for approval of an I-PUD under the provisions of this Section shall comply with all applicable local, state, and federal standards relating to air and water quality, heat, noise, glare, and odor. The applicant also shall comply with any applicable environmental standards which have been approved by the Village Council.
- M. Signs - Signs within an I-PUD shall be regulated in conformance with Section 11 Signage except that in addition to the other permitted signs, there may be one sign no more than 100 square feet in area at each entrance to the development. Such signs shall be for the purpose of identifying the overall development.
- N. Parking and Loading Regulations - Parking within an I-PUD shall be regulated in conformance with Section 10 Off-Street Parking and Loading Facilities.
- O. Height Regulations - The maximum height of buildings in the I-PUD shall be 40 feet. All other structures shall comply with this Zoning Code.

814 Expiration and Extension of Approval Period

The approval of a final development plan for a PUD district shall be for a period not to exceed 3 years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within 1 year after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission and Village Council finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the PUD was granted.

ARTICLE 9 Flood Plain

901 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.

Therefore, the Village Council of Morrow, State of Ohio, does ordain as follows:

902 Finding Fact

The Village of Morrow has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

903 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

904 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

905 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Village of Morrow as identified in Section 1.6, including any additional areas of special flood hazard annexed by the Village of Morrow.

906 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. Flood Insurance Study Warren County, Ohio and Incorporated Areas and Flood Insurance Rate Map Warren County, Ohio and Incorporated Areas both effective December 17, 2010.
- B. Other studies and / or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard include:
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village of Morrow as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Morrow Municipal Building, 150 E. Pike Street, and Morrow Ohio.

907 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances (resolutions) including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

908 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

909 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on

rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village of Morrow, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

910 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

911 Designation of the Floodplain Administrator

The Village Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

912 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

913 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed

development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

914 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 6. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 4.3.

915 Review and Approval of a Floodplain Development Permit Application

- A. Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

916 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

917 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

918 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance Board for Counties) in accordance with Section 5 of these regulations.

919 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.

- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 -Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

920 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village of Morrow's flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- A. Requirement to Submit New Technical Data
 - 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
 - 2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revision shall be the responsibility of the applicant.
 - 3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increase the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10 (A)(!).
- B. Right to Submit New Technical Data
The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the Village of Morrow, and may be submitted at any time.
- C. Annexation/Detachment
Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village of Morrow have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Morrow's Flood Insurance Rate Map accurately represent the Village of Morrow boundaries, include within such notification a copy of a map of the Village of Morrow suitable for reproduction, clearly showing the new corporate limits of the new area for which the Village of Morrow has assumed or relinquished floodplain management regulatory authority.

921 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard.

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the

determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.

- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

922 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

923 Use Regulations

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11 (A).

- A. Permitted Uses
 - 1. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village of Morrow are allowed provided they meet the provision of these regulations.
- B. Prohibited Uses
 - 1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3710 of the Ohio Revised Code.
 - 2. Infectious wastes treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

924 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

925 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

926 Residential Structures

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistance to flood damage (4.5(B)) are satisfied.
- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvements of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- E. New construction and substantial improvements, including manufactured homes, that do not have basement and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and

2. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 3. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings by be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyance. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

927 Nonresidential Structures

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirement of Section 4.4 (A) – (C) and (E) - (G).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5 (B)(1) and (2).

928 Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood water;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4 (E)(3);

929 Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must meet all standards of Section 4.4.

930 Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

931 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

- A. Development in Floodways
 - 1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - 2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.IO(A);
 - b. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the Mayor of the Village of Morrow and the Chief Executive Officer of any other communities impacted by the proposed actions.
- B. Development in Riverine Areas with Base Flood Elevations but No Floodways
 - 1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - 2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than

one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

- a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
- b. Section 4.9(A), items (a) and (c)-(e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the Village of Morrow specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(l)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

932 Appeals Board Established

- A. The Council for the Village of Morrow shall appoint an Appeals Board consisting of 3 Appeals Board members. The members shall serve 4 year terms after which time they shall be reappointed or replaced by the Council for the Village of Morrow. Each member shall serve until his/her successor is appointed.
- B. A chairperson shall be elected by the members of the Appeals Board. Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote

of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Village Municipal Building.

933 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

934 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 10 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

935 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

- A. Application for a Variance
 - 1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
 - 2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(l) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

936 Procedure at Hearings

- A. All testimony shall be given under oath.
- B. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- C. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- D. The administrator may present evidence or testimony in opposition to the appeal or variance.
- E. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- F. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- G. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- H. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

937 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Warren County of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

938 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendment thereto. Use, arrangement, or construction contrary to

that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

939 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

940 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a Third Degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Morrow. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Morrow from taking such other lawful action as in necessary to prevent or remedy any violation. The Village of Morrow shall prosecute any violation of these regulations in accordance with the penalties state herein.

941 Adoption

This ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number 1-07, which is hereby repealed. A copy of Ordinance Number 19-2010 is attached hereto.

ARTICLE 10 OFF STREET PARKING AND LOADING FACILITIES

1001 Intent

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by ensuring that all land uses have adequate amounts of off-street parking and loading areas in order to not create traffic hazards on public streets.

1002 General Parking Requirements

In all districts, should any building, structure, or use of land be increased in capacity (via building/structure erection, enlargement, or use), off street parking shall be provided for vehicles. A parking plan shall be required for all uses except for single- or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

1003 Off-Street Parking Design Standards

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

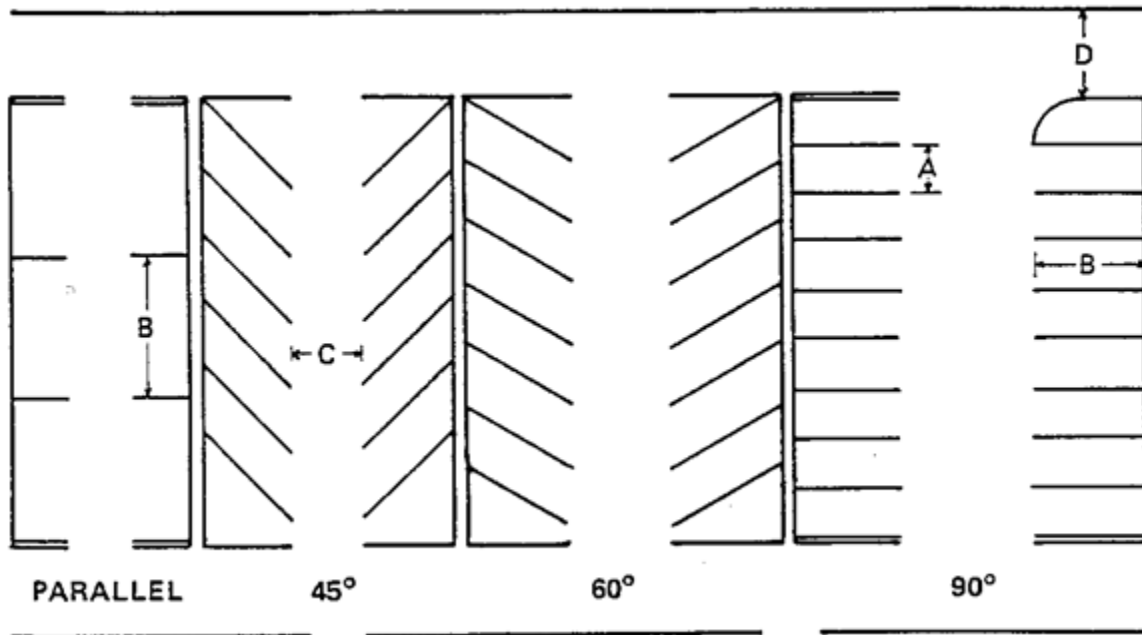
- A. **Parking Space Dimensions:** Each off-street parking space shall have an area of not less than 171 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. **Access:** There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
 1. For a single-, two-, or multi -family residential dwelling, the access drive shall be a minimum of 10 feet in width.
 2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
 3. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
 4. All parking spaces, except those required for single-, two-, or multi -family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
 5. Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed.
- C. **Setbacks:** In B and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10-foot grass area is located between the parking area and the street right-of-way.
- D. **Screening:** In addition to the setback requirements specified in this Zoning Code for off-street parking facilities for more than 5 vehicles, screening shall be provided on each side of a parking

area that abuts any Residential District. Parking areas shall be effectively screened by a wall, fence, or densely planted compact hedge, not less than five (5) feet, nor more than eight (8) feet in height

- E. Paving: All required parking spaces together with driveways, and other circulation areas, shall be dust-free and of a hard-surface with a pavement having an asphalt or concrete binder, such as concrete, asphalt, double chip and seal, or paver bricks provided; however, that variances for parking related to school auditoriums, assembly areas, sports fields, and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily-use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of The Village of Morrow Design Criteria and Construction Standards and Drawings.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for 10 or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any District.
- M. A single-family dwelling unit shall have two off-street parking spaces.
- N. Proximity: Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use shall be subject to approval by the Board. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided. All off-street parking spaces required by this Ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors, or

employees, and shall not be used for any kind of leading, sales, servicing, or continuous storage of vehicle for more than forty-eight (48) hours.

- O. A two-family dwelling unit shall have two off-street parking spaces per dwelling unit.
- P. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



Off-Street Parking Minimum Dimensional Table

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

1004 Determination of Required Spaces

In computing the number of parking spaces required by this Zoning Code, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 24 lineal inches of benches or pews, except where occupancy standards are set by the fire marshal.
- C. Fractional numbers shall be increased to the next whole number.

1005 Joint or Collective Parking Facilities

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by 2 or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns, and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums, and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a Zoning Permit.

1006 Off-Street Storage Areas for Drive-In Services

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than 5 storage spaces per pick-up facility unless a more restrictive requirement is otherwise noted in this Zoning Regulation. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of 3 additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than 4 storage spaces per window.
- C. Self-service automobile washing facilities shall provide no less than 3 storage spaces per stall. All other automobile washing facilities shall provide a minimum of 6 storage spaces per entrance.
- D. Motor vehicle service stations shall provide no less than 2 storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

1007 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential or commercial district for a period of more than 7 days shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

1008 Parking Space Requirements

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines (within the right of way) in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

Residential Uses	
Single-family detached dwellings	2 spaces per dwelling unit
Two-family dwellings	2 spaces per dwelling unit
Multi-family dwellings	2 spaces per dwelling unit
Manufactured Home Courts	2 spaces per mobile home site, plus 1 space per each 5 mobile home sites for guest parking.
Institutional and Public Uses	
Elementary and Junior High Schools	1 space per employee, plus 1 space per 2 classrooms.
High Schools	1 space per employee, plus 1 space per 6 students at capacity.
Places of Worship	1 space per 4 seats at maximum capacity of the main sanctuary.
Public Offices and Public Buildings	1 space for every 250 square feet of gross floor area.
Nursing and Convalescent Homes, including Extended Care Facilities and Rest Homes.	1 space per 6 beds, plus 1 space for each staff and employee on the largest work shift.
Community centers, libraries, museums, and other establishments of historical, educational, and cultural interest.	1 space per 250 square feet of gross interior floor area, plus 1 space per employee on the largest work shift.
Child daycare centers	1 space per employee, plus 1 space per 5 children at capacity, plus a drop-off area as determined by the Public Works Director.
Hospitals	1 space for every 2 beds, plus 1 space for each staff and employee on the largest work shift.
Business and Professional Offices	
Business, Professional, and Administrative Offices and Offices for Professional Associations	1 space per 300 sq.ft. of gross floor area, but not less than 2 spaces per office.
Medical Offices and Clinics	3 spaces per treatment or examination room or chair, plus 1 space per staff and employee, but not fewer than 5 spaces per practitioner.
Commercial Uses	
Financial establishments, Banks, and Savings and Loan Associations	1 space per 200 square feet of gross floor area, plus 1 space per employee on the largest work shift, plus 5 off-street waiting spaces per drive-in window or drive-through teller machine.

General Merchandise Stores	1 space for each 150 square feet of gross floor area used for sales and display and 1 space for every 250 square feet of storage, warehouse, and office area.
Restaurants	1 space per 100 square feet of gross floor area, plus 1 space per employee on the largest work shift.
Automobile Service Stations and Automobile Repair, Painting, and Body Shops	2 spaces for each service bay, plus 1 space for each employee and service vehicle, with a minimum of 6 spaces.
Automobile Washing Facilities	1 space for each employee with a minimum of 4 spaces, plus 5 off-street waiting spaces for each car washing device or stall, or 15 off-street waiting spaces for an assembly line type washing establishment, and 2 parking spaces at the end of each washing bay for drying and hand finishing vehicles.
Convenience Food Stores, Carry-Outs, Mini-Markets	1 ½ spaces for every 200 square feet of floor area, plus 1 space for each employee.
Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines	1 space for each employee, plus off-street waiting space for 5 vehicles per transaction location, plus 1 space for each 200 square feet of sales area open to the public.
Fraternal and Social Associations, Dance Halls, Bingo Halls, and Private Clubs	1 space for every 50 square feet of floor area in assembly or meeting rooms, plus 1 space for every 200 square feet of other floor area.
Restaurants, Fast Food	1 space per 50 gross square feet of floor area, plus 1 space per employee on the largest work shift with a minimum of 15 total spaces and with off-street automobile waiting space for 8 vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.
Vehicle Sales, Rental, and Service	1 parking space for each 800 square feet of floor area, plus 1 space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.
Animal Hospitals and Veterinary Clinics	3 spaces for each treatment area, plus 1 space for each staff and employee.
Commercial School and Studios	1 space for every 3 students at capacity and 1 space for each employee.
Funeral Homes and Mortuaries	1 space for every 50 square feet of public floor area, plus 1 space for each employee, plus 1 space for each business vehicle.
Home Furnishings and Home Improvement Stores	1 space for each 400 square feet of indoor and outdoor sales and display area and 1 space for each 800 square feet of office, storage, and warehouse area.
Nurseries and Garden Supply Stores	1 space for each employee on the largest shift, 1 space for each 200 square feet of gross floor area of inside sales or display, and 1 space for each 1,000 square feet of exterior sales and display area.
Business and Cleaning Services	1 space for every 300 square feet of sales and office area, plus 1 space for every employee on the largest work shift,

	plus 1 space for every company or service vehicle regularly stored on the premises.
Bowling Alleys	5 spaces for each alley, plus any addition spaces required for a bar, restaurant, or accessory use.
Dance, Bingo, Assembly, and Exhibition Halls	1 space for every 50 square feet of floor area.
Game Rooms and Pool Halls	1 space for every 2 patrons at a maximum capacity, plus 1 space for every 2 employees on the largest work shift.
Miniature Golf	1 ½ spaces per hole, plus 1 space per employee on the largest work shift.
Theaters and Concert, Meeting, and Banquet Halls	1 space for every 2 ½ seats at capacity.
Hotels and Motels	1 space per room or suite, plus 1 space for every 3 employees on the largest work shift, plus 1 space per 3 persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory uses (e.g. restaurants and bars).
Industrial Uses	
Manufacturing Industry and Warehouse	1 space for each employee on the largest work shift, plus 1 visitor parking space for every 10,000 square feet of floor area, plus 1 space for every company vehicle regularly stored on the premises. Land must be available for possible future parking lot requirements at a minimum of 1 space for each 1,000 square feet of floor area.
Self-Service Storage Facilities	1 space for every 4,000 square feet of gross floor area, plus 1 space per employee on the largest work shift.
Wholesaling and Storage Facilities	1 space for every 300 square feet of office and sales area, plus 1 space for every 4,000 square feet of warehouse and storage area, plus 1 space per employee on the largest work shift.
Construction Trades, Contractor Offices, and Industrial Craft Shops	1 space for every 300 square feet of floor area, plus 1 space for every motor vehicle used by the business in its normal business affairs.
Lumberyards and Building Materials; Sales And Storage	1 space for each 800 square feet of floor area, plus 1 space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
Heavy Equipment Rental, Sales, Service, and Storage	1 space for every 800 square feet of floor area, plus 1 space for every 3,000 square feet of lot area devoted to the sale and display of vehicles.

1009 Handicapped Parking

Off-street handicapped parking shall be provided in accordance with the schedule outlined below. Off-street parking requirements for any use not specified in the Zoning Code shall be the same as that specified for a similar permitted use in the same zoning district.

Total Spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	1 space per 25 parking spaces

101 to 200	4 spaces, plus 1 per 50 spaces over 100
201 to 500	6 spaces, plus 1 per 75 spaces over 200
Over 500	10 spaces, plus 1 per 100 spaces over 500

1010 Off-Street Loading Space Requirements

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided in accordance with the following requirements:

- A. Retail/Service/Office Establishments: 1 space for the first 10,000 square feet of floor area; 1 space for the next 30,000 square feet; and 1 space for each additional 20,000 square feet
- B. Truck Terminal/Warehouse/Wholesale Establishments: 1 space for every 7,500 square feet of floor area
- C. Industrial Plants: 1 space for the first 10,000 square feet of floor area; and 1 space for each additional 20,000 square feet of space

1011 Off-Street Loading Design Standards

All off-street loading spaces shall comply with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with Section 506 Buffer and Transition Between Residential and Industrial Zoned Properties.
- C. Access: All required off-street loading spaces shall have access from a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- D. Paving: All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.
- E. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of The Village of Morrow Design Criteria and Construction Standards and Drawings.
- F. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 11 SIGNAGE

1101 Intent

The intent of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

1102 Governmental Signs Excluded

For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

1103 General Requirements for All Signs and Districts

The regulations contained in this Section shall apply to all signs and all zoning districts.

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This Section and item "A" shall not apply to any sign performing a public service function indicating time, temperature, or similar services.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable building and electrical codes.
- D. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than 2 feet.
- E. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- F. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1106 Temporary Signs.
- G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices if the uses of such materials are determined to create a traffic hazard.
- H. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20% of the window surface.

- I. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- J. All signs hung and erected shall indicate the person responsible for maintaining the sign.
- K. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- L. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on any property.
- M. All signs shall be as designed and supported as to carry the weight of the sign, and shall comply with any applicable building code.
- N. All signs shall be so constructed and supported that they will withstand a wind pressure of at least 30 pounds per square foot of surface, and will be otherwise structurally safe.
- O. No advertising sign of any kind shall be attached to or supported by a tree, utility pole, trash receptacle, or public shelter.
- P. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
- Q. No sign shall be attached in such manner that it may interfere with any required ventilation openings.
- R. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
- S. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors, or guy wires or as established in the National Electrical Safety Code, whichever standard is greater.
- T. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.
- U. All signs must be on-premises signs. Outdoor advertising and off-premises signs are not permitted within the Village unless approved by the Board of Zoning Appeals.

1104 Permit Required

- A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a Zoning Permit issued pursuant to this Zoning Code shall be required for each sign unless specifically exempted in this Section.
- B. A sign initially approved for which a permit has been issued shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered, or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
- C. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a Zoning Permit.

1105 Signs Permitted in All Districts Not Requiring a Permit

The following signs shall be permitted in all districts without the required permit:

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential zoning districts where the area of the sign shall not be more than 6 square feet.
- B. Professional nameplates shall not exceed 4 square feet in area.
- C. Signs denoting the name and address of the occupants of the premises, not to exceed 2 square feet in area.
- D. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, schools, social clubs, or societies, which signs or bulletin boards shall not exceed 15 square feet in area and which shall be located on the premises of such institution.
- E. Any sign advertising a commercial enterprise, including real estate developers or sub dividers, in a district zoned residential shall not exceed 12 square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

1106 Temporary Signs

Temporary signs not exceeding 50 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the engineer, the builders, or contractors may be erected for a period of 60 days plus the construction period. Such signs shall comply with all requirements of this Zoning Code. Temporary real estate signs shall be a maximum of 10 square feet.

1107 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 30 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within 48 hours following election day.

1108 Measurement of Sign Area

The area of a sign face shall be computed by means of the smallest circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or housing.

1109 Business Signs

No exterior business sign shall be erected unless it is an accessory to a permitted use in the district in which the lot or parcel is located. All business signs shall be classified as one of the following: an attached sign, a detached sign, Interstate Signs, an architectural canopy sign, or an enter/exit sign.

- A. Attached Signs are signs which are physically attached to a building or fixed awning. (See Illustration – Exhibit E.)
 - 1. The total area of all attached signs shall not exceed in the aggregate 1 square feet of area for each linear foot of lot width.

2. An attached sign shall project not more the 2 feet horizontally from a building facade.
 3. An attached sign shall project not more than 3 feet above the average height of the roof of the structure involved. However, no sign shall be erected on a roof.
 4. An attached sign may project downward from a fixed awning only as far as shall allow 9 feet of vertical clearance from the ground to the bottom of the sign.
- B. Detached Signs are signs which are not attached to a building, advertise an on-premises business or activity, and are 25 feet or less in height. There shall not be more than one detached business sign per business activity along each street frontage the use abuts. Where commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such business signs shall be supported by only one structure per lot with street frontage. (See Illustration – Exhibit G.)
1. Shall not be located on or project over any right-of-way or required setbacks;
 2. Shall not be larger than 100 square feet in area based on one side;
 3. Shall not be higher than 25 feet in height;
 4. Shall not obstruct or adversely affect vision clearance or traffic visibility;
 5. Shall not be closer than 25 feet to the adjacent lot; and
 6. Of a portable or temporary nature may be permitted in addition to permanently mounted detached signs, subject to the following provisions:
 - a. All portable and/or temporary signs shall comply with Section 1106 Temporary Signs and no such sign shall be permitted in the right-of-way of any street or alley.
 - b. The area of portable or temporary signs shall not exceed 50 square feet in area.
 - c. Not more than one portable or temporary sign shall be permitted for an individually-owned lot.
 - d. It shall be the applicant’s or owner’s responsibility to maintain portable or temporary signs in good condition and to remove such signs when the time limit for the sign has expired.
 - e. The maximum height for a temporary or portable sign shall be 6 feet and such signs shall not obstruct or adversely affect traffic visibility.
 - f. Portable and/or temporary business signs shall be permitted for a period not to exceed 3 weeks, a maximum of 4 times per year.
- C. Interstate Signs are signs not connected to a building, are less than 1200 feet from the centerline of an interstate highway right-of-way, are at least 25 feet in height, and are intended to be read from the interstate highway. Interstation signs are not permitted within the Village of Morrow.
- D. Architectural Canopy Signs are signs which are attached to a building with the message integrated into the canopy surface. (See Illustration – Exhibit F.)
1. The total area of all architectural canopy signs shall not exceed in the aggregate 2 square feet of area for each linear foot of building frontage and, if combined with

attached signs, the total area of all signage shall not exceed in the aggregate 3 square feet of area for each linear foot of building frontage.

2. In applying sign area limits, only the area occupied by the sign message will be used. The sign area shall be the rectangular space occupied by lettering or insignia and the space immediately surrounding such lettering or insignia.
 3. An architectural canopy sign shall project not more than 3 feet horizontally from a building facade over a public right-of-way, and not more than 6 feet horizontally from a building facade over private property.
 4. An architectural canopy sign shall have a minimum clearance of 9 feet above the sidewalk grade or edge of roadway grade nearest the sign and shall not be located closer than 2 feet from the curb of any roadway.
 5. Architectural canopy signs shall be limited to single-story buildings or to the first level only of multi-story buildings, unless otherwise authorized by the BZA.
 6. Overall height should not exceed 3 feet above the average height of the roofline or the parapet wall of the building to which it is attached, and should not exceed the allowable building height for that zoning district.
 7. Principal graphics, copy, logos, etc. shall be limited to the face or street side of the structure.
 8. When an electric awning sign covers multiple store fronts, each store or tenant shall be allowed copy space no more than 80% of their store width in order to maintain adequate separation of tenant spaces.
- E. Enter/Exit Signs may be permitted in addition to detached business signs, subject to the following provisions:
1. All enter/exit signs shall comply with Section 1105 Signs Permitted in All Districts Not Requiring a Permit and no such sign shall be permitted in the right-of-way of any street or alley.
 2. The area of enter/exit signs shall not exceed 2 square feet in area.
 3. Not more than one enter sign and one exit sign shall be permitted for each lot. Corner lots may be permitted one additional enter and one additional exit sign provided there is an access to the public street on both street frontages.
 4. No lettering or sign message other than "enter" or "exit" shall be permitted. The use of logos may be permitted if approved by the BZA.
 5. The maximum height for an enter/exit sign shall be 3 feet and such signs shall not obstruct or adversely impact traffic visibility.

1110 Attached Signs Pertaining to Nonconforming Uses

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 12 square feet.

1111 Sign Setback Requirements

Except as otherwise provided in this Section, on-premises signs, where permitted, shall be set back from the established right-of-way line of any street at least 10 feet.

- A. Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than 10 feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street, highway or drive intersections.
- B. On-premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 10 feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 10 feet, the latter shall apply.

1112 Maintenance

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or billboards or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within 10 days of issuance of notification.

1113 Nonconforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of this Zoning Code which violate or are otherwise not in conformance with the provisions of this Zoning Code shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Code. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

1114 Loss of Legal Nonconforming Status

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Zoning Code or be removed, if the sign structure is altered; or if it is enlarged, relocated, replaced, or damaged; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. This Section does not apply to changes in sign copy or sign panel replacements. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

1115 Violations

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Inspector shall notify in writing the property owner thereof to alter such sign so as to comply with this Zoning Code. Failure to comply with such notification shall be deemed a violation of this Zoning Code. Any signs erected in the right-of-way may be removed by the Zoning Inspector.

1116 Abandoned Signs

A sign shall be considered abandoned:

- A. When the sign is associated with an abandoned use.
- B. When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least 90 consecutive days.

- C. When the sign on its immediate premises is not adequately maintained and the repairs or maintenance ordered are not affected within the specified time.
- D. Abandonment shall be determined by the Zoning Inspector after a public hearing. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Inspector shall issue an order for the sign to be removed within 30 days. Any abandoned sign still standing after 30 days following an order for removal may be removed by the Village shall be deemed a violation and the cost of the removal billed to the owner of the property.

1117 Signs in Residential Districts

A. Permitted Signs

The following signs shall be permitted in residential zoning districts.

1. Identification Signs. A nameplate sign and street address shall be permitted in accordance with Section 20.02 G.
 2. Temporary Signs. Real estate signs, garage sale signs, and other temporary signs shall be permitted in accordance with Section 20.02 O.
 3. Residential Entranceway or Identification Signs. Permanent residential entranceway or identification signs shall be permitted in accordance with the following regulations:
 - a. There shall be no more than one (1) such sign located on each side at each entrance to a subdivision or other residential development.
 - b. Sign materials shall complement the construction materials and architectural style of the houses within the subdivision. Landscaping shall be provided to create an aesthetically pleasing and safe identification for the residential development.
 - c. Entranceway structures shall not exceed six (6) feet in height and sixty (60) square feet in area.
 - d. The area of the sign message shall cover no more than fifty (50) percent of the entranceway structure.
 - e. Such signs shall be set back a minimum distance of five (5) feet from any property line or right-of-way line consistent with the standards of Section 20.02 B.
- ### B. Home Occupation Signs
1. Permits for home occupation signs shall be issued by the Zoning Inspector.
 2. Home occupation signs shall be limited to signs placed on the facade of the structure in which the home occupation is conducted.
 3. No more than one (1) non-illuminated sign shall be allowed for each home occupation. Said sign shall display only the name and occupation of the residents on the premises.

4. No sign for a home occupation shall have more than one (1) face, nor shall any sign face exceed three (3) square feet in area.

C. Signs for Nonresidential Uses in Residential Districts

Nonresidential uses in residential districts, such as schools, colleges, museums, municipal buildings, churches, and country clubs shall be permitted to erect the following signage:

1. Freestanding Signs including Bulletin Boards

a. Size. There shall be no more than one (1) freestanding sign per parcel. The total area of the permitted free standing sign shall not exceed thirty two (32) square feet.

b. Setbacks. Freestanding signs shall be set back a minimum distance of five (5) feet from any property line or right-of-way line consistent with the standards of Section 20.02 B.

c. Setback from Building. A minimum two (2) foot horizontal separation and six (6) foot vertical separation shall be maintained between any freestanding sign and any building or other structure

d. Height. The maximum height of any freestanding sign shall be seven (7) feet.

2. Wall signs.

a. Size. There shall be no more than one (1) wall sign per parcel. The total area of wall sign shall not exceed one (1) square foot per linear foot of building frontage, not to exceed thirty-two (32) square feet in area.

b. Location. Wall signs shall be permitted only on the side of a building which faces the front lot line.

c. Height. The top of a wall sign shall not be higher than whichever is lowest:

i. The maximum height specified for the district in which the sign is located.

ii. The height of the building facing the street on which the sign is located.

D. Management Office Identification

Rental or management offices in the residential district shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

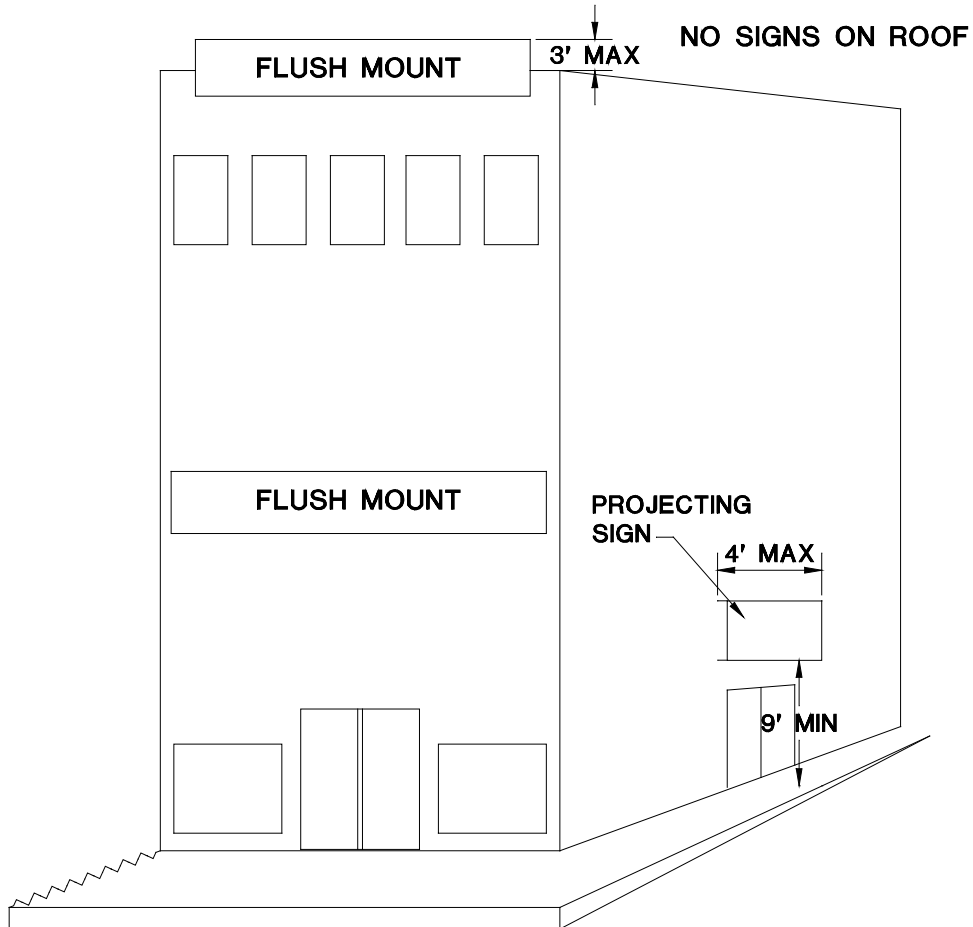


ILLUSTRATION – EXHIBIT “E”

SEE SECTION 1137.09A ATTACHED SIGNS

- A. No sign attached, detached, or portable shall be permitted in the right-of-way of any street or alley, except attached signs which may extend 4 feet from face of building.
- B. Total area of all attached signs shall not exceed 1 times the linear foot of the lot frontage.

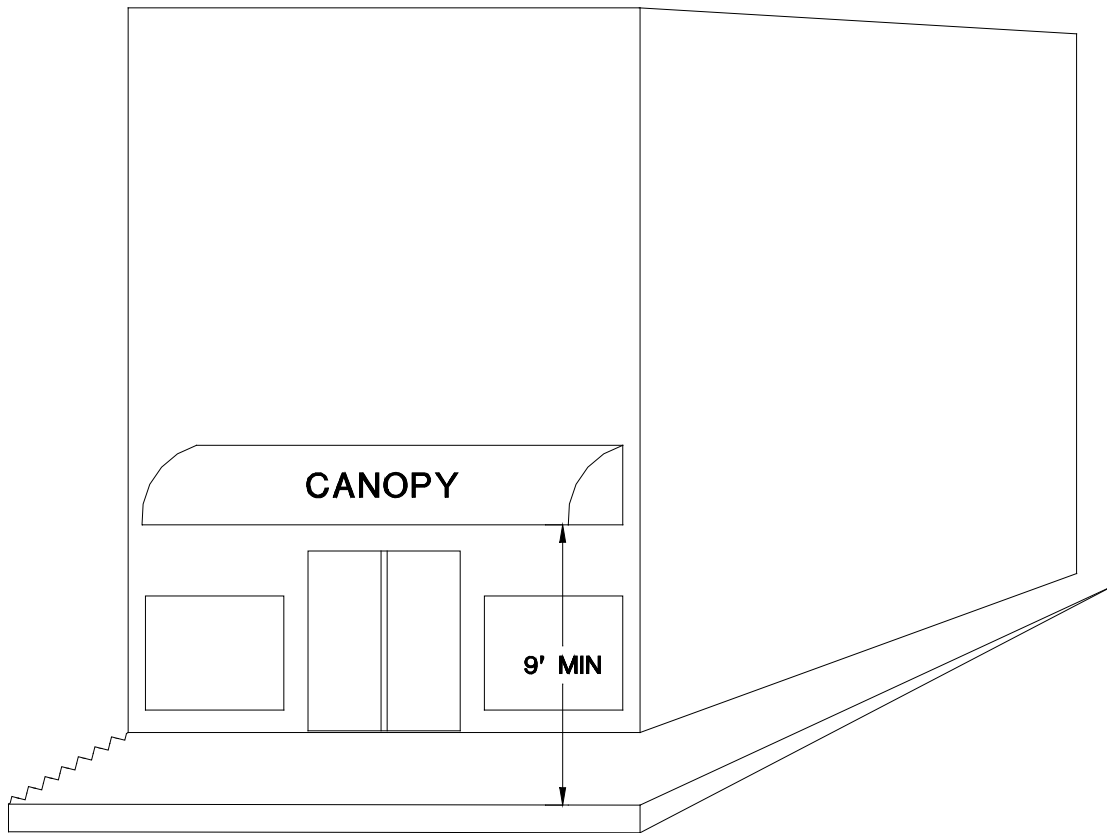


ILLUSTRATION – EXHIBIT “F”

SEE SECTION 1137.09C ARCHITECTURAL CANOPY SIGNS

- A. Signs shall not be located on or project over any right-of-way except in a C Commercial District in which it may extend 4 feet from face of building or 3 feet off the back of curb.
- B. Signs shall not be permitted to obstruct or adversely affect traffic visibility.
- C. Signs shall not be closer than 25 feet to the adjacent lot.

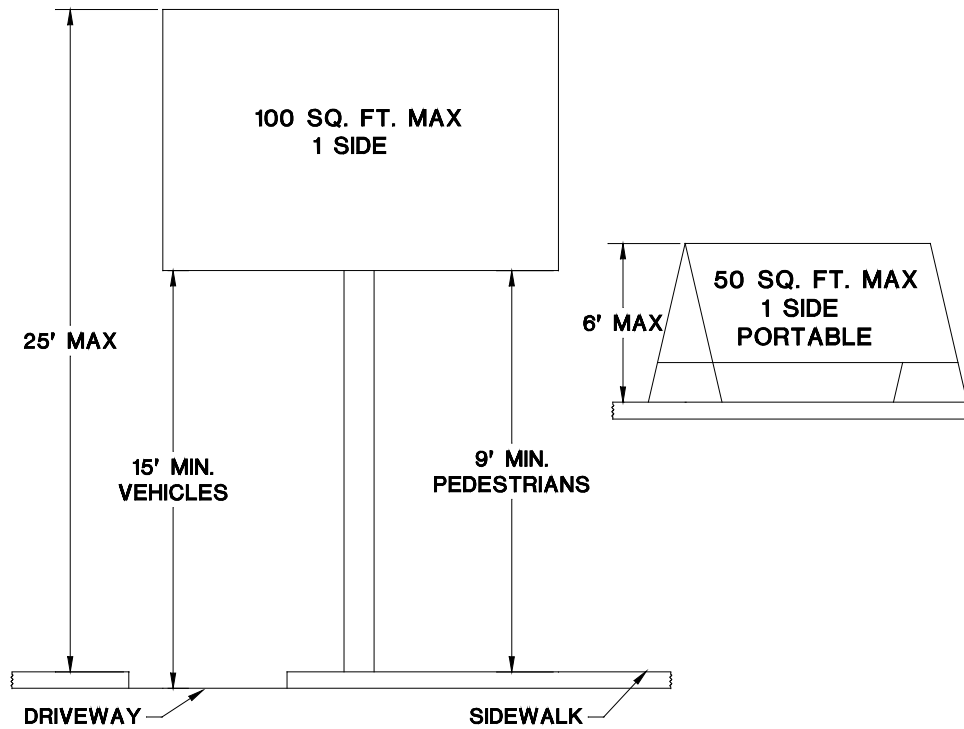


ILLUSTRATION – EXHIBIT “G”

SEE SECTION 1137.09B DETACHED SIGNS

Signs may not project more than 3 feet over a public right-of-way and not more than 6 feet over private property.

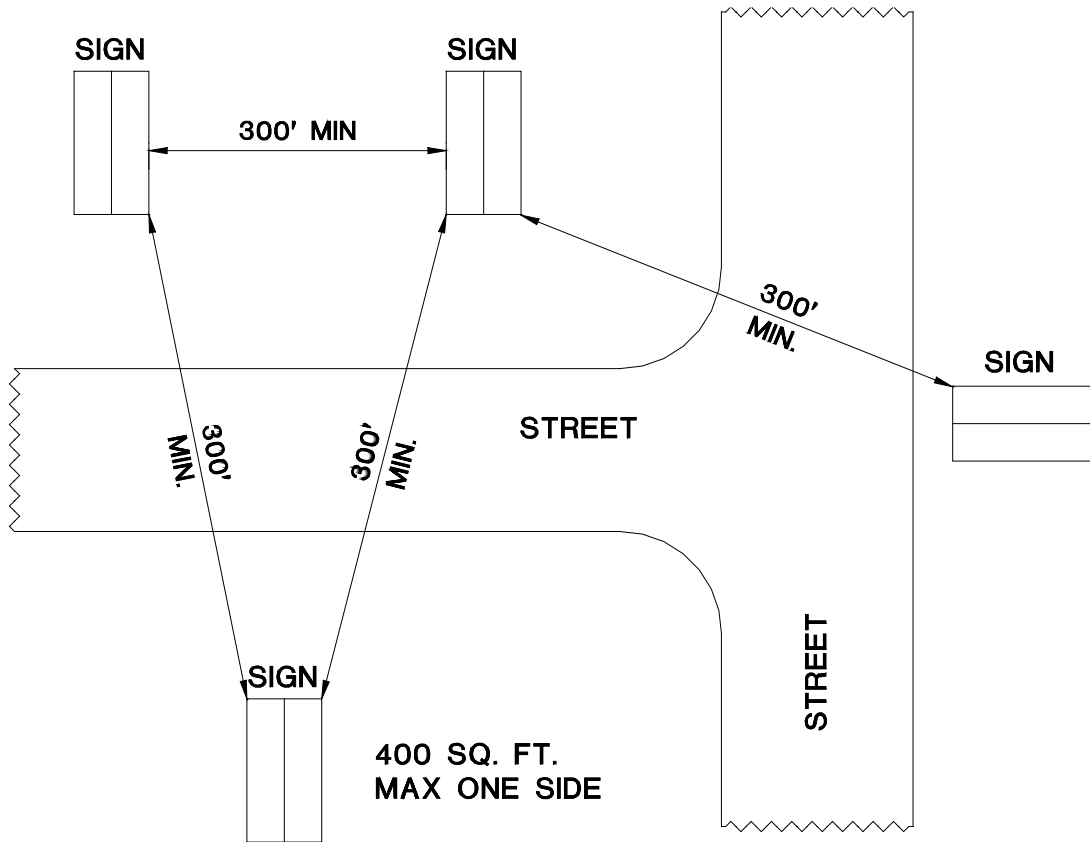


ILLUSTRATION – EXHIBIT “H”

SEE SECTION 1129.21 BILLBOARDS

- A. Billboards will be set back from all right-of-way at least as far as required front yard depth for principal buildings in the district where located.
- B. No billboards will exceed the height of the roof line of the building.
- C. No more than two billboards shall be attached together.
- D. There shall be a 400 sq. ft. maximum area per side of the billboards.

ARTICLE 12 AMENDMENTS

1201 Intent

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by Ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

1202 Initiation of Zoning Amendments

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

- A. By the adoption of a motion by the Planning Commission.
- B. By the adoption of any amendment by Village Council.
- C. By the filing of an application by at least 1 owner or lessee of property within the area proposed to be changed or affected by said amendment.

1203 Text Amendments and Changing of Zoning District

The Village Planning Commission and Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulation text or to the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

- A. Manifest error in the original Zoning Regulation text and/or designations on the Official Zoning District Map.
- B. Substantial change in area conditions.
- C. Legitimate requirement for additional land area for the particular zoning district.

1204 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Zoning Code shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reason(s) for the proposed amendment.
- D. Present use.
- E. Present zoning district.
- F. Proposed use.
- G. Proposed zoning district.
- H. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- I. A statement of the reason(s) for the proposed amendment.

- J. A list of all property owners and their mailing addresses who are within 200 feet, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
- K. A statement on the ways in which the proposed amendment relates to the comprehensive plan.
- L. A statement of the necessity of desirability of the proposed use to the neighborhood or community. Specific reason(s) justifying the application for amendment.
- M. A statement of the relationship of the proposed use to adjacent property and land use.
- N. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Versailles Planning Commission.
- O. A statement on the ways in which the proposed amendment relates to the Comprehensive Land Use Plan.
- P. A fee as established by the Village Council.

1205 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Zoning Code, other than the Official Zoning Map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The text of the proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reason(s) for the proposed amendment.
- D. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan.
- E. A fee as established by the Village Council.

1206 Recommendation by Planning Commission

Within 60 days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, including the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Development Plan.

1207 Public Hearing by Village Council

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than 40 days from the receipt of the recommendation from the Planning Commission.

1208 Notice of Public Hearing in Newspaper

Notice of the public hearing shall be given by Village Council by at least 1 publication in 1 or more newspaper of general circulation in the Village. Said notice shall be published at least 30 days before the

date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1209 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council or Zoning Inspector, by first-class mail, at least 20 days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 150.807 Notice of Public Hearing in Newspaper.

1210 Action by Village Council

Within 30 days after the public hearing required, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than 3/4 of the full membership of Village Council. No such Zoning Code shall be passed unless it has been fully and distinctly read on 3 different days except that such Zoning Code may become emergency legislation if 3/4 of the members of the Village Council vote to dispense with this rule.

ARTICLE 13 APPEALS AND VARIANCES

1301 Intent

Appeals and variances must conform to the procedures and requirements of this Zoning Code. The BZA has appellate jurisdiction relative to appeals and variances.

1302 Administrative Appeals

- A. Appeals to the Board concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal must be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Board, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector will transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. A record capable of transcription and containing all documents presented as evidence or utilized by the Board shall be made of any hearing held under this section.
- C. The Applicant shall be given notice in advance of the hearing that he has the following rights at any hearing held under this section.
 1. The right to be represented by an attorney or any other person of his choosing;
 2. The right to present his position, arguments, and contentions;
 3. The right to offer and examine witnesses and present evidence in support of his appeal;
 4. The right to cross examine witnesses purporting to refute his position, arguments, and contentions;
 5. The right to offer evidence to refute evidence and testimony offered in opposition to the Appellant's position, arguments, and contentions.
 6. Proffer such evidence into the record, if the admission of it is denied by the Board.
- D. All testimony given at a hearing under this section shall be given under oath.
- E. Per the request of the Appellant, the Board shall upon reasonable notice and with reasonable discretion assist the Appellant in compelling the attendance of a witness at a hearing under this section utilizing any powers it may have to compel the attendance of a witness.

1303 Variances

The BZA may authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship for use variance and practical difficulties for area variances.

1304 Conditions for Variance

No variance shall be granted unless the Board finds that all of the following conditions exist:

- A. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
- B. The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
- C. The proposed variance will not constitute a change, including a variation in use, on the Official Zoning District Map. In no case shall the BZA approve a variance for a use which is not a permitted use in the zoning district in which the property, building, or structure is located.

1305 Application and Standards for Variances

Except as otherwise permitted in this Zoning Code, no variance in the strict application of the provisions of this Zoning Code shall be granted by the BZA unless the BZA shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address, and phone number of applicant(s).
- B. Plot Plan – The appeal shall be accompanied by three (3) copies of a plot plan drawn to an appropriate scale showing the following:
 - 1. The boundaries and dimensions of the lot.
 - 2. The size and location of existing and proposed structures.
 - 3. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping.
 - 4. The relationship of the requested variance to the standards set by the Zoning Ordinance.
 - 5. The use of land and location of structures on adjacent property.
- C. Legal description of property.
- D. Description or nature of variance requested.
- E. A fee as established by Zoning Code.
- F. A list of all property owners and their mailing addresses who are within 200 feet of the parcel requesting variance.
- G. Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Code on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to

such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Code would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

4. There must be proof of hardship or practical difficulty created by the strict application of this Zoning Code. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Zoning Code; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

1306 Additional Conditions and Safeguards

The BZA may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Zoning Code.

1307 Public Hearing by the Board of Zoning Appeals

The BZA shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

1308 Notice of Public Hearing in Newspaper

Before conducting the public hearing required, notice of such hearing shall be given in 1 or more newspapers of general circulation in the Village at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

1309 Notice to Parties in Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed by the Chairman of the Board or Zoning Inspector, by first-class mail, at least 10 days before the day of the hearing to all parties of interest within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such action. The notice shall contain the same information as required in Section 1308 Notice of Public Hearing in Newspaper.

1310 Action by Board of Zoning Appeals

Within 30 days after the public hearing requires, the BZA shall either approve, approve with supplemental conditions as specified in Section 1306 Additional Conditions and Safeguards, or disapprove the request for appeal or variance. The BZA shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

1311 Term of Variance

No order of the BZA granting a variance shall be valid for a period longer than 12 months from the date of such order unless the Zoning Permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

1312 Authorized Variances

Variances from the requirements of this Zoning Code shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by this Zoning Code, have been met by the applicant. Variances may be granted as guided by the following:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than 80% of the required area and width.
- C. To permit the same off-street parking facility to qualify as required facilities for 2 or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than 30% of the required facilities.
- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- F. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than 40%.
- G. To increase the maximum allowable size or area of signs on a lot, but generally by not more than 25%.
- H. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than 25%.

ARTICLE 14 ADMINISTRATION

1401 Intent

The intent is to set forth the powers and duties of the Planning Commission, the BZA, the Village Council, and the Zoning Inspector with respect to the administration of the provisions of this Zoning Code.

1402 General Provisions

The formulation, administration, and enforcement of the Zoning Code is hereby vested in the following offices and bodies within The Village of Morrow government:

- A. Zoning Inspector
- B. Planning Commission
- C. Board of Zoning Appeals
- D. Village Council

1403 Zoning Inspector

A Zoning Inspector designated by the Mayor and approved by the Village Council shall administer and enforce this Zoning Code. The Officer may be provided with the assistance of such other persons as the Mayor may direct.

1404 Responsibilities of Zoning Inspector

For the purpose of this Zoning Code, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Zoning Code text and the Official Zoning District Map.
- C. Issue Zoning Permits and certificates of occupancy as provided by this Zoning Code, and keep a record of same with a notation of any special conditions involved.
- D. Act on all applications upon which the Officer is authorized to act by the provisions of this Zoning Code within the specified time or notify the applicant in writing of the Officer's refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the Officer's request to the BZA.
- E. Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- F. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Village offices.

- G. Maintain permanent and current records required by this Zoning Code, including but not limited to, Zoning Permits, zoning certificates, inspection documents, and records of all variances, amendments, and special uses.
- H. Make such records available for the use of the Village Council, the Planning Commission, the BZA, and the public.
- I. Coordinate, review and approve site plans pursuant to this Zoning Code.
- J. Determine the existence of any violations of this Zoning Code, and cause such notifications, or initiate such other administrative or legal action as needed, to address such violations.

1405 Creation and Membership of the Planning Commission

The Planning Commission shall consist of five members. These include the Mayor, one member of the Village Council to be elected thereby for the remainder of the term on the Village Council, and three citizens of the Village to be appointed by the Mayor for terms of four years each, except that the term of one of the members of the first Commission shall be for three years and one for two years. Each member shall serve until a qualified successor is appointed. All such members shall serve without compensation. Members of the Commission may be removed from office by the Mayor, upon affirmation by the Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor and confirmation by the Council for the unexpired term of the member affected.

The Village Council may appoint two alternate members to the Planning Commission, for terms to be determined by the Village Council. An alternate member shall take the place of an absent member or an abstaining member at any meeting of the Planning Commission. An alternate member shall meet the same appointment criteria as a regular member. The alternate member shall have the authority to exercise all voting privileges given to the regular members.

1406 Planning Commission Proceedings

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting shall be held each year in the month of January. Commission meetings shall be held at the call of the chair or Zoning Inspector and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Clerk's office.

1407 Election of the Planning Commission

At the first meeting of each year, the Commission shall elect a Chairman and vice-Chairman from among its members. Meetings of the Commission shall be at the call of the Chairman or Zoning Inspector and at such other times as the Commission may determine.

1408 Duties of the Planning Commission

For the purpose of this Zoning Code the Planning Commission shall have the following duties:

- A. Recommend modifications to the proposed Zoning Code, including text and Official Zoning District Map to the Village Council for formal adoption.

- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Code where same will promote the best interest of the public in general through recommendation to the Village Council.
- C. Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Village Council as specified in Article 12 Amendments.
- D. Review all Planned Unit Development applications and make recommendations to the Village Council as provided in this Zoning Code.
- E. Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Code.
- F. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.

1409 Creation and Membership of the Board of Zoning Appeals

The Board of Zoning Appeals shall consist of three members. Said members shall be electors of the Village and shall not be members of the Village Council or Planning Commission. Members are appointed by the Mayor for terms of four years each. Each member shall serve until a qualified successor is appointed. All such members shall serve without compensation. Members of the Commission may be removed from office by the Mayor, upon affirmation by the Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor and confirmation by the Council for the unexpired term of the member affected.

The Village Council may appoint two alternate members to the Board, for terms to be determined by the Village Council. An alternate member shall take the place of an absent member or an abstaining member at any meeting of the Planning Commission. An alternate member shall meet the same appointment criteria as a regular member. The alternate member shall have the authority to exercise all voting privileges given to the regular members.

1410 Board of Zoning Appeals Proceedings

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. An annual organizational meeting shall be held each year in the month of January. Commission meetings shall be held at the call of the chair or Zoning Inspector and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Clerk's office.

1411 Election of the Board of Zoning Appeals

At the first meeting of each year, the Board shall elect a Chairman and vice-Chairman from among its members. Meetings of the Board shall be at the call of the Chairman or Zoning Inspector and at such other times as the Board may determine.

1412 Duties of the Board of Zoning Appeals

For the purpose of this Zoning Regulation the BZA has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made in the enforcement of this Zoning Regulation.
- B. Authorize such variances from the terms of this Zoning Regulation.
- C. Hear and decide Conditional Uses as set forth in this Zoning Regulation.
- D. Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Regulation.
- E. Nonconforming uses as provided in this Zoning Regulation.
- F. Determination of Similar Uses
To determine if uses not specifically mention in this Ordinance are similar to uses permitted within a district.
- G. Determination of District Boundary Locations
To determine the exact location of any district boundary if there is uncertainty as to the exact boundary, the Board shall be guided to provisions in this Zoning Regulation.

1413 Village Council

The powers and duties of the Village Council pertaining to the Zoning Code are as follows:

- A. Approve the appointments of members to the Planning Commission by the Mayor.
- B. Approve the appointments of members to the BZA by the Mayor.
- C. Initiate or act upon recommended amendments to the Zoning Code text or Official Zoning District Map. Final action upon a recommended zoning amendment shall be undertaken at a public hearing.
- D. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than 3/4 of the Village Council.
- E. Village term length is 4 years.

1414 Recusal

Conflicts of interest can arise where competing goals make it difficult for government officials to make decisions that protect the common good. Where conflicts of interest exist, members of the BZA, Planning Commission, and Village Council should disclose the conflicts and determine whether they can fairly make decisions on the issues before the board. Where the answer is “no,” board members should recuse themselves and not participate in discussions with other board members, vote on the issues, or otherwise influence the decision-making process.

1415 Schedule of Fees

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

Village of Morrow Zoning Fees (Adopted 4/10/2012)		
Square Footage	Resident Fees	Zoning Commission
0-200 sq. ft.	\$35.00	\$17.50
201-400 sq. ft.	\$50.00	\$20.00
401-960 sq. ft.	\$100.00	\$25.00
961 sq. ft. and above	\$250.00	\$75.00
Single Family Homes – See above 30% of \$150 and above	\$250.00	\$75.00
Two Family, Three Family and Multi-Family per unit	\$150.00	\$45.00
Commercial – Min. \$300 (plus .10 per sq. ft. over 3000 sq. ft.)	\$300.00	\$90.00
All additions and remodels – see above 30% of \$150 and above	\$250.00	\$0.30
All decks accessory structures/buildings – see chart above Not to exceed \$100 (eg. In-ground pools, above-ground pools, solar panels)		\$25.00
Fences	\$35.00	\$17.50
Sales of product on Village land	\$25.00	\$12.50
Public events (not to exceed 8 days)	\$25.00	\$12.50
Demolition	\$50.00	\$20.00
Aquifer or well head	\$100.00	\$25.00
Signs	\$50.00	\$20.00
To run an at home occupation ope for the public	\$100.00	\$25.00
Temporary structures (not to exceed 12 months) tents etc.	\$50.00	\$20.00
Revisions (requiring new plot plan)	\$50.00	\$20.00
Reactivate a dormant permit	50% of previous fee	
Variance/non-commercial (non-refundable)	\$350.00	\$105.00
Variance/commercial (non-refundable)	\$500.00	\$150.00
Rezoning /non-commercial	\$400.00	\$120.00
Rezoning/commercial	\$750.00	\$225.00
Rezoning/PUD (plus \$1 per lot)	\$650.00	\$195.00
Change to an Amendment	\$500.00	\$150.00
Conditional use permit fee	\$350.00	\$100.00
Culvert permit	\$25.00	\$12.50

All fees shall be paid by check and shall not be refundable.

ARTICLE 15 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT

1501 Intent

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Code.

1502 Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory use or structure, sign, or swimming pool be installed without a permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the BZA deciding an appeal, conditional use, or variance, or from Village Council, as provided by this Zoning Code.

1503 Recommended Contents of Application for Zoning Permits

The Application for Zoning Permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 12 months or substantially completed within 2 years. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees:

- A. Name, address, and phone number of owner.
- B. Legal description of property or lot number.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.
- I. Location and design of access drives.
- J. Number of dwelling units.
- K. Signage information, if applying for a Zoning Permit for a sign.
- L. If applicable, application for a Conditional Use Permit, or a Temporary Use Permit, or variance.
- M. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Zoning Code.
- N. Formal site plan may be required. Contents stated in Section 1504 Site Plan Required Contents for any new construction, of any principally or conditionally permitted use, except single-family and two-family dwellings.

- O. Plans showing that the residential unit meets the residential design and appearance standards in Section 526 Residential Design and Appearance Standards.
- P. Detention basin information.
- Q. Flood Zone information.
- R. Type of dust-free, hard -surface.

1504 Formal Site Plan Required Contents

A formal site plan submission shall contain all of the following when deemed to be reasonably appropriate by the Zoning Inspector (commercial sites, industrial sites, PUD's, any site within the Downtown Overlay District):

- A. The accurate dimensions and size of the site area as well as the topography of the site and immediately adjoining lands within 50 feet of the property line at 1-foot intervals.
- B. The locations and dimensions of all existing and proposed streets, courts and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all off-street loading and parking areas. The location and arrangements of the parking areas and access shall also be shown, and the means of defining parking areas and access lanes, via curbs, bumper blocks, railroad ties, or physical obstructions or other methods approved by the Village Engineer, shall be illustrated. All proposed signs shall be shown, detailing location, dimensions, height and, where applicable, verbiage.
- C. The location and size of all existing and proposed buildings and structures within the site and on adjoining lands, within 50 feet of the property line, as well as the existing or proposed use of such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.
- D. A complete utilities plan, providing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with The Village of Morrow Design Criteria and Construction Standards and Drawings.
- E. The location, size, and type of fire hydrants; building plans; fire suppression system plans; fire department access areas; and fire lane signage. Such plans shall comply with state and local Building and Fire Codes and shall be approved by the Fire Chief (or authorized representative),
- F. A grading and drainage plan to illustrate proposed grading of the site and methods used to comply with Village storm water runoff, erosion, and sediment control specifications found in The Village of Morrow Design Criteria and Construction Standards and Drawings.
- G. A landscaping plan showing the location and types of screen planting, buffer areas, manmade screening, and other features, which shall enhance the site.
- H. An exterior lighting plan showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.
- I. The proposed internal vehicular circulation of access roads shall be delineated and related to connections with public streets. Existing and proposed traffic patterns and volumes and the anticipated effect on existing public streets serving the site shall be provided for the Village Engineer's review. Complexes shall provide curb or other types of internal access lane separations for parking spaces to assist in internal circulation and parking area delineation.

- J. The division of the development into sections shall be delineated if staged construction is contemplated, as well as which parking areas and other improvements shall be provided for each stage of development.
- K. Proposed complexes designed for condominium, cooperative, or other multiple ownership arrangements shall indicate proposed individual, joint, or common ownership areas to assure maintenance and operation of common features such as lighting and parking facilities. Any arrangements requiring subdivision approval shall also be subject to the Subdivision Regulations.

1505 Approval of Zoning Permit – Non Formal Site Plans

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All Zoning Permits shall, however, be conditional upon the commencement of work within 12 months and completed within 2 years. One copy of the permit shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by the Officer's signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

1506 Approval of Zoning Permit – Formal Site Plans

Within 30 days after the receipt of an application, the Planning Commission shall meet to either approve or disapprove the site plan application in accordance with the provisions of this Zoning Code. Planning Commission meeting shall be scheduled by the Zoning Inspector or Chairman of the Planning Commission. All Zoning Permits shall, however, be conditional upon the commencement of work within 12 months and completed within 2 years. One copy of the permit shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by the Officer's signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

1507 Failure to Obtain a Zoning Permit

Failure to obtain a Zoning Permit shall be a punishable violation of this Zoning Code.

1508 Construction and Use to be as provided in Applications, Plans, and Permit

Zoning Permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

1509 Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Regulation. Prior to seeking entry to any property or structure for such examination or survey, the

Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Solicitor in securing a valid search warrant prior to entry.

1510 Stop Work Order

Subsequent to his determination that work is being done contrary to this Zoning Regulation, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Regulation.

1511 Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Regulation or based upon false information or misrepresentation in the application.

1512 Complaints Regarding Violations

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

1513 Notice of Violation

When the Zoning Inspector or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning letter shall be issued and shall serve as a notice of violation. Such order shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- D. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B. Priority or registered mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. The mailing shall be evidenced by proof of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1514 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than maximum allowable by law and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section. Any person, firm or corporation who, within 1 year, has previously been convicted of a violation of this zoning regulation or any amendments thereto, shall be guilty of a misdemeanor of the 4th degree and be subject to a fine of not more than \$250.00 and jail of not more than 30 days, together with all costs and expense. Each day such subsequent violation continues after receipt of a violation notice shall be considered a separate offense.

Village utilities shall not be provided to any building, structure, or use which is in operation, or which is under construction, or has been constructed, in violation of this these regulations.

1515 Additional Remedies

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Village Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

ARTICLE 16 Landscaping

1601 Intent

Landscaping enhances the visual image of the Municipality, improving property values and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Municipality's environment. More specifically, the intent of these provisions is to:

- A. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way; and
- B. Protect and preserve the appearance, character, and value of the neighborhoods which

1602 Scope of Application

No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this Section have been met or a performance guarantee has been posted in accordance with the provisions set forth in this Ordinance.

1603 Minimum Requirements

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Municipality from agreeing to more extensive landscaping.

1604 Design Creativity

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform distances, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Municipality to coordinate landscaping on adjoining properties.

1605 General Site Requirements

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

- A. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all non-residential uses shall be planted with sod.
- B. A mixture of evergreen and deciduous trees shall be planted on the unpaved open portions of non-residential parcels where specific landscaping requirements do not appear later in this Article. The total number of trees required shall be determined at the time of site plan review, based on the overall appearance of the site and the amount of landscaping provided elsewhere on the site. Required trees may be planted at uniform distances, at random, or in groupings.

1606 Landscaping Adjacent to Roads and Road Rights-of-Way

Where required, landscaping adjacent to roads and road rights-of-way shall comply with the following planting requirements:

- A. Minimum Requirements. Where required, landscaping adjacent to a road or road right-of-way shall consist of a landscaped area with a minimum depth of ten (10) feet, which shall be located on private property contiguous to the road right-of-way, excluding openings for driveways and sidewalks. Through lots and corner lots shall provide such landscaping along all adjacent road rights-of-way. The Commission may permit all or a portion of the landscaped area to be located within the road right-of-way or elsewhere within the front setback area, provided that the Commission finds that the following conditions exist:
1. Such relocation of the landscaped area is consistent with the intent of this Section.
 2. Relocation of the landscaped area is justified because of the physical characteristics of the site, the location of existing easements, sidewalks, or landscaping, the configuration of existing parking, the need to maintain emergency vehicle access, or because of other public health or safety concerns.
 3. Such relocation of the landscaped area will not result in less landscaped area than would be required if the landscaped area had been located on private property contiguous to the road right-of-way.
 4. Such relocation of the landscaped area will jeopardize traffic safety or the general planning of the Municipality.
- B. Required Plantings

Type	Requirements
Deciduous tree	1 per 40 lineal ft. of road frontage
Shrubs	6 per 40 lineal ft. of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform distances, at random, or in groupings.

- C. Location
1. Where planted, trees shall comply with the following minimum setbacks, as measured from the center of the tree:
 - a. Setback from edge of road: 10 feet
 - b. Setback from fire hydrant: 5 feet
 - c. Setback from vehicular access way or sidewalk: 5 feet
 2. When planted, shrubs shall comply with the following minimum setbacks, as measured from the edge of the shrub:
 - a. Setback from edge of road: 5 feet
 - b. Setback from fire hydrant: 5 feet

1607 Berms

Where required, berms shall conform to the following standards:

- A. Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or first ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (thirty-three (33)

percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.

- B. Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Commission.
- C. Required Plantings.
 - 1. Berms Located in The Front Yard of Non-residential Parcels. Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads.
 - 2. Berms Used For Screening Other Than In The Front Yard. Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening.
- D. Measurement of Berm Length. For the purposed of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

1608 Greenbelts

Where required, greenbelts shall conform to the following standards:

- A. Measurement of Greenbelt Length. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.
- B. General Planting Requirements.
 - 1. Grass or Ground Cover Requirements. Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
 - 2. Tree and Shrub Requirements. Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of required greenbelt, or, alternatively, eight (8) shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform distances, at random, or in groupings.
 - 3. Distance from Sidewalk. Plant materials shall not be placed closer than four (4) feet from the right-of-way line where the greenbelt abuts a public sidewalk.
 - 4. Setback from Property Line. Plant materials shall be placed no closer than four (4) feet from the property line or fence line.
- C. Greenbelts Used for Screening. Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening.

1609 Screening

- A. General Screening Requirements. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete

visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. Where space does not exist to adequately provide for landscape screening, the Commission may require a obscuring wall in accordance with Section 19.02 H.

- B. Screening of Equipment. Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

1610 Parking Lot Landscaping

In addition to required screening, all off-street parking areas shall also provide landscaping as follows:

- A. Landscaping Ratio. Off-street parking areas containing greater than twelve (12) spaces shall be provided with at least ten (10) square feet of interior landscaping per parking space. The amount of parking lot landscaping may be decreased to seven (7) square feet per parking space where a berm is constructed to screen the parking from the road in accordance with the requirements of this Ordinance. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
- B. Minimum Area. Landscaped areas in parking lots shall be no less than seven (7) feet in any single dimension and no less than one hundred and fifty (150) square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.
- C. Other Landscaping. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- D. Required Plantings. Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. At least fifty (50) percent of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in this Ordinance. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.

1611 Landscaping of Rights-of-Way

Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

Trees, but not shrubs, may be required in the road right-of-way as directed by the Commission and as approved from the agency which has jurisdiction over the road.

Trees and shrubs shall be planted no closer to the edge of the road pavement than the distances specified in the following chart:

Setbacks	
Trees	Trees 10 feet (measured from center of tree)
Shrubs	5 feet (measured from perimeter of shrub)

1612 Obscuring Walls

Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns. Alternately, walls may be constructed of pre-cast steel-reinforced panels, anchored in place by steel I-beam columns, provided that the pre-cast panels have a simulated brick or stone pattern that is compatible with the architecture of the principal structure.

For the uses and districts listed below, an obscuring wall shall be provided as specified along property lines that abut a residential district, except where landscaped screening is permitted by the Planning Commission in lieu of a wall (see Section 19.02 E.).

Proposed Use or District	Wall Height Requirements
B-1, B-2, or B-3	6 feet
Off-Street Parking	3 feet
R-3 Multiple Family District	4.5 feet
Industrial Uses or Districts	6-foot minimum, up to 8 feet to completely screen storage, loading, and service areas
Utility Buildings, Substations	6.0 feet
Service and Delivery Areas	6.0 feet

Required obscuring walls shall be placed inside and adjacent to the lot line except in the following instances:

- A. Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.
- B. Walls shall not extend closer to the front lot line than the required front setback.

1613 Maintenance of Unobstructed Visibility For Drivers

No landscaping shall be established or maintained on any parcel or in any parking lot which will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning unobstructed sight distance set forth in this Ordinance.

1614 Maintenance of Unobstructed Visibility For Drivers

In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following chart:

Minimum Distance from Center of Trunk to Nearest Utility Line	Tree Height
Up to 15 feet	10 ft.
15 to 25 feet	20 ft.
Over 25 feet	30 ft.

1615 Landscaping of Divider Medians

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways are separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform distances, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet.

1616 Irrigation

The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

1617 Requirements for Commercial and Industrial Districts

All lots or parcels of land located in commercial or industrial zoning districts shall comply with the following landscaping requirements:

- A. **General Site Landscaping.** At least ten percent (10%) of the site shall be maintained as landscaped open area, except the B-1 Downtown Business District. All such open areas shall conform to the general site requirements in this Ordinance, except where specific landscape elements are required.
- B. **Landscaping Adjacent to Road or Road Right-of-Way.** All commercial and industrial developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in this Ordinance.
- C. **Berm Requirements.** A berm or decorative obscuring wall may be used to screen off-street parking from view of the road, in which case the berm or wall shall be a maximum of three (3) feet in height, and shall be planted in accordance with the requirements of this Ordinance. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with the requirements of this Ordinance.
- D. **Screening.** A berm or wall and landscaped screening shall be required wherever a nonresidential use in a business or industrial district abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in this Ordinance.
- E. **Parking Lot Landscaping.** Off-street parking areas containing greater than twelve (12) spaces shall comply with the requirements for parking lot landscaping in this Ordinance.

1618 Requirements for Multiple Family Districts

All lots or parcels of land located in the R-3 zoning district shall comply with the following landscaping requirements:

- A. **General Site Landscaping.** A minimum of two (2) deciduous or evergreen trees, plus, four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development shall not be counted in meeting these requirements for trees.

- B. Landscaping Adjacent to Road or Road Right-of-Way. All multiple family developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in this Ordinance.
- C. Berm Requirements. A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with the requirements of this Ordinance. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with the requirements of this Ordinance.
- D. Screening. Landscaped screening shall be required on all sides of a multiple family development, except on sides facing a road. Landscaped screening shall comply with the requirements in this Ordinance. A wall may be used instead of landscaping adjacent to non-residential districts, subject to the requirements in Section 19.02 H.
- E. Parking Lot Landscaping. Off-street parking areas containing greater than fifteen (15) spaces shall comply with the requirements for parking lot landscaping in this Ordinance.
- F. Privacy Screen. Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see Figure 4). The screen may consist of a combination of trees, shrubs, and berming, subject to review by the Commission.

1619 Requirements for Non-Residential Uses in Residential Districts

All non-residential uses developed in residential zoning districts shall comply with the following landscaping requirements:

- A. General Site Landscaping. At least ten (10) percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in this Ordinance, except where specific landscape elements are required.
- B. Landscaping Adjacent to Road or Road Right-of-Way. All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road or road right-of-way in this Ordinance.
- C. Berm Requirements. A berm or may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with the requirements of this Ordinance. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with the requirements of this Ordinance.
- D. Screening. Landscaped screening or a wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in this Ordinance.
- E. Parking Lot Landscaping. Off-street parking areas containing greater than twelve (12) spaces shall comply with the requirements for parking lot landscaping in this Ordinance.

1620 Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

1621 Plant Quality

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in the County, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

1622 Non-Living Plant Material

Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance. Water bodies, boulder groupings, landscape furniture, and man-made landscape ornaments, singly or in combination shall not account for more than thirty (30) percent of the ground area to be landscaped.

1623 Plant Material Specifications

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

- A. Deciduous Shade Trees. Deciduous shade trees shall be a minimum of two and one-half (2 1/2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
- B. Deciduous Ornamental Trees. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.
- C. Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of two and one-half (2 1/2) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
- D. Shrubs. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.
- E. Hedges. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.
- F. Vines. Vines shall be a minimum of thirty (30) inches in length after one growing season.
- G. Ground Cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- H. Grass. Grass area shall be planted using species normally grown as permanent lawns in the County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
- I. Mulch. Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.
- J. Undesirable Plant Material. Use of the following plant materials (or their clones or cultivars) is not encouraged because of susceptibility to storm drainage, disease, and other undesirable

characteristics. Additional undesirable plant materials may be identified, a list of which shall be maintained by the Zoning Inspector.

1. Box Elder
2. Poplar
3. American Elm
4. Willow
5. Tree of Heaven
6. Silver Maple
7. European Barberry
8. Horse Chestnut (nut bearing)
9. Northern Catalpa

1624 Installation and Maintenance

The following standards shall be observed where installation and maintenance of landscape materials are

1625 Installation

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Deciduous Trees	2-1/2 in. [2]	4 ft. first branch	--	--
Ornamental Trees	1-1/2 in. [3]	4 ft. first branch	--	--
Evergreen Trees	--	5 ft.	2-1/2 ft.	--
Shrubs	--	--	2 ft.	--
Hedges	--	2 ft.	--	--
Vines	--	--	--	30 inches after one season

Footnotes:

1. See Section 20.04 for detailed requirements.
2. Measured 12 inches above grade.
3. Measured 6 inches above grade.

1626 Protection from Vehicles

Landscaping shall be protected from vehicles through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.

1627 Off-Season Planting Requirements

If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with the requirements of this Ordinance.

1628 Maintenance

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Zoning Inspector, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed upon notice from the Zoning Inspector.

1629 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

1630 Consideration of Existing Elements in the Landscape Design

In instances where healthy plant material exists on a site prior to its development, the Commission may permit substitution of such plant material in place of the requirements set forth previously in this Article, provided such substitution is in keeping with the spirit and intent of this Article and this Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this Article.

1631 Preservation of Existing Plant Material

Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in caliper, measured twelve (12) inches above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Zoning Inspector based on consideration of the site and building configuration, available planting space, and similar considerations:

CALIPER MEASURED 12 INCHES ABOVE GRADE		
Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2-1/2 to 3 inches	1 for 1
More than 6 inches	2-1/2 to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

1632 Modifications to Lands Requirements

Inconsideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and this Ordinance in general. In determining whether a modification is appropriate, the Commission shall consider whether the following conditions exist:

- A. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of this Ordinance; and
- B. Conditions exist as follows:
 - 1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design; or
 - 2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

ARTICLE 17 Maintenance and Safety of Structures

1701 Title

The following provisions shall contribute and be known as the Village of Morrow Maintenance and Safety Ordinance. The regulations are adopted under the authority of Ohio Revised Code, Section 715.26 and Article XVIII, Section 3 of the Ohio Constitution.

1702 Purpose

The purpose of this Ordinance is to provide basic and uniform regulations to establish reasonable safeguards of the safety, health and welfare of the citizens, residence, occupants and users of the Village of Morrow, Ohio and of the public general public.

1703 Scope

This ordinance shall apply to all non-agricultural structures not covered by a current valid building permit.

1704 Existing Uses Continued

Except as otherwise provided, nothing in this ordinance shall require removal, alteration or abandonment of, nor prevent continued occupancy or use of, any existing building unless such buildings shall be or become unsafe according to Section 5, or unless such building is in violation of orders or conditions of approval existing at the time of the adoption of this ordinance.

1705 Maintenance

A. Maintenance Required

All buildings and structures, all parts thereof, and all building service equipment shall be maintained in a safety, sanitary and non-hazardous manner. All means of egress, devices, Safeguards and equipment shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and/or repair deterioration, so as to ensure that the property itself may be preserved safely, in that hazards to public health and safety are avoided.

B. Review and Recommendations by Committee

In the enforcement of the provisions of this Section, all suspected violations and complaints shall be investigated by the Village Zoning Inspector. If any violations are found, the Zoning Inspector shall provide violations and corrective measures to the Village Administrator for review and approval. Notices will indicate the violations and corrective measures that are required to avoid hazards to public health and safety and/or protect adjoining or neighboring properties from safety, fire and structural hazards. Notices will indicate the time permitted to make corrective actions. After the time period permitted by the Zoning Inspector has expired, the Village Administrator will recommend to the Mayor of Morrow the issuance of a citation to cite the property owner, which will be referred to Mayor's Court. The property owner may request an appeal to be heard by the Zoning Appeals Board.

C. Maintenance Standards

1. Maintenance of Structures

Each owner, and/or occupant shall keep all exterior components of every structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors, storefronts, signs, marquees and awnings.

- a. All surfaces shall be covered with a protective coating, including paint, shingles, plastic/aluminum/asbestos or vinyl siding or other material that preserved the structure and does not contribute to deterioration.
- b. All surfaces shall be maintained free of deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.
- c. Overhanging structure, including canopies, marquees, signs, awnings, exterior stairways, fire escapes, and other structures with overhanging extensions shall be maintained in good repair, be securely anchored to the structure and protected from rust and other signs of decay by application of a weather protective materials such as paint. Non-operative or broken electrical signs shall be repaired or removed. All obsolete signs and signs structures shall be removed.
- d. Except for display merchandise in non-residential buildings, no storage or materials, goods, stock or inventory shall be permitted in building openings ordinarily exposed to public view unless such areas are screened from public view. All such a screening shall be of clean material and will be maintained in a good state of repair.

2. Maintenance of Accessory Structures

Each accessory structure shall be subject to the Maintenance Standard set forth in Section 5(c)(1). Further, each structure shall:

- a. Provide weatherproof usable space and shall not harbor rodents, termites or other vermin.
- b. In residential zones, all outdoor storage for a continuous period exceeding fifteen (15) days shall be within enclosed buildings or it shall be effectively screened from view. However, the storage of functional items such as children's play structures, firewood and operable vehicles and bicycle shall be exempt from this provision.
- c. Inoperable vehicles must be stored within an enclosed building or effectively screened from view.

3. Maintenance of Premises and Landscape Elements

- a. All premises and landscape elements shall be maintained in a safe and sanitary condition, including but not limited to steps, walk, driveway, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.
- b. All paved driveways and walks that exist within the public right-of-way shall be maintained in safe condition.

- c. All fences, retaining walls, or similar structure shall be firmly anchored in the ground and maintained in good structural repair. Wooden elements or other elements subject to deterioration from weathering shall be maintained with chemicals or paint to preserve the element and to retard deterioration.
- d. Weeds and grass shall be kept trimmed and from becoming overgrown.
- e. Trees and shrubs which have branches projecting into the public right-of-way, including public sidewalk, public places or public highway, shall be kept trimmed.
- f. Trees and shrubs afflicted with a form of decay or vegetative sickness, which can be transmitted to other trees or shrubs shall be removed or shall be treated or sprayed so as to eliminate the risk of such decay or vegetation sickness being transmitted to other trees. Dead trees in proximity to rights-of-ways, buildings, structures or congregations of people that may endanger such objects or persons shall be removed.
- g. All yards, courts, or lots shall be kept free of accumulations of trash, garbage waste, rubbish, refuse, junk and other noxious or offensive materials or substances which may cause a fire hazard or may act as a breeding place for vermin or insects. Storage or non-functional items must be within enclosed structures or screens.

D. Maintenance after Casualty Damage

Within a period of 30 days after casualty damage to any premises, the owner and/or operator shall have taken the following steps:

1. Contracted for the repair and restoration of damage areas and removal of debris, and/or contracted for the demolition and removal of any part of the premises not to be repaired and restored and for the removal of the debris in connection therewith.

1706 Penalties

Any person who shall violate any provision of this ordinance or fail to comply with any of the requirements shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 30 days, or by both; such fine and imprisonment for each provision of laws thus violated. Each day that such violation or failure continues shall be deemed a separate offense.