

**CARROLL ZONING ORDINANCE  
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## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **Section 1.01 Title**

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

#### **Section 1.02 Purpose**

This Zoning Ordinance is enacted to promote and protect the public health, safety, comfort, prosperity and general welfare of the residents of Carroll; by regulating and limiting the use of land areas and the erection, and/or alteration of buildings and the uses therein for residential, business and industrial purposes; to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads and highways; to provide for the orderly development of lands within the Village; to protect the character of existing areas; to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

#### **Section 1.03 Interpretation and Applicability**

##### **1.03.01 Interpretation and Conflict**

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall interfere with, abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this Ordinance. When a provision of this Ordinance conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

##### **1.03.02 Provisions Cumulative**

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shall be interpreted to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, or changed herein, except in such particulars or matters as the Zoning Ordinance is more restrictive than such other ordinances or parts thereof and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



1.03.03            Applicability

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and land of any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the Village of Carroll.

**Section 1.04    Separability**

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

**ARTICLE II**

**ADMINISTRATIVE BODIES AND THEIR DUTIES**

**Section 2.01 Zoning Inspector**

2.01.01 Office of Zoning Inspector Created

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

2.01.02 Duties of Zoning Inspector

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

- A. Issue zoning permits and Certificates of Zoning Compliance when the procedures and standards of this Ordinance have been followed.
- B. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, ordering such action(s) as necessary to correct such violation.
- C. Order discontinuance of illegal uses of land, buildings, or structures.
- D. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- E. Take any other action authorized to ensure compliance with or to prevent violation of this Ordinance. This includes the keeping of any records, permits, and certificates as are necessary for the performance of these duties.

**Section 2.02 Planning and Zoning Board**

2.02.01 Planning and Zoning Board Created

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

2.02.02 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause by the Village Council, after a hearing has been held before Village Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

2.02.03 Quorum

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

2.02.04 Procedures

The meetings of the Board shall be public. However, the Board may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Board shall organize annually and elect a Chairman, and Vice-Chairman. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record.

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

The Board may call upon the various departments of the Village, or outside consultants hired for the specific purpose, for assistance in the performance of its duties. It shall be the duty of such departments to render assistance to the Board as may reasonably be required.

2.02.05 Powers and Duties

For the purposes of this Ordinance, the Board has the following specific responsibilities:

- A. Review all proposed amendments to this Ordinance in accordance with Article IV and make recommendations to the Village Council.
- B. Review all planned unit developments and make recommendations to the Village Council.
- C. Declare a zoning permit null and void pursuant to Section 3.11.05 of this Ordinance.
- D. Prepare and present a zoning plan for newly annexed territory, pursuant to Section 8.04 of this Ordinance.
- E. Such other powers and duties as specified in the other Articles of this Ordinance.

## **Section 2.03 Board of Zoning Appeals**

### **2.03.01 Board of Zoning Appeals Created**

A Board of Zoning Appeals is hereby created having the powers as hereinafter indicated. Said board shall consist of 3 members appointed by the Mayor with approval of Village Council by a simple majority vote. Members shall be appointed for four year terms, except that the initial appointments shall be, one (1) for a term of one (1) year, one (1) for a term of two (2) years, and one for a term of four (4) years. The Mayor, with approval by Village Council, may appoint two or more alternative members who shall be called by the board chairman in the absence or disqualification of a member.

### **2.03.02 Removal of Members**

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Village Council, after a hearing has been held before Village Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

### **2.03.03 Quorum**

A quorum shall consist of not less than 2/3 of the board membership.

### **2.03.04 Procedures**

The Board of Zoning Appeals shall organize and adopt rules in accordance with this zoning code. The board shall meet upon notice from the chairman, within 20 days of an appeal, variance, or conditional use application being filed, and at such other times as the Board determines. The chairman, or in his/her absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Village of Carroll administrative office and be a public record. Copies of the board's actions shall be furnished to the applicant and the zoning inspector.

### **2.03.05 Powers and Duties**

The Board of Zoning Appeals shall have the following specific responsibilities:

- A. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this Ordinance will result in unnecessary hardship, in accordance with the provisions of Article V of this ordinance.
- B. Hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
- C. Grant zoning permits for conditional uses as specified in the district regulations and establish such additional safeguards as will uphold the intent of this Ordinance.

- D. Authorize the substitution or extension of nonconforming uses, as specified in Article VII of this Ordinance.
- E. It shall also be the duty of the Board of Zoning Appeals to hear appeals associated with the Village of Carroll Property Maintenance Code.
- F. Such other powers and duties as specified in the other Articles of this Ordinance.

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of two (2) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance.

**Section 2.04 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority, and Courts on Matters of Appeal.**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on matters of appeal from the decision of the Zoning Inspector, and that the recourse from the decision of the Board shall be to the courts as provided by law. It is further the intent of this code that the duties of the Village Council in connection with this code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this ordinance. Under this ordinance, the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and the establishing of a schedule of fees and charges as stated in Section 3.10.

## **ARTICLE III**

### **ENFORCEMENT AND PENALTY**

#### **Section 3.01 Enforcement**

It shall be the duty of the Zoning Inspector and the Planning and Zoning Board to enforce this Ordinance in accordance with the provisions hereof. All officials and public employees of the Village of Carroll shall conform to the provisions of this Ordinance, and shall not issue any permit or license for any use, building, or purpose in conflict with the provisions of this Ordinance.

#### **Section 3.02 Zoning Permits**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. The zoning permit shall certify that the proposed action is in conformance with the provisions of this Ordinance.

#### **Section 3.03 Conditions Under Which a Zoning Permit is Required**

A zoning permit is required for any of the following:

- A. Occupancy and/or use of vacant land.
- B. Construction or structural alteration of any building, including accessory buildings.
- C. Change in use of an existing building or accessory building to a use listed as a permitted use in the zoning district where the building is located.

#### **Section 3.04 Application for Zoning Permit**

Applications for a zoning permit may be obtained from the Zoning Inspector, or from the Clerk-Treasurer of the Village. Three (3) copies of an application for a zoning permit shall 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 shall be revoked if work has not begun within one (1) year, and substantially completed within two and one-half (2 1/2) years. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Existing use.
- C. Proposed use.
- D. Zoning district in which property is located.
- E. Plans and/or drawings, in triplicate, drawn to approximate scale and showing dimensions and location of existing and proposed structures or alterations in sufficient detail to illustrate the proposed action.
- F. Height of proposed buildings.
- G. Number and dimensions of existing and proposed off-street parking or loading spaces.
- H. Number of proposed dwelling units.
- I. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Fairfield Department of Health of the proposed method of water supply and for disposal of sanitary wastes.

- J. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

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

### **Section 3.05 Approval of Zoning Permits**

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, unless the provisions of Section 3.06, or other specific sections of this Ordinance apply. All zoning permits shall, however, be conditional upon the commencement of work, as defined in Article XXIX, within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent, on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Occupancy along with one (1) copy of the application. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alternation is in conformance with the provisions of this Ordinance.

### **Section 3.06 Submission to the Director of the Department of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 3.05 of this Ordinance.

### **Section 3.07 Record of Zoning Permit**

A record of all zoning permits shall be kept on file in the Municipal Building and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

### **Section 3.08 Expiration of Zoning Permits**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, or has not been substantially completed, as defined in Article XXIX, within two and one-half (2 1/2) years from the date of issuance thereof, said permit shall expire;

it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension has been granted by the Planning and Zoning Board.

**Section 3.09 Zoning Compliance**

3.09.01 Certificate of Zoning Compliance Required

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

3.09.02 Application for Certificate of Zoning Compliance

Certificates of Zoning Compliance shall be applied for by the applicant giving written notice to the Zoning Inspector that the exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

3.09.03 Approval of Health Department Required

If the property in question is not served by public water and sewer, a Certificate of Zoning Compliance shall not be issued by the Zoning Inspector until approval of the water and sewage disposal systems have been given by the Fairfield Department of Health, or Ohio Environmental Protection Agency.

3.09.04 Temporary Certificate of Zoning Compliance

A temporary Certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during the alteration or partial occupancy of a building pending its completion.

3.09.05 Record of Certificate of Zoning Compliance

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

**Section 3.10 Schedule of Fees, Charges and Expenses**

The Village Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Clerk-Treasurer of the Village, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.



**Section 3.11 Violation**

3.11.01 Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance

Failure to obtain a zoning permit, Certificate of Zoning Compliance, or other permit as required by specific Sections of this Ordinance shall be a violation of this Ordinance and punishable under Section 3.11.04 of this Ordinance.

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

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 3.11.04 of this Ordinance.

3.11.03 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

3.11.04 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor of the third degree. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from such other lawful action as is necessary to prevent or remedy any violations.

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

3.11.05 Void Zoning Permit

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

- A. The zoning permit was issued by the Zoning Inspector contrary to the provisions of this Ordinance.

- B. The zoning permit was issued based upon a false statement by the applicant.
- C. The zoning permit has been assigned or transferred.

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

## **ARTICLE IV**

### **AMENDMENTS**

#### **Section 4.01 Power of Village Council**

Whenever the public necessity, convenience, general welfare or good zoning practices require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Board and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Board shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

#### **Section 4.02 Initiation of Zoning Amendments**

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

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

#### **Section 4.03 Contents of Application**

An application for amendment may be obtained from the Zoning Inspector, or from the Clerk-Treasurer of the Village. Such application, when complete, shall be transmitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map or plan showing property lines, streets, and existing buildings drawn to approximate scale, in sufficient detail to illustrate the proposed action.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Fairfield County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will affect adjacent and proximate properties.
- H. Verification by at least one owner of the tract of land to be rezoned that all information in the application is true and correct to the best of his/her knowledge.
- I. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- J. A fee as established by the Village Council.

**Section 4.04 Transmittal of Resolution to Planning and Zoning Board**

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

**Section 4.05 Recommendation by Planning and Zoning Board**

Within sixty (60) days after the first regular meeting of the Planning and Zoning Board after the receipt of the proposed amendment, the Planning and Zoning Board may recommend to the Village Council that the amendment be approved as requested, or it may recommend that the amendment be denied.

**Section 4.06 Action by Village Council**

4.06.01 Public Hearing

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

4.06.02 Display of Relevant Materials

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

4.06.03 Action by Village Council

No such Ordinance which is in accordance with the recommendation submitted by the Planning and Zoning Board shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the Village Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning and Zoning Board shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Village Council.

#### 4.06.04

#### Effective Date and Referendum

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

## ARTICLE V

### APPEALS AND VARIANCES

#### Section 5.01 Appeals

##### 5.01.01 Taking of Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance by Zoning Inspector ~~or~~ may be taken by any person aggrieved including a tenant, or by a governmental officer, department, or board. Such appeal shall be taken within thirty (30) days after the date of the decision, by filing with the Zoning Inspector or with the Board of Zoning Appeals, a notice of appeal specifying the decision of the Zoning Inspector which the appeal is being taken.

##### 5.01.02 Imminent Peril

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

#### Section 5.02 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of the Ordinance as will not be contrary to the public interest. Such variances shall be granted only in cases of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such necessary hardship has not been created by the appellant.

- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

### **Section 5.03 Application for Variance and Appeals**

Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. The application for an appeal or variance may be obtained from the Zoning Inspector, or from the Clerk-Treasurer of the Village. The application shall be filed in triplicate with the Zoning Inspector. The Zoning Inspector shall forward a copy of the application to the Board of Zoning Appeals within five (5) working days from receipt of the completed application.

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

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Fairfield County Recorder's office.
- C. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Fairfield County Auditor's current tax list.
- D. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which applies.
- E. A narrative statement explaining the following:
  - 1. The use for which variance or appeal is sought.
  - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
  - 3. The specific reasons why the variance or appeal is justified, according to Section 5.02 A-E.

### **Section 5.04 Supplementary Conditions and Safeguards**

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.11 of this Ordinance. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

### **Section 5.05 Public Hearing by the Board**

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**Section 5.06 Notice of Public Hearing**

Before holding the public hearing pursuant to Section 5.05, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

**Section 5.07 Notice to Parties of Interest**

Before holding the public hearing pursuant to Section 5.05, written notice of such hearing shall be mailed by the Clerk-Treasurer of the Village, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified in Section 5.06. Parties of interest shall include at a minimum, owners and occupants of property within 200 feet from, contiguous to, and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the actions of the Board of Zoning Appeals.

**Section 5.08 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 5.05, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 5.04, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the application is approved, or approved with supplementary conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.



## ARTICLE VI

### CONDITIONAL USES

#### Section 6.01 Purpose

Under some unusual circumstances, a proposed use which more intensely affects an area than those uses permitted in the zoning district in which it is located, may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as “conditional uses” within the description of the respective zoning districts. The Board of Zoning Appeals may allow such a use to be established as a conditional use where these unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Ordinance.

#### Section 6.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by this Ordinance in the Zoning District in which the property is situated. An application for a conditional use shall be filed in triplicate with the Zoning Inspector who shall forward within five (5) working days a copy to the members of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. All of the information required for a zoning permit, pursuant to Section 3.04 of this Ordinance.
- B. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- C. A narrative statement evaluating the effects on adjoining property, and a discussion of the general compatibility with adjacent and other properties in the district.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Fairfield County Auditor's current tax list.
- E. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board of Zoning Appeals.

#### Section 6.03 General Standards for Conditional Uses

The Board shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of this Zoning Ordinance.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of such area.
- C. Will not be hazardous to existing or future neighboring uses.
- D. Will be served adequately by essential public facilities and serves such as highways, streets, police and fire protection, drainage structures,

refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- E. Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
- F. 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.
- G. Will have vehicular approaches to the property which shall be so designated as not to create in interference with traffic on surrounding public streets or roads.

#### **Section 6.04 Supplementary Conditions**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Ordinance.

#### **Section 6.05 Public Hearing by the Board of Zoning Appeals**

The Board may hold a public hearing within twenty (20) days from the receipt of the application specified in Section 6.02. The requirements for public notice and notification of parties of interest shall be the same as for appeals and variances as specified in Section 5.06 and 5.07 of this Ordinance.

#### **Section 6.06 Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing pursuant to Section 6.05, or within thirty (30) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 6.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

#### **Section 6.07 Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions.**

The approval of the zoning permit issued in accordance with Section 6.06 shall become null and void if such use is not commenced within one (1) year of the date of zoning permit approval. The Village may revoke the zoning permit upon written evidence by any residents or official of the Village of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based.

The Board of Zoning Appeals may grant an extension of a zoning permit issued in accordance with Section 6.06 for an additional period of six (6) months.

## ARTICLE VII

### NONCONFORMING USES

#### Section 7.01 Intent

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

#### Section 7.02 When Permitted

##### 7.02.01 Existing Land or Buildings

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

##### 7.02.02 Construction Commenced

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

#### Section 7.03 Substitution

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. However, in an "R" District, no change shall be authorized by the Board of Zoning Appeals to any use which is not a permitted or conditional use in any "R" District.

**Section 7.04 Extension**

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

- A. The Board of Zoning Appeals may permit the reasonable expansion or extension of a building containing a nonconforming use. The Board shall not authorize an enlargement which would result in a violation of the provision of this Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Ordinance.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.

**Section 7.05 Discontinuance**

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

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

**Section 7.06 Damage and/or Destruction of a Nonconforming Building or Use**

When a building or structure, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy to the extent that less than seventy-five percent (75%) of its market value is lost, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage that construction is completed within eighteen (18) months, and that such restoration or rebuilding would not extend or expand the existing use. If more than seventy-five percent (75%) of the market value is lost, the building or structure may not be restored or rebuilt in such a manner so as to continue the nonconforming use.

In the administration of this Section, if disagreement occurs as to the market value of a particular property, that market value shall be determined by an independent appraiser as selected and mutually agreed to by the applicant and the Village. Such appraisals shall be performed according to a comparable value method of appraisal. The cost of such appraisal shall be paid by the applicant.

### **Section 7.07 Maintenance and Repair**

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use when at least one of the following conditions exist:

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

### **Section 7.08 Nonconforming Lots of Record**

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

- A. In any district where dwellings are permitted, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three (3) feet.
- B. For lots having a depth of less than 110 feet, the depth of the rear yard may be reduced to twenty-five percent (25%) of the total depth of the lot, but shall not be less than twenty (20) feet.

## **ARTICLE VIII**

### **ZONING DISTRICTS AND ZONING DISTRICT MAP**

#### **Section 8.01 Zoning Districts Established**

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

RR	-	Rural Residential District
SR	-	Suburban Residential District
VR	-	Historic Village Single Family Residential District
AR	-	Apartment Residential District
VC	-	Village Center District
GB	-	General Business District
CF	-	Community Facilities District
LI	-	Limited Industrial District
PUD	-	Planned Unit Development District
COD	-	Corridor Overlay District

#### **Section 8.02 Official Zoning Map**

The districts established in Section 8.01 of this Ordinance are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be identified by the signatures of the Mayor, President of Council and the Clerk/Treasurer, and shall be on file in the Village Offices.

#### **Section 8.03 Interpretation of Zoning District Boundaries**

Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, centerlines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Ordinance. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

#### **Section 8.04 Newly Annexed Areas**

Territory which is annexed into the Village of Carroll subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the RR District. Within three (3) months from the date of annexation, the Planning and Zoning Board shall present a zoning plan for the annexed territory to Village Council. Village Council may hold a public hearing on the proposed zoning plan, as recommended by the Board. If such hearing is held, notice of such hearing shall be given in a newspaper of general circulation within the municipality not less than thirty (30) days before the date of the hearing. After said hearing, Village Council shall approve, or approve with modification the zoning plan. If no zoning plan is approved, the RR zoning shall remain in effect.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article IV of this Ordinance.

## ARTICLE IX

### STANDARD ZONING DISTRICT REGULATIONS

#### Section 9.01 Regulation of the Use and Development of Land or Structures

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

#### Section 9.02 Rules of Application

##### 9.02.01 Identification of Uses

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

##### 9.02.02 Permitted Uses

A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:

1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Ordinance.
2. An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Sections 9.02.05 of this Article.

##### 9.02.03 Accessory Uses

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

##### 9.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots and a conditional use permit has been issued by the Board of Zoning Appeals. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article VI of this Ordinance.

9.02.05 Similar Uses

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from uses listed in the classification to which it is to be added.

9.02.06 Development Standards

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

9.02.07 Essential Services

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



**ARTICLE X**

**RR - RURAL RESIDENTIAL**

**Section 10.01 Purpose**

This district is established to encourage the continuance of agricultural uses, to permit low-density residential development in areas not having access to public water and sewer, and to provide for areas as needed for future Village expansion.

**Section 10.02 Agriculture Uses Defined**

The definition for agriculture can be found in Article XXIX – Definitions.

**Section 10.03 Permitted Uses**

- A. Agricultural uses, customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling.
- B. One-family detached dwellings.

**Section 10.04 Accessory Uses**

- A. Private garages or carports, whether attached to or detached from a dwelling.
- B. Tool or garden sheds.
- C. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of construction work.
- D. Private swimming pools, tennis courts and/or similar facility, for primary use by occupants of the principal use of the property on which the facility is located, and subject to the regulations of Section 25.03 of this Ordinance.
- E. Small or large satellite dish antennas provided such device is for the sole use of occupants of the principal use of the property on which the device is located and complies with the provisions of Section 25.05 of this Ordinance.
- F. Temporary roadside stands, offering for sale only agricultural products grown on the premises.
- G. Home Occupations, subject to the requirements of Section 25.02 of this Ordinance.
- H. Small Wind Energy Conversion Systems and Accessory Wind Energy Conversion Systems, subject to the requirements in Article XXVI of this Ordinance.
- I. Attached Telecommunication Towers, provided the attached structure does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
- J. Roof Mounted Solar Energy Conversion Systems, subject to the requirements in Article XXVIII of this ordinance.

**Section 10.05 Conditional Uses**

- A. Animal boarding facilities.

- B. Animal hospitals or clinics.

**Section 10.06                      Development Standards**

10.06.01                      Lot Area

For each principal permitted use, the lot area shall be not less than two (2) acres, or such size as approved by the Fairfield Department of Health for the construction and operation of a home water and sewage disposal system, whichever is larger.

10.06.02                      Minimum Lot Frontage

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

10.06.03                      Minimum Front Yard Depth (from edge of road right-of-way)

Fifty (50) feet.

10.06.04                      Minimum Side Yard Width

Twenty (20) feet.

10.06.05                      Minimum Sum of Side Yard Widths

Forty (40) feet.

10.06.06                      Minimum Rear Yard Depth

Fifty (50) feet.

10.06.07                      Minimum Distance to Residential Structures not on Property

All agricultural operations shall be located on the lot so as to provide a minimum distance of 200 feet to any residential dwelling not on the property.

10.06.08                      Maximum Building Height

Forty (40) feet for buildings. Silos, windmills, or any other structure listed as an accessory use may exceed this height provided such structures maintain a distance equal to their height to any adjacent property or zoning district.

10.06.09                      Minimum Gross Floor Area.

Single family dwellings located in a Rural Residential zoning district must have a minimum gross floor area of 1250 square feet. Open porches, garages, and steps will not count towards the total square feet of a unit.

**ARTICLE XI**

**(SR) SUBURBAN RESIDENTIAL**

**Section 11.01 Purpose**

This district is established to accommodate single-family residential development at low densities, similar to what currently exists in particular areas on the periphery of the Village, and to discourage large concentrations of intensive development where that intensity would be inconsistent with the existing character of the area. Such areas shall be served by public water and sewer systems.

**Section 11.02 Permitted Uses**

- A. One-family detached dwellings.

**Section 11.03 Accessory Uses**

- A. Private garages or carports, whether attached to or detached from a dwelling.
- B. Tool and/or garden sheds.
- C. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- D. Private swimming pools and tennis courts, for primary use by occupants of the principal use of the property. Private swimming pools shall be subject to the regulations of Section 25.03.
- E. Small or large satellite dish antennas provided such device is for sole use by occupants of the principal use of the property on which the device is located and complies with the provisions of Section 25.05 of this Ordinance.
- F. Home occupations, subject to the regulations of Section 25.02 of this Ordinance.
- G. Small Wind Energy Conversion Systems and Accessory Wind Energy Conversion Systems, subject to the requirements in Article XXVI of this Ordinance.
- H. Attached Telecommunication Towers, provided the attached structure does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
- I. Roof Mounted Solar Energy Conversion Systems, subject to the requirements in Article XXVIII of this ordinance.

**Section 11.04 Development Standards**

- 11.04.01 Lot Area  
15,000 square feet.

- 11.04.02 Minimum Lot Width  
For each principal use, there shall be lot width of not less than eighty-five (85) feet with frontage on a publicly dedicated, improved street or highway. Minimum lot width on curved street shall be forty-five (45) feet.

- 11.04.03 Minimum Front Yard Depth  
Thirty (30) feet.
- 11.04.04 Minimum Side Yard Width  
Ten (10) feet.
- 11.04.05 Minimum Rear Yard Depth  
Thirty (30) feet.
- 11.04.06 Maximum Percent of Lot Coverage  
Thirty Percent (30%)
- 11.04.07 Maximum Building Height  
Forty-five (45) feet.

**ARTICLE XII**

**(VR) HISTORIC VILLAGE SINGLE FAMILY RESIDENTIAL DISTRICT**

**Section 12.01 Purpose**

This district is established to provide for single-family residential housing sites within the older portions of the Village at densities consistent with existing development on platted lots, thereby increasing the diversity of housing choice and encouraging the revitalization of existing areas, while maintaining adequate standards. The district can also be used to allow for new development in outlying areas of the Village by meeting standards intended to promote the Village character of such new development.

**Section 12.02 Permitted Uses**

- A. One-family detached dwellings.

**Section 12.03 Accessory Uses**

- A. Private garages, whether attached to or detached from a dwelling.
- B. Tool and/or garden sheds.
- C. Private swimming pools for primary use by occupants of the property, subject to the regulations of Section 25.03.
- D. Public parks
- E. Small or large satellite dish antennas provided such device is for the sole use by the occupants of the principal use of the property on which the device is located and complies with the provisions of Section 25.05 of this Ordinance.
- F. Home occupations, subject to the requirements of Section 25.02 of this Ordinance.
- G. Accessory Wind Energy Conversion Systems, subject to the requirements in Article XXVI of this Ordinance.
- H. Attached Telecommunication Towers, provided the attached structure does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
- I. Roof Mounted Solar Energy Conversion Systems, subject to the requirements in Article XXVIII of this ordinance.

**Section 12.04 Conditional Uses**

- A. Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 250 persons.

**Section 12.05 Development Standards**

12.05.01 Lot Area

For each principal use, there shall be a lot area of not less than 5,000 square feet.

12.05.02 Minimum Lot Width

Fifty (50) feet of lot with frontage on a publicly dedicated, improved street or highway.

- 12.05.03 Minimum Front Yard Depth  
Ten (10) feet.
- 12.05.04 Minimum Side Yard Depth  
Four (4) feet.
- 12.05.05 Minimum Rear Yard Depth  
Thirty (30) feet.
- 12.05.06 Maximum Building Height  
Thirty-five (35) feet.
- 12.05.07 Additional Requirements for New Lots Developed in the VR District
- A. Alleys
- All new lots shall have alleys running along the rear lines of such lots. Such alleys shall have a minimum right-of-way of thirty (30) feet, and be publicly dedicated. The developer/builder shall be required to construct the alley, which shall be a minimum of 12 feet in width and shall be constructed with a minimum of 6 ½" of asphalt concrete base course (ODOT Item 302) and 1 ½" of asphalt concrete surface course (ODOT Item 448). ODOT Item 407 – Tack Coat, Bituminous Material, 702.02 RC-70, RC 250 or 702.04 RS-1, RS-2, or MS-2 shall be applied at a rate of 0.1 gallons per square yard between the base and surface courses.
- B. Garages
- All detached garages shall be located within the rear yard. All attached garages shall be located in the side or rear yard with the garage door facing the street, side or rear of the lot.
- C. Street Trees
- Street trees shall be required along all new streets developed within VR District. The spacing of trees along streets shall be not less than thirty (30) feet on center. Trees listed in Section 24.02 shall not be utilized to meet the requirements of this section.
- D. Required Open Space
- Not less than 15% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association, or the Village. For the purposes of this calculation, net developable area shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.

**ARTICLE XIII**

**(AR) APARTMENT RESIDENTIAL DISTRICT**

**Section 13.01 Purpose**

This district is established to accommodate multiple-family residences at overall housing densities consistent with those existing in the area. The objective is to provide for the continuance, redevelopment and/or limited expansion of multiple-family developments in areas best equipped to accommodate such higher density development.

**Section 13.02 Permitted Uses**

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

**Section 13.03 Accessory Uses**

- A. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.
- C. Small or large satellite dish antennas provided such device is for the sole use by the occupants of the principal use of the property on which the device is located and complies with the provisions of Section 25.05 of this Ordinance.
- D. Small Wind Energy Conversion Systems and Accessory Wind Energy Conversion Systems, subject to the requirements in Article XXVI of this Ordinance.
- E. Attached Telecommunication Towers, provided the attached structure does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
- F. Roof Mounted Solar Energy Conversion Systems, subject to the requirements in Article XXVIII of this ordinance.

**Section 13.04 Conditional Uses**

- A. Nursery schools and day care centers.
- B. Congregate or group homes, provided that the following provisions are met:
  - 1. The facility shall obtain all approvals and/or licenses as required by state and local laws.
  - 2. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
  - 3. No exterior alterations of the structure shall be made which depart from its appearance as a residential structure, or would

- be inconsistent with the residential character of the surrounding neighborhood.
4. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
  5. Such facilities shall meet all applicable local and/or State building, safety and fire codes.

**Section 13.05                      Development Standards**

- |          |  |
|----------|--|
| 13.05.01 | Minimum Lot Area   |
|          | 4,000 square feet per dwelling unit for two-family dwellings. 3,500 square feet per dwelling unit for all other multiple-family dwellings.   |
| 13.05.02 | Minimum Lot Frontage   |
|          | Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.   |
| 13.05.03 | Minimum Front Yard Depth   |
|          | Thirty (30) feet.  |
| 13.05.04 | Minimum Side Yard Width  |
|          | Ten (10) feet.   |
| 13.05.05 | Minimum Rear Yard Depth  |
|          | Forty (40) feet.   |
| 13.05.06 | Maximum Building Height  |
|          | Forty-five (45) feet.  |
| 13.05.07 | Landscaping  |
|          | If side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required in accordance with Section 24.04A. The application for a zoning permit shall include a site plan for the proposed screening. |



**ARTICLE XIV**

**(VC) VILLAGE CENTER DISTRICT**

**Section 14.01 Purpose**

The older downtown area of Carroll, possesses unique historic and environmental attributes. The purpose of the Village Center District is to provide for a wide range of uses, while maintaining the downtown's mixed use historic character and pedestrian orientation. A further purpose of the District is to promote and encourage the reuse of existing older structures.

**Section 14.02 Permitted Uses**

- A. One-Family detached dwellings.
- B. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
  - 1. Brokers and dealers in securities, investments and associated services.
  - 2. Insurance agents and brokers and associates services.
  - 3. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
  - 4. Accounting, auditing and other bookkeeping services.
- C. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering incidental to the sale of these people.
  - 1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores.
  - 2. General merchandise, consisting of: limited price variety stores and other similar stores selling a variety of general merchandise.
  - 3. Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.
  - 4. Building material retail stores, not having outside storage or material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.
  - 5. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
  - 6. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores, and other stores which conform to the purpose and intent of the Village Center District.

- D. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
  - 1. Restaurants, but not including restaurants with drive-through facilities.
  - 2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
  - 3. Barber and beauty shops.
  - 4. Dry-cleaning establishments.
  - 5. Funeral services.
  - 6. Radio, television, or small appliance repair.
  - 7. On-premises duplication facilities.
  
- E. Hotels, bed & breakfast inns and other lodging places.
  
- F. Business Services engaged in the providing of services to business establishments on a free or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
  
- G. Community facilities such as governmental offices, post office, police and fire stations, libraries, museums, private schools, and public parks and other similar uses including, but not limited to, those identified in Section 16.02 of this Ordinance.
  
- H. Churches and places of public worship.
  
- I. Similar Uses, which conform to the purpose and intent of the Village Center District, as determined by the Board of Zoning Appeals in accordance with the provisions of Section 9.02.05 of this Ordinance.

**Section 14.03                    Conditional Uses**

- A. Two or more family residences, provided the development standards of the AR District are met.
  
- B. Public parking areas, provided a twenty (20) foot front setback is maintained.

**Section 14.04                    Accessory Uses.**

- A. Small or large satellite dish antennas provided such device is for the sole use by the occupants of the principal use of the property on which the device is located and complies with the provisions of Section 25.05 of this Ordinance.
  
- B. Accessory Wind Energy Conversion Systems, subject to the requirements in Article XXVI of this Ordinance.
  
- C. Attached Telecommunication Towers, provided the attached structure does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.

- D. Roof Mounted Solar Energy Conversion Systems, subject to the requirements in Article XXVIII.

**Section 14.05 Development Standards**

- 14.05.01 Lot Area  
No minimum lot area is required.
- 14.05.02 Lot Width  
No minimum lot width is required.
- 14.05.03 Front Yard Setback  
The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall be not less than fifteen (15) feet measured from the street right-of-way.
- 14.05.04 Side and Rear Yards  
No minimum side or rear yard shall be required, provided that the parking requirements of Article XXII are met.
- 14.05.05 Drive-Through Facilities Prohibited  
No use within the VC District shall be developed with drive-through facilities.
- 14.05.06 Parking and Loading  
All parking and loading areas in the VC District shall be located in the side or rear yards.
- 14.05.07 Maximum Building Size  
Individual uses within the VC District shall have a usable floor area of not more than 7,500 square feet, unless the use is located in an existing building, in which case such restriction shall not apply.
- 14.05.08 Residential Building Conversion  
Existing single-family residences within the VC District may be converted to another permitted use, provided the following requirements are followed:
  - A. Appearance  
Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale.
  - B. Lighting

Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties and shall comply with Section 21.07.

C. Signage

Exterior signage shall be limited to a single nameplate not more than two (2) square feet in size. No signage shall be internally illuminated.

D. Storage

Storage of materials and equipment shall be within an enclosed building.

E. Parking

All parking shall be located in the rear yard.

F. Hours

Permitted uses shall be conducted principally in daylight hours.

14.05.09 Signage

Separate signage requirements shall be applicable in the VC District, pursuant to Article XXIII of this Ordinance.

14.05.10 Trash and Refuse Control

All trash and refuse shall be stored in container systems and enclosed so as to effectively screen them in accordance with Section 24.04B. The disposal of trash and refuse, and maintenance of the storage area, shall be the responsibility of the Owner of the property.

## **ARTICLE XV**

### **(GB) GENERAL BUSINESS DISTRICT**

#### **Section 15.01 Purpose**

The purpose of the General Business District is to provide for the potential new commercial development of locations other than in the Village Center (VC) District. Such commercial development should be small in scale, have good street access, and provide for buffering where such uses are adjacent in residences. The GB District is not intended to be used in the existing downtown as a replacement for the Village Center District.

#### **Section 15.02 Permitted Uses**

- A. Uses specified in Section 14.02 C through F in the VC District.
- B. Nursery schools and day care facilities.
- C. Human medical and dental clinics.

#### **Section 15.03 Conditional Uses**

- A. Veterinary offices, not including outside boarding of animals.
- B. Multiple-family residences, subject to the development standards of the AR District.
- C. Permitted uses with drive-through facilities, provided a development plan is submitted and approved by the Board of Zoning Appeals, pursuant to the requirements of Section 15.05.09.
- D. Sexually oriented businesses, subject to the requirements in Article XX.
- E. Large Wind Energy Conversion Systems, subject to the requirements in Article XXVI of this Ordinance.
- F. Telecommunication Towers, subject to the requirements in Article XXVII of this ordinance.

#### **Section 15.04 Accessory Uses**

- A. Small or large satellite dish antennas provided such device is for the sole use by the occupants of the principal use of the property on which the device is located and complies with the provisions of Section 25.05 of this Ordinance.
- B. Attached Telecommunication Towers, provided the attached structure does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
- C. Accessory Wind Energy Conversion Systems, subject to Article XXVI.
- D. Small Wind Energy Conversion Systems, subject to Article XXVI.
- E. Ground and Roof Mounted Solar Energy Conversion Systems, subject to the requirements in Article XXVIII of this ordinance.

**Section 15.05                      Development Standards**

- 15.05.01                      Lot Area
- No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.
- 15.05.02                      Lot Width
- No minimum lot width is required; however all lots shall abut an improved public street having a right-of-way of not less than fifty (50) feet. All lots shall have adequate width to provide for required parking and yard area.
- 15.05.03                      Front Yard Setback
- The front yard setback shall not be less than thirty (30) feet measured from the street right-of-way. The front yard shall not be used for parking.
- 15.05.04                      Side Yards
- For new principal structures, including service and loading areas, the required side yard shall be not less than twenty-five (25) feet, unless adjacent to any district where residences are a permitted use, in which case the side yard shall be no less than fifty (50) feet.
- 15.05.05                      Rear Yards
- For new principal structures, the required rear yard shall be not less than twenty-five (25) feet, unless adjacent to any district where residences are a permitted use, in which case the rear yard shall be no less than fifty (50) feet.
- 15.05.06                      Maximum Lot Coverage
- Buildings, parking areas, and all other impervious surfaces shall consist of no more than seventy-five percent (75%) of the total lot area.
- 15.05.07                      Lighting
- Lighting fixtures within the GB District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property and comply with the requirements of Section 21.07.
- 15.05.08                      Drive-Through Facilities
- Drive-Through facilities shall be allowed as a conditional use, in association with a permitted use, within the GB District, provided a Development Plan is submitted and approved by the Board of Zoning Appeals. Such Development Plan shall show the design and layout of the parking lot and drive-through facilities, and should demonstrate methods to alleviate the impacts of the higher volumes of in-out traffic on any adjacent residential property.

15.05.09            Parking and Loading

Parking and loading requirements shall be as specified in Article XXII. Parking shall not be permitted in the front yard setback. Parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

15.05.10            Landscaping

The landscaping of all parking and service areas is encouraged in the GB District.

15.05.11            Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them in accordance with Section 24.04B. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the property.

**ARTICLE XVI**

**(CF) COMMUNITY FACILITIES**

**Section 16.01 Purpose**

The Community Facilities District is established to provide for suitable locations for community facilities, to make such uses compatible with adjoining residential uses; and to ensure that the location of such facilities will provide for adequate access and general compatibility.

**Section 16.02 Permitted Uses**

Buildings and land within the CF District shall be utilized only for uses set forth in the following schedule. Any listed accessory building or use must follow the applicable section of the code for such use.

Primary Buildings and Uses

Accessory Buildings and Uses

Community Facilities, consisting of:

1. Municipal, County and/or State Buildings for administrative functions, including post offices.
2. Libraries, museums, memorials, similar places for public assembly.
3. Primary or secondary public, private private parochial schools, nursery schools.
4. Institutions for elderly care, convalescent centers, general and special hospitals.
5. Churches and places of public

- Signage, parking areas, Accessory Wind Energy Conversion Systems, Small Wind Energy Conversion Systems, and Attached Telecommunication Towers. Roof Mounted Solar Energy Conversion Systems.
- Signage, parking areas, Accessory Wind Energy Conversion Systems, Small Wind Energy Conversion Systems, and Attached Telecommunication Towers. Roof Mounted Solar Energy Conversion Systems.
- Parking areas, signs, playfields / playgrounds, stadiums, Accessory Wind Energy Conversion Systems, Small Wind Energy Conversion Systems, and Attached Telecommunication Towers. Solar Roof Mounted Solar Energy Conversion Systems.
- Signage, parking areas, Accessory Wind Energy Conversion Systems, Small Wind Energy Conversion Systems, and Attached Telecommunication Towers. Roof Mounted Solar Energy Conversion Systems.
- Signage and parking areas,



worship.	Accessory Wind Energy Conversion Systems, Small Wind Energy Conversion Systems, and Attached Telecommunication Towers. Roof Mounted Solar Energy Conversion Systems.
6. Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as signs.	Parking areas Solar Energy Conversion Systems.
7. Telecommunication towers, subject to the requirements in Article XXVII.	Parking areas and structures directly related to the operation of the facility, not including offices or broadcast studios.
8. Commercial recreational facilities such as stadiums, amphitheaters, race-tracks or similar facilities for conducting sporting events, concerts, performance and similar outdoor events.	Parking areas, administrative and maintenance structures. Solar Energy Conversion Systems.
9. Large Wind Energy Conversion Systems, subject to the requirements of Article XXVI.	Parking areas and structures directly related to the operation of the facility.

**Section 16.03 Development Plan Required**

In addition to the material required for the application for a zoning amendment, as specified in Article IV of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the CF District. Such development plan shall include a site plan for the proposed public facility, calculations of the proposed traffic by daily and peak hour components, consideration of facility's impact on any adjacent residential area, as well as any other information deemed necessary to determine compliance with this Ordinance.

The Development Plan shall be reviewed by the Planning and Zoning Board and considered in making its recommendations to Village Council. The Planning and Zoning Board shall display the Development Plan at any public hearing held pursuant to Article IV of this Ordinance. Criteria for reviewing a Development Plan for a community facility are as follows:

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

**Section 16.04 Action by Village Council**

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

## **Section 16.05 Development Standards**

### **A. Lot and Area Requirements**

The area or parcel of land for a community facility shall not be less than that required to provide a site adequate for principal and accessory buildings, off-street parking areas, yards and opens spaces, sufficient to maintain the character of the neighborhoods. The size of the parcel of land occupied by the proposed community facility shall be shown on the Development Plan required in Section 16.03.

### **B. Front Yard**

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

### **C. Side and Rear Yard**

The size of the required size and rear yard shall be determined by the scale and size of the proposed facility. Where any community facility abuts a district where residences are a permitted use, a side and a rear yard of not less than fifty (50) feet shall be maintained. In addition, a landscaped buffer as required in Section 24.04A shall be installed in such yard. Such buffer shall be shown in the Development Plan required in Section 16.03.

## **Section 16.06 Compliance with Development Plan**

The construction of all buildings and the development of the site within the CF District shall be in conformity and compliance with the approved Development Plan.

## **ARTICLE XVII**

### **(LI) LIMITED INDUSTRIAL DISTRICT**

#### **Section 17.01 Purpose**

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

- A. Entirely enclosed primary structures.
- B. Free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- C. Without imposing unusual burdens upon utility or governmental services.

#### **Section 17.02 Permitted Uses**

- A. Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the LI District.
- B. Warehousing, distribution and related uses, including truck and transfer terminals.
- C. Administrative, professional and business offices associated with and incidental to another permitted use.
- D. Essential services.
- E. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions of Section 9.02.05 of this Ordinance, and the purpose of the LI District.

#### **Section 17.03 Conditional Uses**

- A. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- B. Large Wind Energy Conversion Systems, subject to the requirements in Article XXVI of this Ordinance.
- C. Telecommunication Towers, subject to the requirements in Article XXVII of this ordinance.

#### **Section 17.04 Accessory Uses**

- A. Small or large satellite dish antennas provided such device is for the sole use by the occupants of the principal use of the property on which the device is located and complies with the provisions of Section 25.05 of this Ordinance.
- B. Attached Telecommunication Towers, provided the attached structure does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and complies with all applicable federal regulations.
- C. Accessory Wind Energy Conversion Systems, subject to Article XXVI.
- D. Small Wind Energy Conversion Systems, subject to Article XXVI.
- E. Ground and Roof Mounted Solar Energy Conversion Systems, subject to the requirements in Article XXVIII of this ordinance.

#### **Section 17.05 Development Standards**

- 17.05.01 Minimum Lot Area

No minimum lot size is required; however, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 100 feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other zoning district.

17.05.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and distances in accordance with the provisions set forth in Section 17.05.01 of this Ordinance.

17.05.03 Side Yards

Minimum side yards shall be required so as to meet the requirements of Section 17.05.01 of this Ordinance.

17.05.04 Front Yard Depth

A minimum of Twenty-Five (25) feet, exclusive of any parking.

17.05.05 Minimum Rear Yard Depth

Minimum rear yard depth shall be required so as to meet the requirements of Section 17.05.01 of this Ordinance.

17.05.06 Height

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

17.05.07 Maximum Lot Coverage

Buildings, parking areas, and other impervious surfaces shall consist of no more than seventy-five percent (75%) of the total lot area.

17.05.08 Landscaping

If side or rear yards are located adjacent to any district where residences are a permitted use, landscaping and screening shall be required on the perimeter of those yards in accordance with Section 24.04A.

17.05.09 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them in accordance with Section 24.04B.

## **ARTICLE XVIII**

### **(PUD) PLANNED UNIT DEVELOPMENT DISTRICT**

#### **Section 18.01 Purpose**

The purpose of the PUD, Planned Unit Development District, is to create flexible design criteria that may not be included within traditional zoning districts. It is further the purpose of the PUD District to encourage a more efficient land-use pattern by reducing the amount of public infrastructure, creating usable open space, preserving existing natural features and providing for a variety of building styles, types, and uses through the use of mixed – use, cluster, or alternative land designs.

#### **Section 18.02 Conflict**

Wherever there is a conflict or difference between Article XVIII and those other Articles within the Village of Carroll Zoning Code, the provisions of Article XVIII shall prevail for the development of land within the PUD district. Subjects not addressed within Article XVIII shall be governed by the respective provisions found elsewhere in this zoning code.

#### **Section 18.03 Development Plan Required**

Planned Unit Development (PUD) Districts shall be approved as a district on the zoning map in accordance with the procedures set forth in Article IV. It is the intent of this Section 18.03 to incorporate the review and approval of a development plan with the amendment process. In addition to the items required in Section 4.03, the applicant shall submit a written statement from the property owners setting forth the reasons why, in the applicant's opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these Planned Unit Development standards. The application shall also be accompanied by a development plan for the entire tract to be rezoned drawn to scale showing:

- A. Layout of proposed lots and building setback lines, indicating dwelling unit types and the total number of dwelling units proposed in the development plan.
- B. Layout, dimensions, and names of existing and proposed streets and rights-of-way.
- C. Existing topography at two (2) – foot or five (5) – foot intervals.
- D. Location, type, and size of commercial uses.
- E. Utility easements.
- F. Any existing features on the tract of land to be rezoned to PUD, including, but not limited to existing water bodies, buildings, utilities, rights-of-way or streets, wetlands, parks, wooded areas, and other significant topographic or natural features.
- G. Proposed parks, community spaces, and open spaces and any proposed amenities included within these areas.
- H. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
- I. Any proposed landscaping.
- J. Any proposed signage.

- K. The proposed schedule of site development.
- L. Name, address(es), and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the development plan.

**Section 18.04 Development Plan Review**

- A. The development plan shall be made available for viewing at the public hearings required in the rezoning process. Prior to the Planning and Zoning Board making its recommendation to the Village Council, the Board shall determine if the facts submitted with the application/development plan and presented establish that:
  - 1. The site has been designed in the most efficient manner possible.
  - 2. The proposed roads will be able to carry the traffic generated by the development.
  - 3. The proposed development will not be detrimental to the existing road networks outside of the proposed district.
  - 4. The land has been designed in a manner that protects existing critical resources and creates new, usable open space.
- B. The ordinance passed by the Village Council approving the rezoning application shall incorporate the development plan, including any conditions that may be imposed by the Village Council. Any violation of such conditions when made part of the terms under which the development plan is approved, shall be deemed a violation of this Code and subject to the provisions of Section 3.11.04.

**Section 18.05 Permitted Uses**

Single – family; multi – family; commercial including retail uses, neighborhood commercial uses, and personal services; public and semi – public uses, open space, recreational uses, and accessory structures shall be permitted within the PUD district, provided that the proposed locations of commercial uses do not adversely impact adjacent property or the public health and safety, and that the location of commercial uses are limited to the specific locations approved by the Village Council on the development plan required in Section 18.03.

**Section 18.06 Minimum Project Area and Ownership**

No tract of land shall be rezoned to the PUD district unless it is a minimum of twenty (20) acres and is under joint or common ownership or control of the applicant at the time the application is made for a PUD district. A development plan approved under the procedures of Section 18.04 shall be binding upon the applicant(s), successors, and assigns.

**Section 18.07 Development Standards**

The following standards shall apply to development within the PUD district in addition to any requirements included in an approved development plan.

18.07.01 Arrangement of Areas

The location and arrangement of various densities within the PUD shall be distributed so that the more intense uses are balanced with open space and less intense uses. Less intense uses and open spaces should be placed around critical resource area, such as existing water bodies, drainage patterns, wetlands, wooded areas, etc.

#### 18.07.02 Open Space

A minimum of twenty (20) percent of the gross acreage of the tract of land shall be set aside as common open space. Yard space on individual lots shall not count towards the open space requirements. Open space shall be placed within a reserve or protected by deed, easements, or covenants. Open space shall be maintained by a Homeowners' or Property Owners' Association for the development, unless other arrangements for maintenance are made with the Village Council during the rezoning process.

#### 18.07.03 Lot Area

No minimum lot area shall be required for an individual unit.

#### 18.07.04 Setbacks

Minimum front, side and rear setbacks for individual lots within the PUD shall be determined by the approved development plan.

#### 18.07.05 Height

No structure within a PUD shall exceed thirty – five (35) feet in height.

#### 18.07.06 Utilities

Potable water and adequate sewage facilities shall be provided to accommodate the development.

#### 18.07.07 Signs

Only those signs approved within the development plan shall be permitted within the PUD, except for temporary signs, which shall be regulated by Sections 23.04E and 23.05F.

#### 18.07.08 Parking

Parking, unless otherwise approved with a development plan, shall be provided in accordance with Article XXII.

#### 18.07.09 Landscaping

The Village Council, upon recommendation from the Planning and Zoning Board, may require landscaping for non single – family developments within the PUD. The required landscaping shall be as approved by the development plan.

#### 18.07.10 Alleys

The Village Council, upon recommendation from the Planning and Zoning Board, may require alleys along the rear lot lines, if the PUD is proposed near the village center. Such alleys shall have a minimum right-of-way of thirty (30) feet and be publicly dedicated. The developer/builder shall be required to construct the alley, which shall be a minimum of 12 feet

in width and shall be constructed with a minimum of 6 ½” of asphalt concrete base course (ODOT Item 302) and 1 ½” of asphalt concrete surface course (ODOT Item 448). ODOT Item 407 – Tack Coat, Bituminous Material, 702.02 RC-70, RC 250 or 702.04 RS-1, RS-2, or MS-2 shall be applied at a rate of 0.1 gallons per square yard between the base and surface courses.

**Section 18.08 Zoning Permit**

The Zoning Administrator shall not issue a zoning permit for any structure within any portion of the PUD, unless such structures comply with all requirements of the approved development plan.

**Section 18.09 Modifications to an Approved Development Plan**

The Village Council may approve minor modifications to an approved development plan without a public hearing. If substantial modifications are proposed, such as a change in use, density, open space, layout of roads, access points, etc., the Village Council shall require the modification to be considered through the public hearing process followed in the original application for rezoning.

**Section 18.10 Expiration**

If construction has not commenced within two (2) years of development plan approval, the development plan shall be void and a new development plan shall be approved through the process followed in the original application for rezoning, unless an extension is granted by the Village Council.



**ARTICLE XIX**

**(COD) CORRIDOR OVERLAY DISTRICT**

**Section 19.01 Purpose**

The purpose of the Corridor Overlay District is to provide additional standards for development within the U.S. 33 Bypass Corridor. It is further the purpose of these standards to promote safety, encourage quality, orderly development and promote the goals of the U.S. 33 Bypass Corridor Development Plan and the U.S. 33 Bypass Corridor Design and Development Manual adopted by the Fairfield County Regional Planning Commission. This overlay district will create consistent standards along the bypass, which traverses multiple jurisdictions and will help to achieve Scenic Byway status along the bypass, a major goal within the U.S. 33 Bypass Corridor Development Plan. It is further the intent of this district to provide consistent development standards for those parcels within the Village of Carroll that abut the existing U.S. 33.

**Section 19.02 Applicability**

The uses listed in the underlying zoning shall apply. The development standards of the more restrictive district (either the underlying or the overlay zone) shall apply, unless otherwise noted below. The standards within this overlay district shall apply to all new development within the U.S. 33 Bypass Corridor as depicted on the official Village of Carroll zoning map, unless otherwise exempted below.

Existing development, as of the effective date of this overlay district, and any expansion thereof, shall be exempt from the standards within this overlay district. Future single – family residential lots, not part of a major subdivision, shall also be exempt from the standards within this overlay. These regulations shall apply to new major subdivisions, but single – family residential units within the development shall be exempt from Sections 19.04 – 19.12. For the purpose of this section, a major subdivision shall include any subdivision of land that involves five or more lots or the opening, widening, or extension of streets.

The Village of Carroll Zoning Map shows the Corridor Overlay District outside of the village boundaries. As this land is annexed into the village, land within this boundary shall automatically be included in the Corridor Overlay District.

**Section 19.03 Dimensional Requirements**

19.03.01 Minimum Lot Area

The minimum lot area shall comply with the requirements of the underlying zoning district.

19.03.02 Minimum Lot Frontage

The minimum lot frontage shall comply with the requirements of the underlying zoning district.

19.03.03 Maximum Height

The maximum height of a structure shall be 45 feet, unless further restricted by underlying zoning.

#### 19.03.04 Setback Requirements

All structures shall be set back a minimum of 50 feet from any public right-of-way, unless otherwise restricted below. All parking areas shall be set back a minimum of 40 feet from any public right-of-way. All residential structures shall be set back a minimum of 100 feet from the U.S. 33 Bypass right-of-way.

#### 19.03.05 Building Orientation

Buildings and pavement areas should be located to avoid any critical resource areas, as identified in the *Fairfield County Development Strategy and Land Use Plan, U.S. Route 33 Bypass Corridor Development Plan*, or any other locally adopted land use or comprehensive plans. Buildings and parking areas should be clustered so that the green space from adjacent parcels can be combined to create a larger mass of green area.

### **Section 19.04 Open Space and Maximum Lot Coverage Requirements**

In order to preserve the rural character and natural environment in the corridor, the following open space and maximum lot coverage requirements have been established.

#### 19.04.01 Open Space Requirements

The following standards shall apply to all major residential subdivisions and all new multi-family residential developments, unless developed as part of Planned Unit Development District. Yard space for individual single – family residential lots and the area for detention ponds shall not be utilized in calculating open space. The area for retention ponds may be utilized in calculating open space.

- A. A minimum of 15 percent of the gross developable acreage shall be permanently set aside as open space in all new major residential subdivisions.
- B. A minimum of 20 percent of the gross developable acreage shall be permanently set aside as open space in all new multi – family residential subdivisions over 5 acres.

#### 19.04.02 Maximum Lot Coverage Requirements

The following maximum lot coverage requirements shall apply to all commercial, industrial, office and other non – residential developments.

- A. Structures, parking and service areas, pedestrian areas, and other impervious areas shall not cover more than 75 percent of the total lot area.

### **Section 19.05 Site Drainage**

To preserve existing perennial streams and drainage corridors, to help maintain the rural aesthetics of the corridor, and to minimize the impact on existing and natural drainage systems, the following standards shall apply in addition to any Ohio EPA, Army Corps of Engineers, or other local, state and federal regulations.

#### 19.05.01 Preservation of Existing Streams

- A. All perennial streams shall be protected by a 100 – foot vegetated buffer (50 feet on each side measured from the centerline of the stream).

- B. All intermittent streams shall be protected by a 50 – foot vegetated buffer (25 feet along each side measured from the centerline of the stream).
- C. These buffers shall include the 100 – year flood plain, which may require the buffer to be larger than specified above.
- D. These vegetated buffers must include native tree and shrub species.
- E. These buffers may be considered a part of the required open space specified in Section 19.04.01.

19.05.02 Storm Drainage Requirements

All storm drainage plans for development of 5 acres or more within the corridor shall comply with the following requirements and shall be reviewed and approved by the Fairfield County Engineer.

- A. Development within the Corridor Overlay District shall provide an adequate outlet for storm water as determined by the County Engineer. Generally, it will be necessary to pipe storm water to an adequate drainage ditch, stream, or an existing storm system which has the capacity to accommodate the flow, or to utilize acceptable onsite water retention methods adequate to preclude unacceptable off – site increases.
- B. Storm drainage systems for land being developed or improved shall be designed so that the peak rate of storm water runoff after development does not exceed the peak rate of runoff before development, for all storms, from the critical storm up to a one hundred (100) year frequency – twenty – four (24) hour storm, and does not exceed the peak rate of runoff for a one year storm before development of the land for a one year storm through the critical storm.
  - 1. The critical storm shall be determined by determining the volume of runoff from a one year storm occurring over the area before and after development. Then determine the percent of increase in volume due to development and using this percentage, determine the critical storm from the following table:

If the percent of increase  
in volume runoff is:

equal to or greater <u>than</u>	and less <u>than</u>	The critical storm for <u>discharge limitation will be:</u>
10	20	2 years
20	50	5 years
50	100	10 years
100	250	25 years
250	500	50 years
500	-	100 years

- 2. Storage volume does not have to be provided for off – site upstream runoff. Flow from such areas will be routed through the development’s drainage system at a rate determined in the same manner as the on – site system. Off – site land uses and the associated drainage systems prevailing at the time of development shall be considered as the pre – development condition for the purpose of calculating the flows to be routed through the development.

3. A development shall be exempt from the above standards when it is determined by the County Engineer that the release of peak flows caused by the development will not adversely affect the downstream drainage system. This will be determined from the information supplied for the development and other available information, such as history of drainage for the area, and the Soil Conservation Services reports and data.

### **Section 19.06 Architectural Requirements**

In order to preserve the rural character of the corridor, any façade facing a public right – of – way on any new non – single family residential structure shall include at least three of the following elements: stone, brick and/or timber; board and batten; clapboard siding; stone foundation; textured concrete block foundation; pitched roofs (minimum 3:1 slope); roof dormers; metal seamed roofs; roof slates; awnings, shutters and cupolas. For industrial buildings, pre-cast concrete panels, architectural accent features, glass (if more than 50 percent of the façade) and parapet walls shall also count toward the three element minimum.

Building colors shall be limited to muted earth tones to blend with the surrounding landscape. White shall not be the dominant color on any building.

The requirements within Section 19.06 shall not apply to structures located within a planned unit development (PUD) where the Village Council has approved specific architectural requirements for the development within the PUD. If no architectural standards are established by the PUD, then the architectural requirements within the Corridor Overlay District shall apply.

### **Section 19.07 Parking and Loading Dock Requirements**

Parking and loading docks shall be required in accordance with Article XXII. Parking lots shall be constructed so as to provide dust – free surfaces (i.e. concrete, asphalt, etc.). Gravel parking shall be prohibited. In addition, loading docks should be oriented away from the bypass right-of-way, where feasible. All loading docks must be screened in accordance with Section 19.09.06.

### **Section 19.08 Parcel Access**

There shall be no less than 250 feet between access points, unless stricter requirements are adopted by access management standards for the Village of Carroll or the Ohio Department of Transportation. When spacing requirements cannot be met, shared driveways may be required.

### **Section 19.09 Landscaping Requirements**

#### 19.09.01 Preservation

Any tree over 12” in caliper (measured at 24” above ground) that is removed from the site for construction shall be replaced by one 2.5” caliper tree. Any tree removed from the proposed building pad area does not have to be replaced. For purposes of this section, the building pad shall include the area where buildings, accessory structures, loading/unloading areas, off – street parking areas and maneuvering lanes will be located. Any tree identified by a registered landscape architect or certified arborist as dead, dying, or unhealthy, does not have to be replaced.

#### 19.09.02 Perimeter Landscaping

- A. A hedge row shall be established along the perimeter of parking lots located adjacent to public rights – of – way. The hedge row shall include 3 shade trees,

4 under story trees, and 25 woodland shrubs as defined in Article XXIX per 100 feet of parking located adjacent to a public right – of – way. Landscaping shall be placed in a manner that does not conflict with safe sight distance at corners and intersections.

- B. Properties having more than 300 feet of parking along the right-of-way may utilize a 3 or 4 foot tall rail horse or split rail fence in lieu of the hedge row. If a fence is utilized, 3 shade trees and 4 under story trees as defined by Article XXIX shall be required for every 100 feet of parking located adjacent to the public right – of – way. These trees should be grouped throughout the setback area.

#### 19.09.03 Interior Landscaping

- A. Any surface parking with more than 20 parking spaces or over 6,000 square feet in area shall provide at least 5 percent of the parking lot as green space.
- B. A peninsula shall be no less than 144 square feet (8' X 18'), whereas an island shall be no less than 288 square feet (8' X 36'). Both shall have a minimum width of 8 feet. Fewer but larger islands are encouraged. One tree shall be planted for every 144 square feet of green space required in the parking lot.
- C. Tree canopies shall be maintained at 6 feet above the ground plane and shall be landscaped with hardwood mulch, shrubs, or groundcover not to exceed two feet in height.

#### 19.09.04 Bypass Screening

For all new development that fronts U.S. 33 or the U.S. 33 Bypass, a visual screen along the right-of-way shall be created by establishing a natural buffer. The buffer shall be a minimum of 40 feet in width and must start within 20 feet of the U.S. 33 or the bypass right – of – way. When the development is at similar elevation or higher than the U.S. 33 or the bypass, the buffer shall include 5 shade trees, 6 under story trees, and 25 woodland shrubs as defined in Article XXIX for every 100 lineal feet of property. When the development site is below the elevation of U.S. 33 or the bypass, the buffer shall include 6 shade trees and 10 under story trees as defined in Article XXIX for every 100 lineal feet of property. Preservation of existing trees within this buffer is also encouraged.

#### 19.09.05 Screening between uses.

A natural buffer along property lines shall be established when there is a change in zoning classification. The buffer shall include 5 shade trees, 6 under story trees, and 25 woodland shrubs as defined in Article XXIX for every 100 lineal feet of property. All plantings should be informally arranged to replicate a natural fence row.

#### 19.09.06 Loading Docks and Outdoor Service Facilities

Loading docks and outdoor service facilities shall be buffered along the entire lot line, if adjacent to a public right – of – way. Landscaping, walls, or a combination thereof, may be placed between the loading dock/outdoor service facility and the right – of – way to create this buffer. Walls shall be constructed of the same materials used on the building walls and shall be between four and six feet in height.

If landscaping material is utilized to screen the loading docks or outdoor service facilities along the bypass right – of – way, the plant material required in 19.09.04 shall be increased by 50 percent. If landscaping material is utilized to screen loading docks along any other right – of –

– way, then 5 shade trees, 6 under story trees, and 25 woodland shrubs as defined in Article XXIX for every 100 lineal feet of lot frontage shall be utilized to create this buffer.

### **Section 19.10 Sign Requirements**

#### 19.10.01 Sign type, size, height, and setback requirements.

The number, types, size, height, and setback requirements for signs within the Corridor Development District shall be as required in Section 23.09.

#### 19.10.02 Prohibited Signs

Off-premise signs, including billboards, signs with flashing lights, roof signs, rotating or animated signs, changeable copy signs, and gas inflatable signs shall be prohibited within the Corridor Overlay District.

#### 19.10.03 Gasoline stations

Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those hereinabove authorized. Such signs shall be limited to the following:

- A. One non – illuminated, double faced sign not exceeding five square feet on a side is permitted for each set of motor fuel pumps identifying “self service” or “full service.”
- B. Price and grade information can be displayed only on the permitted sign, in manually changeable copy. Changeable copy for these purposes shall not include liquid crystal display (LCD), light emitting diodes (LED), or other similar electro/mechanical displays. This is the only circumstance in which changeable copy may be used.
- C. Signs limited to the identification of brand name, logo, or type of fuel sold and other signs as may be required by law shall be permitted on the motor fuel pumps. Fuel pumps shall not be illuminated. No signs projecting above the pumps may be permitted, except as required by law.
- D. Any other such signs as may be required by law.

#### 19.10.04 Joint Identification Signs.

One joint identification free standing sign per development entrance may be authorized to identify a complex or mix of uses as opposed to a single use, provided that such identification sign shall not exceed the following requirements: one (100) square feet in sign area, a maximum of twenty (20) feet in height, and a minimum setback of thirty (30) feet from all public right(s) – of – way. Such signs may list individual uses within the development or may serve only as a means of identification of the overall center of development. If the joint identification sign lists individual uses within the development, then no other ground signs shall be permitted within the development. Wall signs, however, shall be permitted in accordance with the underlying zoning requirements. If the joint identification sign serves only as a means of identification of the overall center of development, then ground and wall signs shall be permitted in accordance with the underlying zoning requirements.

#### 19.10.05 Directional and Suit Identification Signs

Directional and suit identification signs not to exceed two (2) square feet in area shall be permitted.

### **Section 19.11 Development Plan Required**

To ensure compliance with the Corridor Overlay District a development plan shall be submitted and approved prior to issuance of a zoning permit by the zoning inspector. In lieu of the zoning inspector's review, the village may require the site plan to be reviewed by the Fairfield County Regional Planning Commission or an outside consulting firm retained to review such plans for approval prior to the zoning inspector issuing a zoning permit. The development plan must include all information required in Section 19.12.

### **Section 19.12 Development Plan Requirements**

Development plans are required for the development within the Corridor Overlay District to ensure compliance with additional development standards for those districts. These additional development standards have been established to maintain the rural character of the area and to ensure orderly development that respects the natural environment. The plan shall be drawn to scale and shall contain the following information:

- A. All property lines of the lot in question as well as adjacent lots.
- B. The owners, zoning and present use of adjoining land.
- C. Location, names and dimensions of proposed and existing streets, buildings, easements and drainageways.
- D. Location, type and size of vehicular ingress and egress to the site.
- E. Location, type, size and height of all fencing, screening, and buffering required for each district.
- F. Existing topography within a maximum two (2) foot contour intervals and proposed finish grading by contour.
- G. All off – street parking and parking bays, loading spaces and walkways indicating type of structures.
- H. The location of trash containers, mechanical equipment and loading docks and the type of screening proposed.
- I. A landscaping and lighting plan.
- J. A tree survey, prepared by a registered landscape architect or certified arborist, classifying all trees on a site by size and health condition.
- K. For development of five (5) acres or more, a storm drainage plan that includes total watersheds entering and on the property with flow (cfs.), velocity, and volume furnished for all drainage ways; proposed drainage facilities with sufficient data furnished to establish that the facility will handle the runoff; all drainage calculations; all affected agricultural drainage, whether it be surface or subsurface; and revised topographical data shall be furnished to clearly indicate all new drainage patterns.
- L. Location and type of all signs.

- M. Building materials and elevations.
- N. Approval from the appropriate agency (i.e. ODOT) for access points shall be provided.
- O. Such other information required by the village.

**Section 19.13 Development Plan Approval**

The development plan shall be reviewed and approved as a condition for the issuance of a zoning permit. The development plan shall be approved if the following criteria have been met:

- A. The proposed uses conform to the applicable zoning district.
- B. The proposed plans comply with the applicable development standards.
- C. The plans promote the goals of the U.S. 33 Bypass Corridor Development Plan.
- D. The development will not create adverse impacts on the surrounding area.



## **Article XX**

### **Sexually Oriented Business Regulations**

#### **Section 20.01 Purpose**

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented business within the village. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

It is recognized that sexually oriented businesses, due to their nature have serious objectionable operational characteristics particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent areas.

The Village of Carroll desires to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of urban blight, protect the citizens from increase crime, preserve the quality of life, and protect the health, safety, and welfare of the citizenry.

Terms used throughout this section are defined in Article XXIX (Definitions).

#### **Section 20.02 Permitted Locations**

Sexually oriented businesses shall only be located in a general business district or commercial district as a conditional use. A sexually oriented business shall meet all the conditional use requirements imposed herein prior to beginning operation.

Specifically listed conditional uses are provided within these regulations in recognition that such uses, will more intensely affect the surrounding area in which they are located than the Principal Permitted Uses of such Zoning District.

#### **Section 20.03 Development Standards**

The Board of Zoning Appeals shall issue a conditional use permit only if it finds in each particular instant that:

20.03.01 The proposed sexually oriented business is located more than 1,000 feet from:

1. A church;
2. A public or private elementary or secondary school

3. Boundary of a residential district as established by the Village Council
4. Public park adjacent to a residential district as established by the Village Council
5. The lot line of lot devoted to residential use;
6. From an already existing sexually oriented business or one that has received a conditional use permit;
7. From any structure that contains a residence.

20.03.02

The proposed use meets all other requirements of this zoning ordinance.

**ARTICLE XXI**

**GENERAL DEVELOPMENT STANDARDS**

**Section 21.01 Lot Width**

A. Frontage Required

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

B. Lot Width

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

**Section 21.02 Front Yards**

A. Front Yard Requirements

All front yard space shall be maintained in a neat and orderly state.

B. Front Yard Measurements

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

C. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets.

**Section 21.03 Side Yards**

A. Measurement

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

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of four (4) feet is maintained to any adjoining lot line.

C. Architectural Features

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

#### **Section 21.04 Rear Yards**

A. Measurement

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

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXV of this Ordinance.

#### **Section 21.05 Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to a structure. Furthermore, Wind Energy Conversion Systems and Telecommunication Towers may exceed the height requirements of the applicable zoning district, provided such structures do not exceed the height requirements in Articles XXVI and XXVII as applicable.

#### **Section 21.06 Minimum Floor Area Requirements**

No single family residential dwelling shall have a gross floor area of less than 900 square feet, exclusive of open porches, garages, or steps. No multiple family dwelling shall have a gross floor area of less than 600 square feet for each family. This standard applies to all dwellings except those located in the Rural Residential zoning district. If a single family dwelling is located in the Rural Residential district, it shall not have a gross floor area of less than 1250 square feet.

#### **Section 21.07 Site Lighting**

All lighting within non – single family development shall comply with the following requirements:

21.07.01 General Lighting Standards

- A. Light fixtures shall be dark in color (black, bronze, dark green) or shall be a color that compliments the building and blends with the landscape.
- B. All lighting fixtures, which are meant for the same purpose within a given development, must be from the same or similar manufacturer's type.
- C. Uplighting may be used to illuminate a unique architectural feature or a special landscape element. All uplights must be screened with landscaping.

#### **Section 21.08 Development within Floodplain**

Any development proposed within a Federal Emergency Management Agency (FEMA) floodplain/floodway shall comply with the Village of Carroll Special Purpose Flood Damage Reduction Ordinance.

**ARTICLE XXII**

**OFF-STREET PARKING REQUIREMENTS**

**Section 22.01 Purpose**

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

**Section 22.02 Provision for Parking Required**

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

**Section 22.03 General Requirements**

A. Access

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

B. Surfacing

All off-street parking areas shall be properly graded, drained, marked and surfaced so as to provide a hard, durable and dustless surface.

C. Dimensional Requirements

All off – street parking spaces for non – single or two – family dwelling units shall be a minimum on nine (9) feet in width and eighteen (18) feet in length. Drive aisles shall be a minimum of twenty – four (24) feet in width.

C. Lighting

1. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.
2. Parking lot lighting for all non-single or two – family dwelling uses shall also comply with the following requirements:
  - a. Parking lot lights shall be of a cut – off fixture and shall be no more than 28 feet in height.
  - b. Parking lot lights must be placed within the landscape island or on a 36” high pole base to protect both lights and vehicles from possible damage.

- c. Parking lot lighting shall also comply with the general lighting standards in Section 21.07.01.

D. Location of Parking Spaces

1. Proximity to Street Right-of-Way

- a. In all districts, a five (5) foot clear zone shall be maintained between the street right-of-way line, and any vehicle. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle (or portion thereof) over the clear zone. The location of parking lots within the Corridor Overlay District may be further restricted by Section 19.03.04.

2. Proximity to Use

- a. In the VC District, required parking and loading spaces shall be provided either on the same lot, or within 200 feet of the principal use which they serve.
- b. In all other Districts, required parking and loading spaces shall be provided on the same lot as the principal use which they serve.

E. Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided those facilities are located so as to meet the requirements of Section 22.03D, and the number of spaces so provided shall not be less than the sum of required spaces as per Section 22.04 of this Ordinance.

F. Parking Limitations in Residential Districts

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment and/or inoperable vehicles shall not be parked on streets or alleys in any district where residences are a permitted use, for a period of time exceeding eight (8) hours. The storage of such equipment shall be subject to the following requirements:

- 1. Not more than two (2) pieces of recreational equipment, not more than one which can be a motor home, shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
- 2. Recreational equipment shall not be occupied or used for living, sleeping and/or housekeeping for a period of time exceeding two (2) weeks.

G. Provision of Parking in the VC District

The Village Center District contains small lots and is served by on-street parking. For these reasons, special regulations are justified in

this district. For non-residential uses located within the VC District, only thirty percent (30%) of the required spaces as specified in Section 22.04 must be provided, provided that in all cases, sufficient off-street spaces shall be provided for all employees of the establishment.

**Section 22.04 Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following Schedule which is hereby made a part of this Ordinance.

**Section 22.04**

**REQUIRED NUMBER OF OFF – STREET PARKING SPACES**

Use	Number of Parking Spaces	Use	Number of Parking Spaces
A. Residential			
1. Single or Multi-Family Residences	Two (2) per dwelling unit	4. Personal Services, including banks, savings and loans, repair services without drive - through facilities.	One (1) for each 200 square feet of gross floor area.
2. Institutional housing	One (1) per three (3) occupants plus one (1) for each main work Shift	5. Banks, savings and loans and similar uses with drive – through facilities	One (1) for each 200 square feet of gross floor area plus additional spaces in all drive-through lanes equal to 80 percent (80%) of the required number of parking spaces.
B. Recreational		6. Barber and beauty shops	Two (2) for each work station.
1. Softball, baseball, football, soccer or similar organized sports playfield	20 for each playfield, plus one (1) for each six (6) seats in stands	7. Gasoline and service stations, automobile services	Two (2) for each service bay plus one (1) for each two (2) gasoline dispensing units, plus one (1) for each employee during main shift.
2. Tennis, handball, or racketball courts	Three (3) for each court	8. Self – service laundries	One (1) for each three (3) washers
3. Bowling Alleys	Five (5) per lane plus necessary spaces as required for affiliated uses, such as restaurants.	9. Hotels, beds and breakfast establishments	One (1) for each sleeping room or suite, plus one (1) for each employee during main shift.
4. Theaters, stadium or sports arenas, auditoriums or other assembly halls other than schools	One (1) for each four (4) seats	10. Funeral Homes	One (1) for each 50 square feet of gross floor area.
C. Institutional		11. Medical or dental offices; animal hospitals/ clinics	Five (5) for each doctor or dentist.
1. Churches and other places of public worship.	One (1) for each five (5) seats in main Auditorium	12. Professional, administrative and business offices.	One (1) for each 400 square feet of Gross floor area.
2. Public or private high school	Five (5) for each classroom or one (1) for each five (5) seats in main auditorium whichever is greater.	E. Industrial	
3. Public or private elementary school	Two (2) per classroom	1. Manufacturing, compounding, processing, assembling, packaging or treating of goods; warehousing, distribution and service industries	Two (2) for each three (3) employees during work shift employees, plus (1) for each vehicle maintained on the premises.
4. Nursery School/Day Care	One (1) for each 15 students of proposed capacity		
5. Libraries, museums, community centers	One (1) for each three (3) persons allowed under maximum occupancy of main meeting room.		
6. Civic, social, fraternal organizations	One (1) for each three (3) persons allowed under maximum occupancy of main meeting room.		
7. Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift.		
D. Commercial			
1. Grocery, department or general merchandise, hardware, drugs, and other retail sales, including retail centers with multiple retail uses	One (1) for each 200 square feet of gross floor area		
2. Eating and drinking establishments without drive through facilities.	One (1) for each 100 square feet of gross floor area		
3. Restaurants with drive – through facilities	One (1) for each 75 square feet of gross floor area, plus additional spaces in the drive – through lanes equal to 25 percent (25%) of the required number of parking spaces.		

1. If a use consists of more than one component, e.g. church with a daycare/school or a hospital with medical offices, the required number of spaces shall be the sum of those required for each component use. This does not include retail centers with multiple commercial uses. Parking for retail centers shall be calculated on the total square footage of the center and the required number of parking spaces listed in D1 above.
2. For uses not listed, the determination of the required spaces shall be made by the Planning and Zoning Board.



## **ARTICLE XXIII**

### **SIGNS**

#### **Section 23.01 Purpose**

The purpose of these sign regulations is to encourage the proper development and regulation of signs and signage systems within the Village of Carroll. It is the intent of these regulations to prevent signs from becoming a distraction or obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from becoming a nuisance to adjacent properties or uses, to protect and encourage a healthful economic business environment in the community and thereby protect the general health, safety, and welfare of the community.

#### **Section 23.02 Definitions**

Definitions for terms used throughout this Articles, can be found in Article XXIX (Definitions).

#### **Section 23.03 Sign Permits**

##### **A. Permit Required**

No permanent or temporary sign, except as exempted in Section 23.04 of this Ordinance shall hereafter be erected, constructed or maintained within the Village of Carroll unless a permit for the same has been issued by the Zoning Inspector. Such permit shall be separate from a zoning permit.

##### **B. Contents of Application**

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. The fee shall be established by separate Ordinance.

Each application for a sign permit shall be made on forms provided by the Zoning Inspector, and shall include the following information:

1. Name, address, and telephone number of the applicant.
2. Drawing or drawings showing at a minimum:
  - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines, and symbols.
  - b. The method of illumination.
  - c. The exact location of the sign in relation to the building and property.
  - d. details and specifications for the construction, erection and attachment of the sign.

#### **Section 23.04 Signs Which Do Not Require a Permit**

The following signs may be erected without a permit:

- A. One sign plate face less than two (2) square feet in area that is affixed to the structure on the property. Such sign may only identify the address and occupant of the property.
- B. Signs which are in the nature of cornerstones, commemorative tables and historical signs provided that such signs are less than nine (9) square feet in size and not illuminated.
- C. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.
- E. Temporary signs that do not exceed sixteen (16) square feet in area or four (4) feet in height, provided such signs are not displayed more than 60 calendar days within any 180 day period. Such signs shall be prohibited within the right-of-way. Temporary signs that are seven (7) square feet in area or less and three (3) feet in height or less shall not be subject to the 60 day time limit.

#### **Section 23.05 General Requirements**

- A. Compliance Required

Signs shall be subject to the following requirements, as well as the requirements of the Schedule of Sign Regulations in Section 23.09.

- B. Wall Signs, Awning / Canopy Signs, Projecting Signs

Wall signs may be erected on any building wall or extension of a building wall which faces a street parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall comply with the location, height, and other requirements of this zoning code. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve (12) inches, except as follows:

- 1. Signs may be painted on an awning area or attached to a canopy, marquee or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.
- 2. Projecting signs not to exceed eight (8) square feet in size, is placed not less than eight (8) feet above the sidewalk or ground level, and projects no more than six (6) feet outward from the building face.

- C. Freestanding Signs

Freestanding signs may be erected on a lot provided the location, height and other characteristics of the sign meet the regulations of this Zoning Code.

- D. Window Signs

Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises, and its use. Window signs shall be

limited to one sign per window and shall not exceed thirty-three percent (33%) of the total area of the window.

E. Off-Premises Signs

Off – premise signs shall be prohibited within the Village of Carroll.

F. Temporary Signs

Unless otherwise exempted in Section 23.04 E, temporary signs shall be permitted provided a sign permit as referenced in Section 23.03A is obtained. A temporary sign shall not exceed eight (8) feet in height or thirty-two (32) square feet in area and shall not be displayed for more than sixty (60) days within any one hundred eighty (180) day period. Such temporary signs shall be prohibited within the right-of-way.

G. Roof Signs

Roof signs shall be prohibited.

H. Joint Identification Signs

Joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) property. If the property fronts on one (1) public street, only one joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Such joint identification signs shall be permitted in addition to the individual business signs as permitted in Section 23.09. Joint identification signs within the Corridor Overlay District shall comply with the requirements of Section 19.10.04.

I. Permanent Subdivision Identification Signs

Permanent signs identifying a residential subdivision shall be limited to wall mounted signs only, with placement on walls entrance columns or similar landscape features used to denote the entrance to the subdivision. There shall be no more than one subdivision identification sign per development entrance. Each sign shall not exceed eight (8) feet in height and twenty (20) square feet in area. Each sign shall be setback a minimum of 15 feet from the right – of – way.

J. General Requirements

1. Sign Lighting –

- a. Sign lighting shall be consistent, understated, and properly disguised. One of the following methods of lighting may be employed:
  - i. A white, steady, stationary light that does not glare onto surrounding areas, is directed solely at the sign, and is otherwise prevented from beaming directly onto adjacent properties or rights-of-way.
  - ii. A white interior light with primary and secondary images lit or silhouetted on an opaque background. The back ground must be opaque. No additional

background lighting or illuminated borders or outlines shall be permitted.

- b. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right – of – way or parking lot from which the sign can be viewed.
  - c. Light fixtures shall be screened from view by site grading or evergreen shrubs.
- 2. Animated Signs - Animated signs are prohibited.
  - 3. Pennants and/or Streamers - No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.
  - 4. Construction - All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.
  - 5. Location - No sign or part of any of a sign be placed in, over, or extend onto any public right-of-way, nor shall any part of a sign be placed over, or extend above the roof of any structure. Signs located in the VC District shall be exempt from this requirement.

#### **Section 23.06 Measurement of Sign**

For the purposes of this Ordinance, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
- B. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- C. The area of the letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.
- D. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

#### **Section 23.07 Nonconforming Signs**

- A Abandonment

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

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

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

**B. Relocation or Replacement**

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be existing illegally, and subject to the penalties as specified In Section 23.08 of this Ordinance.

**C. Maintenance**

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

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

**Section 23.08 Penalties**

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Section 3.11.04.

**Section 23.09 Schedule of Sign Regulations**

The Schedule of Sign Regulations as follows on the accompanying table is hereby made a part of this Ordinance.

**SECTION 23.09**

**SCHEDULE OF ON-PREMISES SIGN REGULATIONS**

District	Permitted Types	Maximum Number of Signs	Maximum Height (Ft.)	Maximum Sign Area (Sq. Ft.)	Minimum Feet from R.O.W. (Freestanding)	
RR, SR, VR, AR	Single and Two Family Dwellings	Wall	1	20	2	-
	Multi-Family Dwellings	Freestanding	1 per development entrance	10	30	15
	Permitted Non-residential Uses	Wall, Freestanding	1	25 (wall) 10 (freestanding)	30	15
VC	Single Family Dwellings	Wall	1	20	2	-
	Permitted Non-Residential Uses**	Wall, Window, Projecting, Awning	2 per frontage	20	40 (all signs)	15
GB†	All Permitted Uses	Wall, Window, Freestanding	2 per frontage (not more than one freestanding)	15 (freestanding) 25 (wall)	50 (all signs)	15
CF*	All Permitted Uses	Wall, Freestanding	1 per frontage	15 (freestanding) 25 (wall)	40	15
LI†	All Permitted Uses	Wall, Window, Freestanding	2 per frontage (not more than one freestanding)	25	80	30
PUD	All Permitted Uses	Per Approved Development Plan				

†In addition to the permitted signs above, businesses, offices and institutions in the GB and LI Districts shall be permitted not more than two (2) directional signs.

Such directional signs shall not be more than three (3) feet in height and be not more than two (2) square feet in area. The location of such signs shall not be less than five (5) feet from the street right-of-way.

\*Plans for signage must be submitted with the Development Plan; Planning and Zoning Board may impose additional requirements

\*\*Unless otherwise restricted by Section 14.05.08C

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## ARTICLE XXIV

### LANDSCAPING AS A BUFFER

#### Section 24.01 Purpose

The purpose of these landscaping requirements is to specifically encourage the preservation and replacement of major trees (trees that are over 12” in caliper measured at 24” above ground) removed in the course of land development, to promote the proper utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

#### Section 24.02 Undesirable Trees

The following species of trees shall be considered undesirable, and their use for landscaping purposes within the Village shall be discouraged. In no case shall these species be planted within twenty-five (25) feet from any water, sanitary or storm drainage sewer within the boundaries of the Village.

- A. Box-Elder (*Acer negundo*)
- B. Silver Maple (*Acer saccharinum*)
- C. Catalpa (*Catalpa speciosa*)
- D. Tulip Tree (*Liriodendrum tulipifera*)
- E. Mulberry (*Morus alba*)
- F. Poplars (all kinds) (*Populus*)
- G. Willows (all kinds) (*Salix*)
- H. Siberian Elm (*Ulmus pumila*)

#### Section 24.03 Tree Preservation

When preparing and reviewing site and development plans, good faith effort shall be made to preserve natural vegetation. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. Development within the U.S. 33 Bypass Corridor Overlay District shall comply with the tree preservation standards within Section 19.09.01.

#### Section 24.04 Landscape Screening

- A. Screening of Uses in Particular Districts

The development standards for particular districts require the installation of landscaped “buffer” areas of those side or rear yards that are adjacent to districts where single or two-family residences are permitted uses. When required, such screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least seven (7) feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage. When screening between uses is required in the Corridor Overlay District, the requirements of Section 19.09.05 shall apply.

- B. Screening of Trash Receptacles and Mechanical Equipment

Any external mechanical equipment including any rooftop equipment, ground mounted mechanical equipment, and trash containers shall be totally screened from view with materials that are similar to or the same as those used on a majority of the building. When a structure must be frequently moved, screening on all sides but one side shall be coordinated with the rest of the building’s architecture. As an option, such equipment may also be screened with landscaping of 100% opacity.

C. Maintenance of Shrubbery and Hedges

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

**Section 24.05 Landscape Materials Used as Buffers**

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

- A. Deciduous Trees - Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above the ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as cited below in 24.05C are prohibited.
- B. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
- C. In meeting the planting and maintenance requirements of this Article, the species of trees listed in Section 24.02 shall not be utilized.
- D. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.
- E. Grass or Ground Cover - Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion nets, or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of wood mulch, rocks, pebbles, or similar materials may be approved.
- F. The minimum requirements for landscaping material at installation (i.e. minimum height and minimum caliper requirements at installation) listed in this Section shall apply to the landscaping material planted within the Corridor Overlay District. However, the mature crown spread requirements and the type of landscape material (i.e. type of trees, shrubs, etc.) utilized within the Corridor Overlay District shall comply with the standards listed within the overlay district (Article XIX), unless otherwise restricted by Section 24.02.

**ARTICLE XXV  
ACCESSORY USES AND STRUCTURES**

**Section 25.01 General Provisions**

A. Height

An accessory use or structure shall not exceed eighteen (18) feet in height.

B. Location

An unattached use or structure shall be located to the rear of the principal dwelling structure within any side or rear yard no closer than eight (8) feet from any side or rear lot line in the RR or SR District, and four (4) feet in the VR, or VC District. In no case, shall a detached accessory structure be located closer than 5 feet from the primary structure.

C. Permitted Area

The total area of all accessory structures shall not exceed 720 square feet or 10 percent (10%) of the total lot area, whichever is smaller, except for swimming pools and tennis courts which shall be exempted from these area requirements. If 10 percent of the lot area is less than 580 square feet, then the lot shall be permitted to have one accessory structure up to 580 square feet in area.

**Section 25.02 Home Occupations**

Home occupations or professions shall be regulated as permitted or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than fifteen percent (15%) of dwelling unit floor area is devoted to the home occupation.
- B. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- C. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than two (2) square feet, attached flat against the principal structure.
- E. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- F. No home occupation shall be conducted from any accessory building on the lot.

In particular, a home occupation shall consist primarily of rendering specific personal services, such as those performed by a seamstress, member of the clergy, physician, dentist, lawyer, engineer, architect, accountant, artist, or private teacher. The home occupation shall be performed by the occupant of the premises and shall include employment of not more than one (1) non-resident of the premises.

**Section 25.03 Private Swimming Pools**

No such swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than fifteen (15) feet to any property line or structure.
- C. The area of the swimming pool, exclusive of decks, walks and other appurtenances, shall not exceed ten percent (10%) of the area of the lot or parcel.
- D. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable gate and lock.
- E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

A zoning permit shall be required for the construction or installation of any private swimming pool. The owner of the property, or his agent, shall certify that the pool will be constructed, installed and maintained in conformance with the above requirements.

#### **Section 25.04 Residential Fences and/or Hedges**

##### 25.04.01 Definition

All terms used throughout this section are defined in Article XXIX.

##### 25.04.02 Permit Required

No fence or wall, as defined Article XXIX, may be erected within the Village unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land.

##### 25.04.03 Height and Location

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

- A. A decorative fence or wall not exceeding 48 inches in height may be erected within the front yard provided that the fence or hedge is located not less than three (3) feet from the street right-of-way line, and further provided that the provisions of 25.04.03.C. are met.
- B. A fence or wall not exceeding 72 inches in height may be erected in any area of the lot behind the building setback line.
- C. No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a street intersection, within a twenty-five (25) feet clear sight distance along either street approaching said intersection.

#### 25.04.04 Prohibited Fences

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

### **Section 25.05 Dish-Type Satellite Signal Receiving Antennas**

#### 25.05.01 Compliance Required

The owner or occupant of any lot, premises, or parcel of land within the Village who desires to erect a large satellite dish antenna, as defined in Article XXIX, shall apply to the Zoning Inspector for a permit. On such application the owner or occupant shall certify that the requirements of this section are met. All small satellite dish antennas, as defined in Article XXIX, are exempt from the requirements contained within Section 25.05 and do not require a zoning permit.

#### 25.05.02 Location of Large Satellite Dish Antennas

- A. Large satellite dish antennas shall be permitted as an accessory use in those zoning districts where they are so specified.
- B. All large satellite dish antennas shall be constructed or erected to the rear of the premises.
- C. No large satellite dish antenna shall be erected within twenty (20) feet from any lot line.
- D. No large satellite dish antenna shall be erected on the roof of any building or structure. Public schools and police/fire stations shall be exempt from this requirement.
- E. No large satellite dish antenna shall be linked to receivers which are not located on the same lot or premises.
- F. Landscaping should be provided, or the large satellite dish antenna shall be located so as to effectively screen it from view of adjacent parcels.

#### 25.05.03 Size and Height

The maximum diameter of any large satellite dish antenna shall not exceed twelve (12) feet. The maximum installed height of any large satellite dish antenna shall not exceed fifteen (15) feet above natural grade level.

#### 25.05.04 Support Structures for Large Satellite Dish Antennas

- A. Only metal supports of galvanized construction, or equal thereto, shall be permitted.
- B. Only a concrete base or caissons, depending on soil conditions, shall be permitted.
- C. The installed satellite dish structure shall be capable of withstanding a wind force of up to eighty-five (85) miles per hour.
- D. Any large satellite dish antenna must be grounded to an eight (8) foot grounding rod.

**ARTICLE XXVI  
WIND ENERGY**

**Section 26.01 Purpose**

It is the purpose of these regulations to promote the safe, effective and efficient use of wind energy systems to reduce the on-site consumption of utility supplied electricity.

**Section 26.02 General Wind Energy Regulations**

The following requirements apply to all Wind Energy Conservation Systems (WECS).

A. Lighting

No lighting shall be permitted, except as required by the Federal Aviation Administration. If lighting is required, it shall not exceed the level required by the Federal Aviation Administration.

B. Signage

No signage shall be permitted on WECS except for applicable warning signs and those providing the identification and contact information of the manufacturer. These signs may not exceed six square feet.

C. Color

All WECS shall be a non-obtrusive color such as, grey or white. A galvanized steel finish is also permitted.

D. Electromagnetic Interference

All WECS shall comply with the Federal Communication Commission requirements for electromagnetic interference including interference with communication systems.

E. Utility Notification

No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off grid systems shall be exempt from this requirement.

F. Noise

All WECS shall not exceed a decibel level of 70. The decibel level shall be based upon the maximum decibel level provided by the manufacturer of the system. This level may be temporarily exceeded in events such as power outages and severe windstorms.

G. Maintenance

All WECS must be maintained in good working order. The owner of the WECS shall be required to submit an annual notice of operation on or before January 31<sup>st</sup> of each year. Furthermore, a maintenance schedule as well as, dismantling plan that outlines how the WECS will be dismantled, if and when its operations is terminated is also required.

H. Abandonment

In the event that the WECS is no longer being operated or utilized, it shall be removed within 180-days after the use has been discontinued, including the removal of all above ground apparatuses, supports, foundations, and/or other hardware associated with the WECS. In addition to removing the

WECS, the owner/ operator shall restore the site to the at grade condition of the site prior to the location of the LWECS on said property.

### **Section 26.03 Accessory Wind Energy Conversion Systems**

Accessory Wind Energy Conversion Systems (AWECS) are permitted as an accessory use in the following Districts: Rural Residential, Suburban Residential, Historic Village Single Family Residential, Apartment Residential, Village Center, General Business, Community Facility and Limited Industrial, subject to the following regulations:

A. The General Wind Energy Regulations in Section 26.02.

B. Maximum Power

AWECS shall have an aggregate rated capacity of 100 KW or less.

C. Maximum Height

The maximum height of a AWECS shall not exceed thirty feet (30 ft) measured from the peak point of the building to the highest point of the AWECS.

D. Blade Clearance

The blade or rotor arcs created by a AWECS shall have a minimum clearance of eight feet (8 ft.) measured from the roof of the building to the lowest blade when at maximum vertical rotation.

E. Setbacks

The setback for a AWECS shall be a minimum of fifteen feet (15 ft.) from the property line, public right-of-way or public overhead utility line if mounted directly on a roof or other elevated surface of the building. The setback shall be measured from the furthest outward extension of all moving parts.

F. Zoning Permit

No person shall construct or install an AWECS without having received an approved Zoning Permit from the Zoning Inspector (unless otherwise exempted by state or federal law). In addition to the general submittal requirements for a zoning permit listed in Chapter III an engineer report showing the following must be submitted:

1. The number and height of the AWECS.
2. A list or depiction of all safety measures that will be on the unit including grounding devices and lighting protection.
3. Data specifying the kilowatt size and generating capacity of each tower.
4. The maximum decibel level of the AWECS.
5. A site drawing showing the location of the system on the existing structure and its relationship to adjacent property, roads, and other public right-of-ways and neighboring property.
6. A maintenance schedule as well as dismantling plan that outlines how the AWECS will be dismantled.
7. Engineer Certification

Before any AWECS can be installed, a Professional Engineer licensed in the State of Ohio must certify, that the structure to which the AWECS is attached has the structure integrity to support the AWECS. All costs for the Engineer Certification will be at the applicant's expense.

8. Liability Insurance

The applicant shall provide documentation satisfactory to the Village of Carroll and at such reasonable intervals as determined by the Village of Carroll of the existence of liability insurance coverage with reasonable limits as determined by the Village Zoning Inspector in consultation with the Village insurer, for property damage, injury or death resulting from the construction, use, maintenance and operation of a AWECS, provided by the owner of the site.

**Section 26.04 Small Wind Energy Conversion Systems**

Small Wind Energy Conversion Systems (SWECS) are permitted as an accessory use in the following Districts: Rural Residential, Suburban Residential, Apartment Residential, General Business, Community Facilities and Limited Industrial, subject to the following regulations.

A. The General Wind Energy Regulations in Section 26.02.

B. Maximum Height

The maximum height of a SWECS tower shall be one hundred feet (100 ft.) as defined in Article XXIX. Notwithstanding the above, the height of the system shall not exceed the height recommended by the manufacturer or installer of the system.

C. Maximum Power

SWECS shall have an aggregated rated capacity of 100 KW or less.

D. Blade Clearance

The minimum distance between the existing grade and the lowest blade when at maximum vertical rotation shall be twenty feet (20 ft.).

E. Setbacks ("Clear Fall Zone")

In no case shall a SWECS be located less than 1.1 times the SWECS tower height (as defined in Article XXIX) from any inhabited structure, public roads, right-of-ways, third party transmission lines or adjacent property lines. New residential structures shall not be permitted within this setback area.

F. Electrical Wires

All wires and electrical apparatuses associated with the operation of a SWECS shall be located underground and shall conform to applicable local, state, and national codes and relevant national and international standards.

G. Anti-Climbing

The base of any SWECS tower shall not be climbable for a vertical distance of 12 feet from the base.

H. Zoning Permit



No person shall construct or install a SWECS without having received an approved Zoning Permit from the Zoning Inspector (unless otherwise exempted by state or federal law). In addition to the general submittal requirements for a zoning permit listed in Chapter III an engineer report showing the following must be submitted:

1. The number and height of each tower within the SWECS.
2. The total size and depth of the concrete mounting pad for each tower, as well as soil and bedrock data.
3. A list or depiction of all safety measures that will be on the unit including anti-climbing devices, grounding devices and lighting protection.
4. Data specifying the kilowatt size and generating capacity of each tower.
5. The maximum decibel level of the SWECS.
6. A site drawing showing the location of the tower(s) to existing structures on the property, roads, and other public right-of-ways and neighboring property.
7. Evidence of a “clear fall zone” with manufacturer’s recommendation must be attached to the engineer report.
8. A maintenance schedule as well as dismantling plan that outlines how the SWECS will be dismantled.
9. Engineer Certification

Prior to issuing a zoning permit, a Professional Engineer licensed in the state of Ohio shall certify as part of the Zoning Permit application that the foundation and tower design of the SWECS including substation, transformers, underground cabling or other parts thereof, is within the accepted professional standards, given local soil and climate conditions. All costs for the Engineer Certification will be at the applicant’s expense.

10. Liability Insurance

Prior to a zoning permit being issued, the applicant shall provide documentation satisfactory to the Village of Carroll and at such reasonable intervals as determined by the Village of Carroll of the existence of liability insurance coverage with reasonable limits as determined by the Village Board in consultation with the Village insurer, for property damage, injury or death resulting from the construction, use, maintenance and operation of a SWECS, provided by the owner of the site.

## **Section 26.05 Large Wind Energy Conversion Systems**

Large Wind Energy Systems (LWECS) will be permitted as a conditional use in the General Business and Limited Industrial Districts and will be considered permitted uses within the Community Facilities District, subject to the following requirements:

- A. The General Wind Energy Regulations in Section 26.02.
- B. Maximum Height

The maximum height of a LWECS tower shall be two hundred feet (200 ft.) as defined in Article XXI.

C. Maximum Power

LWECS may have an capacity of more than 100 KW but cannot exceed an aggregate capacity of 5 megawatts. Any wind Energy Conversion System that has an aggregate rated capacity of 5 megawatts or larger shall be reviewed by the Ohio Power Sitting Board and shall not be subject to the regulations within this zoning ordinance.

D. Blade Clearance

The minimum distance between the existing grade and the lowest point reached by the blade at a maximum vertical rotation of the turbine shall be twenty feet (20 ft.).

E. Setbacks (“Clear Fall Zone”)

In no case shall a LWECS be located less than 1.1 times the LWECS tower height from any inhabited structure, public roads, right-of-ways, third party transmission lines or adjacent property lines. New residential structures shall not be permitted within this setback area.

F. Electrical Wires

All wires and electrical apparatuses associated with the operation of an accessory LWECS shall be located underground and shall conform to applicable local, state, and national codes and relevant national and international standards.

G. Anti-Climbing

The base of any facility tower shall not be climbable for a vertical distance of 12 feet from the base.

H. Controls and Brakes

All LWECS systems shall be equipped with a redundant breaking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. All mechanical brakes shall be operated in a fail-safe mode. These brakes shall engage at winds in excess of forty miles per hour (40 mph) and minimize the potential for wind damage to property.

I. Accessibility

One point of access from a public road to all LWECS shall be provided. The Village of Carroll may require review by the Fire Department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.

J. Flicker

The LWECS shall be designed in such a manner as to minimize shadow on roadways. The LWECS shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the LWECS is located. If necessary to prevent shadow flicker from crossing occupied structures, the LWECS may be programmed to stop rotation during when the LWECS shadow crossed these structures.

K. Ice Throw

Ice throw or shedding from the LWECS shall not cross property lines or impinge on any right-of-ways or overhead utility lines. Emergency shut off will be required if ice buildup occurs on the blades.

L. Development Plan and Conditional Use Permit

Prior to being constructed, all LWECS shall require a conditional use permit in the General Business and Limited Industrial Districts and a Development Plan approval in the Community Facilities District and must be approved in accordance with the procedures for the applicable districts. The following documents shall be submitted in conjunction with the submittal requirements in Article VI and XVI for the applicable zoning district:

1. Development plan

A development plan for a proposed Wind Energy Conversion System should include the location of the LWECS tower(s) and substation (if applicable) in relationship to property lines, existing structures on the property roads, public right of ways and location of all public and private airports. The location of the access from the public roads to the LWECS shall also be shown on the plan. The development plan shall also include the LWECS tower(s) height, the total size and depth of the foundations for the LWECS, soil data: a list of depiction of all safety measures that will be on the unit including grounding decides and lighting protection. Furthermore, the development plan must include data from the manufacturer specifying the generating capacity of the LWECS and the maximum decibel level for the LWECS. Evidence of compliance or non applicability of FAA regulations must also be provided.

2. Engineer Certification

A Professional Engineer licensed in the State of Ohio shall certify that the foundation and tower design of the LWECS including substation, transformers, underground cabling or other parts thereof, and the access road is within the accepted professional standards, given local soil and climate conditions. All costs for the Engineer Certification will be at the applicant's expense.

3. Shadow Flicker Analysis

The Village of Carroll shall require the applicant to conduct an analysis of potential shadow flicker at occupied structures. The analysis shall identify the location of shadow flicker that that may be from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to mitigate these problems. All costs for the analysis shall be at the applicant's expense.

4. Liability Insurance

The applicant shall provide documentation satisfactory to the Village of Carroll and at such reasonable intervals as determined by the Village of Carroll of the existence of liability insurance coverage with reasonable limits as determined by the Village Board in consultation with the Village insurer, for property damage, injury or death resulting from the construction, use, maintenance and operation of a LWECS, provided by the owner of the site.

## ARTICLE XXVII

### TELECOMMUNICATION TOWERS

#### Section 27.01 Purpose

The intent of this section is to regulate the placement and construction of Telecommunication Towers in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunication industry. It is further the purpose of this section to encourage co-location of antennas on existing towers in order to minimize tower locations and to protect the Village through the use of height, setbacks and lot area requirements.

#### Section 27.02 Telecommunication Towers

The Board of Zoning Appeals shall issue a conditional use permit when a telecommunication tower is proposed within a district where listed as a conditional use and it complies with all of the conditions listed below. When measuring setbacks and lot area, the dimension of the entire lot shall control, even though the tower may be located on a leased area within such a lot.

A. Minimum Lot Area

The minimum lot area shall comply with the minimum lot area for the applicable zoning districts.

B. Setback (“Clear Fall Zone”)

In no case shall a telecommunication tower be located less than 1.1 times the tower height from any inhabited structure, public roads, right-of-ways, third party transmission lines or adjacent property lines. New residential structures shall not be permitted within this setback area.

C. Maximum Height

The maximum height of a telecommunication tower shall exceed two hundred feet (200 ft.) from the existing grade to the highest point of the tower.

D. Design

All towers shall be of a non-corrosive monopole design, as opposed to a lattice design, and shall be non-contrasting gray or similar color. A galvanized steel finish will also be permitted. Alternative tower design that camouflage the tower and/ or antenna, such as man made trees, may also be permitted as approved by the Village of Carroll.

E. Fencing

A 6 – foot fence shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider.

F. Buffer

A landscaped buffer of not less than fifteen feet (15 ft.) in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent property lines. The fifteen foot (15 ft.) buffer shall consist of year round vegetation, such as pines or evergreens, not less than seven feet (7 ft.) in height. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage. The Board of Zoning Appeals may require additional landscaping upon review of an individual application. All required landscaping shall be continuously maintained and promptly restored, if necessary.

G. Signage

No signage shall be permitted anywhere on the telecommunication tower, antenna, fence, etc., except for a sign, not to exceed six square feet, containing emergency contact information and no trespassing language shall be attached to the gate of the required fence. Any other signage required by Federal Regulations shall be permitted.

H. Lighting

No lighting shall be permitted, except as required by Federal Regulations.

I. Access

One point of access from a public road to the free standing telecommunication tower shall be provided. The Board of Zoning Appeals may require review by the Fire Department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.

J. Equipment Shelters

The maximum cumulative total size of all equipment shelters accessory to a telecommunication tower on a lot shall be 1,000 square feet and their maximum height shall not exceed twenty five feet (25 ft.) above the existing grade at the site. Only one equipment shelter, or the configuration of more than one equipment shelter constructed to appear that there is only one equipment shelter be permitted on a lot. The roof and façade of the equipment shelter shall be compatible as to architectural design and materials with the principal building on the lot, if any. Where it is technically feasible and reasonable, an existing building or structure on a lot shall be used to shelter the equipment associated with the telecommunication tower.

K. Engineer Certification

The tower shall be designed and certified by a Professional Engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with the Ohio Building Code. All costs for the Engineer Certification will be at the applicant's expense.

L. The applicant shall demonstrate that co-location on an existing tower is not feasible by submitting a report, prepared by a qualified Radio Frequency (R>F>) Engineer, inventorying all existing telecommunication towers in the Village of Carroll. If the applicant cannot demonstrate that co-location is not feasible, the Board of Zoning Appeals may deny the conditional use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if co-location is not feasible:

1. Written documentation from the owner of the existing tower(s) refusing to allow co-location.
2. The proposed antenna would exceed the structural capacity of the existing tower, provided the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a Professional Engineer licensed in the state of Ohio.
3. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a Professional Engineer licensed in the state of Ohio.
4. Existing towers cannot accommodate the proposed antenna at a height

necessary to function reasonably as documented by a qualified R.F. engineer.

5. Co-location would violate federal, state, county or village regulations.
6. If it is determined that co-location on existing tower is not feasible and a new tower is proposed, the Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna to the extent possible.

M. Abandonment

In the event that the Telecommunication Tower is no longer being operated or utilized, it shall be removed within 180-days after the use has been discontinued, including the removal of all above ground apparatuses supports, foundations, and/or other hardware associated with the Telecommunication Tower. In addition to removing the Telecommunication Tower, the owner/operator shall restore the site to the at grade condition of the site prior to the location of the Telecommunication Tower on said property.

N. General

Any other conditions as warranted by the Board of Zoning Appeals

O. Modification

All modifications to an existing tower shall be submitted to the Zoning Inspector. If the Zoning Inspector determines the modification Substantially Changes the Physical Dimensions, then said modification shall be submitted to the Board of Zoning Appeals as a revision to the approved Conditional Use Permit for said tower. If the Zoning Inspector determines the modification does not Substantially Change the Physical Dimensions, then said modification shall be approved administratively by the Zoning Inspector within 60 days of its submittal date.

## ARTICLE XXVIII

### SOLAR POWER

#### Section 28.01 Purpose

It is the purpose of these regulations to promote the safe, effective and efficient use of Solar Energy Conversion Systems to reduce the on-site consumption of utility supplied electricity.

#### Section 28.02 Solar Energy Conversion Systems

- A. Roof Mounted Solar Energy Conversion Systems are permitted as an accessory use in the following districts: Rural Residential, Suburban Residential, Historic Village Single Family Residential, Apartment Residential, Village Center, General Business, and Limited Industrial.
- B. Ground Mounted Solar Energy Conversion Systems are permitted as an accessory use in the following District: General Business and Limited Industrial.
- C. If the following regulations states Solar Energy Conversion System, without specifying if it pertains to Roof or Ground Mounted Solar Energy Conversion Systems then said regulation applies to both types of Solar Energy Conversion Systems.

#### Section 28.03 Solar Energy Conversion System Regulations

##### A. Zoning Permit

No person shall construct or install a Solar Energy Conversion System without having received an approved zoning permit from the Zoning Inspector. In addition to the general submittal requirements for a zoning permit listed in Chapter III an engineer report showing the following must be submitted:

1. Property lines and physical features, including roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Blueprints or drawings of the Solar Energy Conversion System (s) installation signed by a Professional Engineer licensed in the state of Ohio, showing the proposed layout of the system and any potential shading from nearby structures;
4. One or three line diagrams detailing the Solar Energy Conversion System(s) installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
5. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
6. Name, address, and contact information for proposed system installer;
7. Name, address, phone number, and signature of the project proponents, as well as co-proponents or property owners if any;
8. The name and contact information and signature of any agents representing the project proponents;

9. A Roof Mounted Solar Energy Conversion System other than a flat roof, must also include a drawing which documents the elevation of the roof; along with the highest finished slope of the solar panel(s) which are mounted on the roof;
10. For a Roof Mounted Solar Energy Conversion System on a flat roof a drawing documenting the following must be provided: the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof must also be provided.

B. Utility Notification

No Solar Energy Conversion System shall be constructed until evidence has been given to the Village of Carroll that the utility company that operates the electrical grid where the installation is to be located has been informed of the owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

C. Lighting

Lighting of a Solar Energy Conversion System shall be consistent with local, state and federal laws. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

D. Signage

Advertisements shall not be displayed on any Solar Energy Conversion System. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the Solar Energy Conversion System (s) provided they do not exceed six square feet.

E. Utility Connections

Reasonable efforts, determined by the Village of Carroll, shall be made to place all utility connections from the Solar Energy Conversion System underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

F. FAA Compliance

Solar Energy Conversion System(s) shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.

G. Glare

Solar Energy Conversion System(s) shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

H. Abandonment

In the event that a Solar Energy Conversion System is no longer being operated or utilized, it shall be removed within 180-days after the use has been discontinued, including the removal of all above ground apparatuses, supports, foundations, and/or other hardware associated with the Solar Energy



System. In addition to removing the Solar Energy Conversion System, the owner/ operator shall restore the site to the at grade condition of the site prior to the location of the Solar Energy Conversion System on said property.

I. Location

A Ground Mounted Solar Energy Conversion System(s) shall not be located in front of a principal building or front yards, nor within any required setback of any property.

J. Setback

A Roof Mounted Solar Energy Conversion System(s) shall not extent beyond the exterior perimeter of the building which the system is mounted on.

K. Maximum Height

A Ground Mounted Solar Energy Conversion System(s) shall not exceed the maximum accessory height requirements for accessory structures in section 25.01.

A Roof Mounted Solar Energy Conversion System(s) shall not project vertically above the peak of the roof of which it is attached to. If the roof is flat, the Solar Energy Conversion System may not project vertically more than five feet.

L. Coverage

1. When located on a sloped roof, Solar Energy Collectors shall be located on a rear or Side facing roof, as viewed from a fronting street. In the case of corner lots with more than one (1) street frontage the side fronting shall be considered a front facing roof.
2. The Maximum lot coverage for the applicable zoning districts may not be exceeded. A Ground Mounted Solar Energy Conversion System(s) will count towards the total maximum coverage of a lot.

M. Installation

The rooftop installation of all Roof Mounted Solar Energy Conversion System(s) shall comply with all applicable building, plumbing and electrical codes. Furthermore, Roof Mounted Solar Energy Conversion System(s) must not interfere with any roof penetrations (e.g., plumbing, vents, chimneys) or operation of plumbing fixtures protruding from the rooftop level as required by applicable building code.

N. Buffer

When a Ground Mounted Solar Energy Conversion System(s) is located adjacent to a district that permits single or two family residences, then a landscaped buffer that complies with section 24.01(A) must be provided along the applicable side or rear yard.

## ARTICLE XXIX

### DEFINITIONS

#### Section 26.01 Interpretation

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word “shall” is intended to be mandatory. “Occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”.

Specific terms directly related to signs, landscaping and other topics, are defined within the specific sections of the Ordinance where those general requirements are found.

#### Section 26.02 Definitions

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

“**Accessory building**” or “**accessory structure**” means a building or structure occupied by an accessory use.

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

“**Adult Arcade**” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities: or “specified anatomical areas.”

“**Adult Bookstore or Adult Video Store**” means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or

(b) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

“**Adult Cabaret**” means a nightclub, bar, restaurant, similar commercial establishments which regularly features:

(a) Persons who appear in a state of nudity; or

(b) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

(c) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”

“**Adult Motel**” means a hotel, motel or similar commercial establishment which:

(a) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a

sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(b) Offers a sleeping room for rent for a period of time that is less than 10 hours; or

(c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

**“Adult Motion Picture Theater”** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**“Adult Theater”** means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of the “specified anatomical areas” or by specified sexual activities.”

**“Agriculture”** means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, including structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm and family thereof, provided such agricultural use shall not include:

- A. 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 an accessory use, unless specifically permitted in a specific zoning district.
- C. Feeding garbage to animals, raising poultry or fur-bearing animals as a principal use, or operation or maintenance of a commercial stockyard or feed yard.
- D. Feeding, grazing or sheltering of animals or poultry in pens or confined areas.

**“Alley”** means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

**“Awning”** means a hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting building.

**“Banner”** means a nonrigid, cloth, plastic or canvas sign typically related to a special event or promotion.

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

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

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

**“Business services”** means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

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

**“Certificate of Zoning Compliance”** means a certificate issued by the Zoning Inspector, pursuant to Section 3.09 of this Ordinance, confirming that the requirements of this Ordinance have been met, and the building can be occupied.

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

**“Commencement of Work”** means the time at which physical improvements begin to be made to a property or structure so that it may be utilized for its intended purpose stated in the zoning permit.

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

**“Congregate or group home”** means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

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

**“Dwelling”** or **“residence”** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

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

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

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

**“Escort”** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees or offers to model privately lingerie or to perform privately a striptease for another person.

**“Escort Agency”** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

**“Essential Services”** means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings, telecommunication towers, wind energy conversion systems, and solar energy conversion systems.

**“Fence”** or **“Wall”** means any structure composed of wood, metal, stone, brick or other material, including hedges or other plans, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence.

**“Fixture, Cut-Off”** means lighting fixture, which provides a shielding of the emitted light.

**“Flashing”** means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

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

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

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

**“Gasoline service station”** means any building or land used for the sale, offering for sale, and/or dispensing of any vehicular fuels, oils or accessories, including the lubrication of automobiles or motor vehicles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement, body and fender repair, or painting and finishing.

**“Gross Developable Acreage”** means the gross acreage of a parcel or tract of land to be developed minus the non-developable acreage. Non-developable acreage includes critical resource areas as defined in the *Fairfield County Development Strategy and Land Use Plan*.

**“Home occupation”** means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 25.02 of this Ordinance.

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

**“Hotel”** or **“Bed and Breakfast Establishment”** means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests.

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

**“Loading space”** is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

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

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

**“Lot coverage”** means the ratio of enclosed ground floor area of all buildings and/or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

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

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

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

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

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

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

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

**“Nude Model Studio”** means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration

**“Nudity or a State of Nudity”** means the appearance of human bare buttock, anus, male genitals, female genitals, or female breast.

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

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

**“One hundred (100) year frequency twenty-four (24) hour storm”** means a storm that drops rainfall totals within a 24 hour period that had a one percent probability of occurring at that location that year. Encountering a 100-year, 24-hour storm on one day does nothing to change your chances of seeing the same amount of precipitation the very next day.

**“Open space”** means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

**“Off-street parking space”** means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Ordinance.

**“Outdoor Service Facility”** means an area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are displayed, sold or stored. Outdoor service facilities include, but are not limited to, outdoor storage areas, garden stores, restaurant patios, sale of vehicles (new or used), contractor equipment and storage yards, motor vehicle and salvage yards, and stand alone truck parking lots and or truck storage areas.

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

**“Pennant” means a triangular shaped banner.**

**“Person”** means any individual, corporation, company, business, partnership, association or legal entity.

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

**“Planning and Zoning Board”** means the group of citizens, established and appointed pursuant to Section 2.02 of this Ordinance, charged with the overall enforcement of this Zoning Ordinance.

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

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

**“Residence”** - see “Dwelling”.

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

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

**“Right-of-way”** means a strip of land 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.

**“Satellite Dish Antenna, Large”** means any antenna greater than one meter in diameter that is designed to receive or transmit signals, either directly or indirectly, to or from satellites. This definition does not include telecommunication towers as defined herein or any antenna used for AM/FM radio, amateur (“ham”) radio, Citizen’s Band (“CB”) radio, Digital Audio Radio Services (“DARS”) or short wave listeners.

**“Satellite Dish Antenna, Small”** means any antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. It further means any antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

**“Semi-Nude”** means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**“Sexually Oriented Business”** means an adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**“Sexual Encounter Center”** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

**“Sign”** means any device for visual communication which is designed, intended or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likewise excluded from the regulations of this Article. This definition includes all signs visible from any public right – of – way or adjacent property, including interior signs oriented towards the exterior façade of any building or structure that includes any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, which directs attention to any object, product, place, activity, person, institution, organization or business.

**“Sign, Animated”** means any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

**“Sign, Directional”** means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.

**“Sign, Gas Inflatable”** means any device which is capable of being expanded by any gas and is typically tethered or otherwise anchored to the ground or structure and used on a permanent or temporary basis to attract attention to a product, event or business.

**“Sign, Freestanding”** means a sign erected on a pole, poles, pillars, or posts (pylon sign) or any monument type sign (sign with a base) which is wholly independent of any building or support.

**“Sign, Joint Identification”** means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.

**“Sign, Permanent”** means a sign intended to be erected, displayed or used, or in fact which is used for time period in excess of 60 days within any 180 day period.

**“Sign, Portable”** means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include:

**“Sign, Trailer”** meaning a sign that is constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved forward.

**“Sign, folding portable”** meaning a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.

**“Sign, Projecting”** means a sign which extends outward perpendicular to the building face.

**“Sign, Roof”** means any sign erected upon or completely over the roof of any building.

**“Sign, Temporary”** means a display, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, political signs, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and balloon or other air or gas filled figures.

**“Sign, Wall”** means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plan of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.

**“Sign, Window”** means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

**“Solar Energy Conversion System”** - A device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. These can either be Ground Mounted or Roof Mounted systems.

**“Specified Anatomical Areas”** means human genitals in a state of sexual arousal.

**“Specified Sexual Activities”** means and includes any of the following:

- (a) The fondling or other atotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulations, or sodomy.



(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set for (a) through (c) above.

**“Stream, Intermittent”** means a stream which flows only at certain times of the year; it may be wet or dry most of the time depending upon the weather.

**“Stream, Perennial”** means a stream that flows continuously throughout the year in most years.

**“Streamer”** means a ribbon-shaped or cord like rope which may have pennants and/or banners attached which is stretched or hung between two (2) or more supports.

**“Similar use”** means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 9.02.05 of this Ordinance.

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

**“Structure”** means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. “Structure” does not include fences.

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

**“Substantially Complete”** means the stage in which the work, described in the zoning permit, is finished to a point that the applicant/owner can occupy or utilize the land or building for its intended purpose.

**“Swimming pool, private”** means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than one and one-half (1 ½) feet.

**“Telecommunication Towers”** A structure situated on a site used to support antennas and radio or cellular communications equipment . Antennas used by amateur radio operators are excluded from this definition.

**“Attached Telecommunication Towers”** Any structure that will be attached to a building or other structure that meets the criteria for a telecommunication tower, as defined herein. This definition also excludes small and large satellite dish antenna as defined herein.

**“Substantially Change the Physical Dimensions”** – means any of the following:

- A) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed these size limits to avoid interference with existing antennas, or
- B) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed these size limits if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, or

C) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

**“Tree, Deciduous”** means a tree that normally sheds its leaves in the fall.

**“Tree, Evergreen”** means a tree that normally retains most of its foliage (needles) through the winter.

**“Tree, Shade”** means any tree listed as a large tree or a medium tree in the U.S. Route 33 Bypass Corridor Design and Development Manual.

**“Tree, Understory”** means any tree listed as a small tree – Understory Plants in the U.S. Route 33 Bypass Corridor Design and Development Manual.

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

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

**“Wind Energy Conversion System (WECS)”** – All necessary devices that together convert wind energy into electricity and consists of one or more WECS tower(s), rotors, nacelles, generators, electrical components, foundations, transformers, electrical cabling and any other associated control or conversion electronics.

**“Accessory Wind Energy Conversion System (AWECS)”** A Wind Energy Conversion System, which has a rated capacity of not more than 100 kW and which is accessory to an existing permitted use on a lot, attached to an existing structure on the lot, and is intended to primarily reduce the consumption of utility power.

**“Small Wind Energy Conversion System (SWECS)”** - A Wind Energy Conversion System consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**“Large Wind Energy Conversion System (LWECS)”** Any Wind Energy System that has a rated capacity of more than 100 kW but less than 5 megawatts. Any Wind Energy Conversion System that has an aggregate rated capacity of 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Ordinance.

**“Tower Height”** Means the height above grade of the fixed portion of the tower, including the wind turbine. This Height will be measured from the ground level at the base of the pole to the pinnacle point reached by the tip of the blade at maximum vertical rotation.

**“Woodland Shrub”** means any shrub listed as a woodland shrub in the U.S. Route 33 Bypass Corridor Design and Development Manual.

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

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

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

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

**“Village”** means the Village of Carroll, Ohio.

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

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

**“Zoning district map”** or **“Zoning Map”** means the map of the Village showing the locations of established zoning districts, together with all amendments subsequently adopted by Village Council, and established pursuant to Section 8.02 of this Ordinance.

**“Zoning Inspector”** means the enforcement officer, hired by the Village Council who is charged with enforcing the provisions of this Zoning Ordinance.