

<p style="text-align: center;">VILLAGE OF NEW RICHMOND ZONING ORDINANCE – INDEX</p>
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ARTICLE	TITLE	
Article 1	Title Interpretation and Enactment	3
Article 2	Interpretation of Terms or Words	4
Article 3	Enforcement	18
Article 4	Non-Conformities	20
Article 5	Administration	24
Article 6	Amendment	29
Article 7	Provisions for Official Zoning Map	32
Article 8	Residential R-1 District	34
Article 9	Residential R-2 District	37
Article 10	Residential R-3 District	39
Article 11	Residential R-4 District	41
Article 12	Multiple Residence R-5 District	43
Article 13	Multiple Residence R-5 C District	46
Article 14	Business B-1 District	48
Article 15	Business B-2 District	49
Article 16	Light Industrial I-1 District	51
Article 17	Planned Unit Developments P.U.D.	53
Article 18	Supplementary District Regulations	69
Article 19	Off-street Parking and Loading	77
Article 20	Signs	80

Article 21	Cellular or Wireless Communications	86
Article 22	Neighborhood Business Overlay District (NB)	95
Article 23	Downtown Residential Overlay (DRO)	97
Article 24	“MUOD” Mixed Use Overlay District	99
Article 25	Conditions on the Issuance of Permits for Sidewalk Café Seating	101
Article 26	Wind Energy Conversion Systems (WECS)	103
Article 27	Solar Energy Systems (SES)	108
Article 28	Natural Preservation District	110
Attachment:	Schedule of District Regulations	111

ARTICLE 1 - TITLE INTERPRETATION AND ENACTMENT

Section 100: Title: This Zoning Ordinance shall be known and may be cited as the "Zoning Ordinance of the Village of New Richmond, Ohio", except as referred to herein, where it shall be known as "this Ordinance".

Section 101: Provisions of this Ordinance are Declared to be minimum requirements and shall apply to the entire incorporated land areas of the Village of New Richmond of Clermont County, State of Ohio: In their interpretation and application, the provisions of this Ordinance are held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity, morals or general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, shall govern.

Section 102: Separability Clause: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

Adopted 10/11/2011 Ord 2011-17

ARTICLE 2 - INTERPRETATION OF TERMS OR WORDS

Section 201: For the purpose of this Ordinance, certain terms or words are defined in this Article and shall be interpreted as set forth below. Terms and words that are not defined in this Article shall be interpreted in accordance with their ordinary usage.

- 1) The word "person" includes a firm, association, organization, partnership, trust, Limited Liability Company or corporation as well as an individual and any other form of business recognized by Ohio Law.
- 2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- 4) The word "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied".
- 5) The word "lot" includes the words: "plot", or "parcel".

Section 202: Accessory Use of Structure: A use of a structure on the same lot customarily incidental and subordinate to the use of the principal structure.

Section 203: Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, and girders.

Section 204: Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Section 205: Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, manufactured homes, travel trailers, or farm implements excluding repair work except for incidental warranty repairs. No on site habitation.

Section 206: Basement: The part of a building that is partly or wholly below grade level.

Section 207: Bed and Breakfast Lodging Establishment: Shall mean a private, owner occupied residence, operated as a transient residence that prepares and offers food to guests, where the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, and no more than eighteen overnight guests are served per day.

Section 208: Billboard: A large freestanding panel designed to carry outdoor advertising or notices.

Section 209: Boats and Boat Trailers include boats, personal watercraft, floats, rafts, and their transport equipment.

Section 210: Building: Any structure designed or intended for the purpose of supporting, enclosing, sheltering, or protecting people, animals, chattels, or property.

Section 211: Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and subordinate to that of the main building or use.

Section 212: Building, Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. See Figure 1.

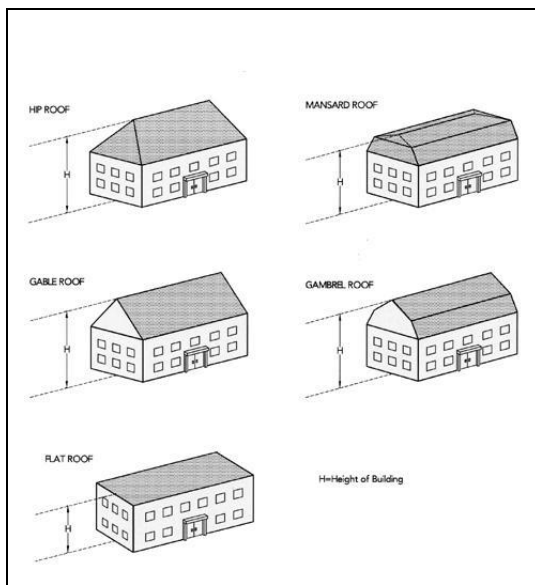


Figure 1: Building Heights

Section 213: Building Line: See Setback Line.

Section 214: Building, Principal: A building containing the primary and predominant use of the lot where the building is situated. See figure 2.

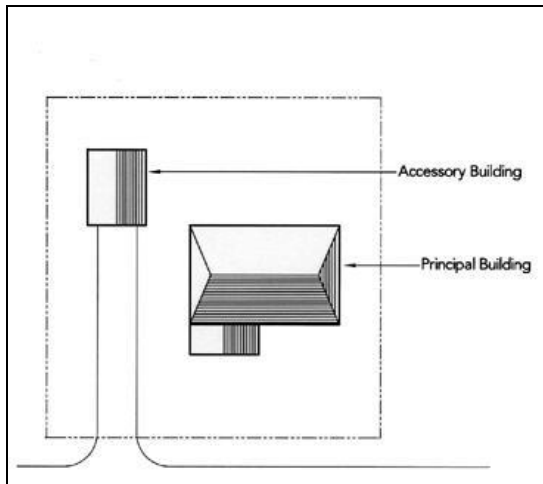


Figure 2: Buildings Principal & Accessory

Section 215: Clinic: A place used for the care, diagnosis or treatment of sick, ailing, infirm, or injured people and those who are in need of medical and surgical attention. A clinic does not include a place where individuals are provided with board or room or kept overnight on the premises.

Section 216: Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose for the exclusive use of members and their guests but excluding any activities of a sexual nature.

Section 217: Comprehensive Plan: A plan or any portion thereof, adopted by the planning commission and the legislative authority of the Village of New Richmond showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Section 218: Corner Lot: See Lot Types.

Section 219: Density: A unit of measurement; the number of dwelling units per acre of land.

Section 220: Development: Any man made change to improved or unimproved real estate, or the subdividing of land into two or more parcels. For the purposes of this ordinance the following activities or uses shall be considered “development”.

1. Any change in a structure including the reconstruction, or alteration of its size or change in external appearance.
2. A change in the intensity of use of land.
3. Clearing of land, including clearing or removal of vegetation other than customary yard and/or grounds maintenance and including soil manipulation.
4. Deposit of refuse, solid or liquid waste or fill on a parcel of land.

Section 221: Disabled, Junk or Inoperable Vehicle: Any vehicle that meets at least one of the

following criteria:

1. Dismantled or
2. Unlicensed or
3. Missing any of the following: tires or wheels, doors, windshields, hood, motor, transmission, battery, fender, bumper, body panels or
4. Cannot be started.

Section 222: Dwelling: Any structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Section 223 Dwelling Unit: Space, within a structure, consisting of areas for living, dining, and sleeping, as well as space and equipment for cooking, bathing, toilet, heating appliances and storage used by one family and/or the family's employees.

Section 224: Dwelling Single Family: A building designed for or occupied exclusively for one family.

Section 225: Dwelling Two Family: A building designed for or occupied exclusively for two families.

Section 226: Dwelling Multifamily: A building or portion thereof designed for or occupied by more than two families.

Section 227: Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Section 228: Family: A person or a group of people occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

Section 229: Filling Station: Buildings and premises where fuels, oil, or motor vehicle accessories may be sold supplied or dispensed at retail and where in addition, the following services may be rendered and sales made:

1. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
2. Provisions of road maps and other informational material to customers, provisions of restroom facilities.
3. A filling station is neither a repair garage nor a body shop.

Section 230: Floor Area of a Residential Building: Floor area shall mean the sum of the gross horizontal areas of the several floors, but not including the basement or cellar floors, of the building. It is measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. For the purposes of this definition, roofed porches and

terraces shall not be included in the calculation of floor area.

Section 231: Floor Area of a Non-Residential Building: To Be Used in Calculating Parking Requirements: The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

Section 232: Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to a person not a resident on the premises.
2. No more than one commercial vehicle per dwelling unit is parked or stored.
3. The commercial vehicle permitted does not exceed two tons capacity.

Section 233: Garage, Public: A building, other than a private garage, used for parking or temporary storage of passenger automobiles where no services are provided.

Section 234: Garage Automotive Repair: A building and premises where repairs to automobiles are performed. A garage does not include the sale of gasoline, kerosene, or any motor fuel.

Section 235: Grade: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

Section 236: Hardship: An unusual situation on the part of an individual property that will not permit the full utilization of the property that is enjoyed by other properties within the community. A hardship exists only when it is not self-created or economic in nature. A hardship exists only when the literal interpretation of the requirements of the ordinance would place a property in the unusual circumstance of denying any economic return from the use of the property, or create an unnecessary burden, unless a variance is granted.

Section 237: Home Occupation: Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is; no sign other than a name plate not more three (3) square feet in surface area and only one (1) non-family member may be employed; no display indicating from the exterior that the building is being utilized for any purpose other than that of a dwelling; no product is sold upon the premises; and no mechanical equipment is used except such as is customary for domestic or household purposes. Home occupations shall not include barbershops, beauty shops, shoe repair or any other shop where daily walk in traffic or vehicle parking is expected. Internet sales from a residential property are permitted provided pickup or delivery of merchandise takes place less than daily.

Section 238: Hotel or Motel: A building in which lodging or boarding is provided and offered to

the transient public for compensation.

Section 239: Industrial, Heavy: Manufacturing, processing, assembling, storing, testing, and industrial uses which require large equipment and sites, open storage and service areas, ready access to regional transportation; and generate nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Section 240: Industrial, Light: Manufacturing uses which are controlled operations; clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating no nuisances.

Section 241: Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative or behavioral services.

Section 242: Junk, Recycling Buildings, Shops, and Yards: Any land, property, structure, building, or combination of the same, where worn out, discarded, dilapidated or used items are stored, salvaged, recycled or processed and/or refuse, solid or liquid waste or fill is deposited.

Section 243: Loading Space, Off Street: Space located for bulk pickups and deliveries, scaled to accommodate delivery vehicles. Required off-street loading space shall not be included as off-street parking space in computation of required parking spaces. All loading spaces shall be located outside of any street or alley right-of-way.

Section 244: Location Map: See Vicinity Map.

Section 245: Lot: For the purpose of this Ordinance a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required, Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot record;
3. A combination of #1 and #2.

Section 246: Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Section 247: Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Section 248: Lot Measurements: A lot shall be measured as follows:

1. Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear-most points of the side lot lines in the rear.
2. Width: The distance between straight lines connecting front and rear lot lines at each side of

the lot, measured at the building setback line. See figure 3.

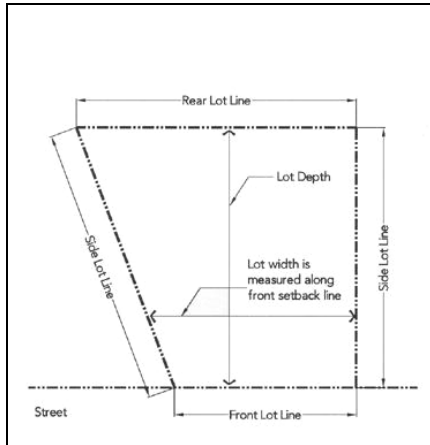


Figure 3: Lot Measurements

Section 249: Lot of Record: A lot which is part of a subdivision or existing within the village at the time of adoption of this Ordinance and recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Section 250: Lot Types: Terminology used in this Ordinance with reference to corner lots, interior lots and through lots is as follows: See figure 4.

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot meet at an interior angel of less than one hundred thirty-five (135) degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

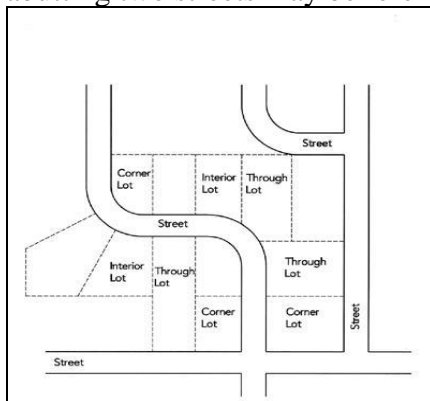


Figure 4: Lot Types

Section 251: Non-Conformities: A building, structure or use of land legally existing at the time of enactment of this Ordinance or amendments but which does not now conform to the regulations of the district or zone in which it is situated.

Section 252: Nursery or Nursing Home: A home or facility for the care and treatment of babies, children, and the infirm, pensioners or elderly people.

Section 253: Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation or transplanting of live trees, shrubs, or plants for retail sale on the premises including products used for gardening or, landscaping.

Section 254: Open Space: Any area unencumbered by structures. The area may include, along with natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities. Streets, parking areas, structures for habitation, and the like shall not be included.

Section 255: Parking space, Off-street: Off-street parking space shall consist of a minimum rectangular dimension of not less than nine feet (9') in width and nineteen feet (19') in length for ninety (90) degree parking, nine feet (9') in width and twenty three feet (23') in length for parallel parking, ten feet (10') in width and nineteen (19) feet in length for sixty degree parking, and, twelve feet (12') in width and nineteen feet (19') in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

Section 256: Performance Bond / Surety Bond: An agreement by a subdivider or developer with the village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans, and specifications within the time prescribed by the subdivider's agreement.

Section 257: Permanent Foundation: A permanent foundation means permanent masonry, concrete, or locally approved footing or foundation, to which a structure, manufactured or mobile home may be affixed.

Section 258: Personal Services: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, tailoring and hair care.

Section 259: Personal Watercraft: A jet drive boat less than thirteen feet (13') in length that the rider rides or stands on, rather than inside of, as in a boat.

Section 260: Public Uses: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Section 261: Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, sidewalk, street, subway, tunnel

viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Section 262: Quasi-public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

Section 263: Recreation Facilities: Public or private venues that provide facilities and/or equipment for the purpose of conducting sporting events and /or contests, leisure time activities or entertainment programs, excluding sexually oriented activities.

Section 264: Recreational Vehicle: Means a conveyance or transportable vehicle that is designed for the sole purpose of recreational use or travel.

Section 265: Remodeling: Any alteration of an existing structure.

Section 266: Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway; incorporating the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and special features, required by the topography such as grade separations, landscaped areas, viaducts or bridges. It shall be deemed to be at least fifty feet (50') (but not less than the actual width of the road).

Section 267: Screening: A solid masonry wall or solid fence not less than four and not more than six feet in height, or a tight screen of hardy evergreen shrubbery or natural or existing screening not less than four feet in height.

Section 268: Service station: Buildings and premises where fuels, oil, grease, batteries, tires or motor vehicle accessories may be sold, supplied or dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries and ignition components.
2. Tire servicing and repair, but not recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and the sale of washing and polishing materials;
6. Greasing and lubricating;
7. Providing and repairing fuel and oil pumps, and associated lines;
8. Servicing and repair of fuel systems.

9. Adjusting and repairing brakes;
10. Minor engine adjustments not involving the removal of the heads, crankcase, engine or power train components.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other informational material to customers, provisions of restroom facilities;
13. Warranty maintenance and safety inspections; Uses permissible at a service station do not include mechanical body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes or smoke. A service station is not a repair garage or a body shop.

Section 269: Setback Line: A line established by the zoning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided in this ordinance.

Section 270: Sewers, Sanitary: A publicly operated sewage disposal system, which provides a collection network, disposal system and central sewage treatment facility for a single development, community, or region.

Section 271: Sexually oriented activities: Any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence;
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this section.

Section 272: Sewers, Storm: A publicly owned surface water disposal system designed for the collection and dispersal of surface waters primarily from the public streets of the municipality.

Section 273: Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Section 274: Sign: Any device designed to inform or attract the attention of individuals not on the premises where the device is located. Recognized types of signs:

1. Wall: Permanently attached to the façade of a structure and running parallel with the

structure.

2. Ground, Monument or Freestanding: Permanently installed at grade level with the lowest edge of the sign no more than four feet (4') above grade.
3. Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Light Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Projecting: Any sign which projects from the exterior of the building.
6. Window: Any sign attached to, placed upon or painted on the window or door of a building which is intended for viewing from the exterior of such building.
7. Pole: A freestanding sign permanently mounted on a pole or poles where the lowest edge of the sign is a minimum of eight feet (8') above grade.
8. Canopy or Awning: a sign incorporated into or attached to the canopy or awning on the façade of a building.
9. Electronic Message Center/Electronic Variable Message Center: The sign or portion of a sign that uses changing lights or is projected onto another surface, to form and display a message, messages or graphic depictions, wherein the sequence of the message or display and the rate of change is electronically programmed and can be modified by electronic processes.
10. Temporary: A sign which is not permanently affixed to a structure or mounted in the ground and is intended to be used for a limited amount of time including: banners, pennants, flags, streamers or other devices which call attention to grand openings, special sales or other temporary business promotions.
11. Prohibited Signs: Billboards and any sign placed on a motor vehicle, truck or trailer and parked or located for the primary purpose of displaying the sign. Any lighter than air or inflatable sign situated on, attached or tethered to a premise.

Section 275: Story: That part of a building between the surfaces of a floor and the ceiling immediately above.

Section 276: Storage Unit, Portable: Any enclosed unit made of metal or other durable construction material designed for permanent or temporary storage of personal property which is designed to be transported by vehicle.

Section 277: Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something having a fixed location on the ground.

Including but without limiting the generality of the preceding, advertising signs, back stops and pergolas.

Section 278: Swimming Pool: a pool, or open tank with walls at least one and one half (1-1/2) feet tall at any point and maintained by the owner or manager.

1. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for admission, a primary use.

Section 279: Thoroughfare, Street or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare that carries traffic from local streets to arterial streets including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future. No dead-end street shall be permitted unless adequate improved area is included for purposes of turning vehicles.
6. Local Street: A street primarily for providing access to residential or other abutting property.
7. Loop Street: A local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street)

Section 280: Through Lot: See Lot Types

Section 281: Unit: See Dwelling unit.

Section 282: Unit Efficiency: A dwelling unit consisting of one bathroom and one other room, which constitutes the entire living area of said unit.

Section 283: Unit, One (1) Bedroom: A dwelling unit consisting of two rooms (unless one is distinctly separated and equipped as a kitchen and in such case it shall be three (3) rooms), plus at least one bathroom.

Section 284: Unit, Two (2) Bedroom: A dwelling unit consisting of three rooms (unless one is distinctly separated and equipped as a kitchen and in such case, it shall be four (4) rooms), plus at least one bathroom.

Section 285: Unit, Three (3) Bedroom: A dwelling unit consisting of four rooms (unless one is distinctly separate and equipped as a kitchen and in such case, it shall be five (5) rooms), plus at least one bathroom.

Section 286: Use: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Section 287: Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Section 288: Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of a proposed subdivision or use to other nearby development or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Section 289: Walkway: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of the road or not.

Section 290: Yard: A required open space, other than a courtyard, unoccupied and un-obstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot, upward: accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. See figure 5.

1. Yard, Front: A yard extending from the side lot lines across the front of a lot, and from the front lot line to the front of the principal building.
 - a. Primary Front Yard: For corner lot properties, the primary front yard shall be considered as the yard that contains the entranceway into and out of the structure.
 - b. Non-primary Front Yard: For corner lot properties, the non-primary front yard shall be considered as the yard that does not contain the entranceway into and out

of the structure.

2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

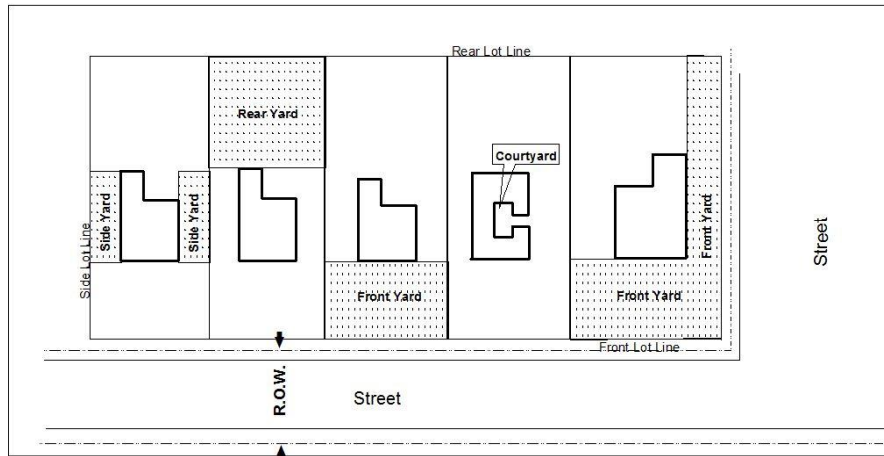


Figure: 5 Yards

Section 291: Zoning Administrator: The Administrator of the Village of New Richmond shall be the zoning administrator.

Section 292: Zoning Permit: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.

ARTICLE 3 – ENFORCEMENT

Section 300: Zoning Permits: A Zoning Permit is required for any development.

Section 301: Contents of Application for Zoning Permit: The owner or applicant attesting to the truth of all information supplied shall sign the zoning permit application. Drawings in duplicate showing location, size, and setbacks from all property lines, height and any other information required by this ordinance must also be submitted. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or completed within two (2) years.

Section 302: Approval of Zoning Permit: Except as provided elsewhere in this section, within thirty-days (30) after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application. All zoning permits shall, be issued subject to the conditions that development must commence within six months from the date of issuance of the permit and development must be completed within one year from the date of issuance of the permit. One copy of the plans shall be returned to the applicant by the zoning inspector after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The Zoning Inspector shall retain one copy of plans, similarly marked. The Zoning Inspector shall issue a placard, to be posted by the property owner or applicant in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

Section 303: Expiration of Zoning Permit: If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire, and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been completed within two (2) years of the date of issuance thereof, said permit shall expire and 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 cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 304: Record of Zoning Permits: The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request, to any person.

Section 305: Failure to Obtain a Zoning Permit: Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under Section 309 of this Zoning Ordinance.

Section 306: Development to Be as Provided in Applications, Plans, Permits, and Certificates: Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the development set forth in such approved plans and applications or amendments thereof, and no other. Development contrary to that authorized shall be deemed a violation of this Ordinance and punishable as provided in Section 309 of this Ordinance.

Section 307: Complaints Regarding Violations: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The Zoning Inspector shall investigate the complaint. If the Zoning Inspector determines that a violation of the ordinance

exists, the Zoning Inspector shall send a violation letter by certified or registered mail and ordinary mail to the property owner and other affected party(s) at the address of the violation or the address maintained by the Clermont County Auditor's office for the owner of the property or the address provided on the application for development permit. In the alternative, the Zoning Inspector may post the violation notice at the address or hand deliver the violation notice to the property owner or other affected party(s). If certified or registered mail is refused or unclaimed, the ordinary mail service shall suffice provided the ordinary mail service was made in accordance with this Section. The violation notice shall cite the section(s) of the ordinance violated and order said violation(s) to be corrected within a given time period not to exceed twenty (20) days. If the violation continues to persist after said time period, the Zoning Inspector may take any other enforcement action that the Zoning Inspector deems appropriate including but not limited to seeking injunctive relief with or without the consent of village council.

Section 308: 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. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (\$100.00) dollars per day of violation beginning with the day the violation is observed and ending the day the violation ends and in addition shall pay all costs and expenses, including all court costs involved in ending the violation.. The owner or other affected person including but not limited to the 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 taking such other lawful action as is necessary to prevent or remedy any violation.

Section 309: Schedule of Fees, Charges, and Expenses: The village council shall by separate ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, 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 or appeal.

Adopted 10/11/2011, Ordinance 2011-17

ARTICLE 4 - NON-CONFORMITIES

Section 400: Intent: within the districts established by this Ordinance or amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit those non-conformities to continue until they are removed, but not encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere, in the same district, except as may be permitted by this Article.

Section 401: Incompatibility of Non-conformities: Non-conformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would be generally prohibited in the district in which such use is located. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enacting a zoning ordinance or an amendment to the ordinance, may be continued, although such use does not conform with the provisions of such ordinance or amendment, but if any such nonconforming use is voluntarily discontinued for two years or more, or for a period of not less than six months but not more than two years, any future use of such land shall be in conformity with the provisions of this ordinance.

Section 402: Avoidance of Undue Hardship: To avoid undue hardship nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Section 403: Single Non-Conforming Lots of Record: In any, district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances from requirements listed in Articles 9 and 10 of this Ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 505 - 518.

Section 404: Non-Conforming Lots of Record in Combination: If two or more lots or a combination of lots and portions of lots with continuous frontage in a single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no building, do not meet requirements established for lot width and area, the lands involved shall be considered to be undivided parcels for the purpose of this Ordinance and may not be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

Section 405: Non-Conforming Uses of Land: Where, at the time of adoption of this Ordinance lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they are otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming uses of land are discontinued or abandoned for more than six (6) months, (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
5. Any structure, or structure and land combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed after a six (6) month period.

Section 406: Non-Conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirement concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
2. Should such nonconforming structures or nonconforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the

provisions of the ordinance or within the requirements of section 409 of this Ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 407: Non-Conforming Uses of Structure or of Structures and Land in Combination: If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building that were arranged or designed for use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals finds that the proposed use is equally or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with other provisions of this Ordinance.
4. Any structure, or structure and land combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not be resumed after a six (6) month period.
5. When a nonconforming use of a structure, or structures and land in combination is discontinued or abandoned for more than six (6) months (except when government action impedes access to the premises), the structure or structures and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 408: Repairs and Maintenance: On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls or fixtures (wiring or plumbing), provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon

order of such official.

Section 409: Termination or discontinuance of a Nonconforming Uses by Damage or Destruction: When a building, the use of which does not conform to the provisions of this code, is damaged by fire, explosion, Act of God, or a public enemy, to the extent of more than fifty percent (50%) of the cost of reproducing, it shall not be restored. Any reconstruction over fifty percent (50%) may be appealed to the Board of Zoning Appeals. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

Section 410: Substitution of Nonconforming Uses: So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, such requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not there after be changed to a more intensive use. In determining the appropriateness for a "substitution of nonconforming uses" the Board of Zoning Appeals shall, to the best of its ability, examine the degree of positive or negative change in degree of risk to, or impact upon, the village from factors involving but not limited to the health, safety and welfare of the residents and visitors of the village.

Adopted 10/11/2011, Ordinance 2011-17

ARTICLE 5 - ADMINISTRATION

Section 500: Office of Zoning Inspector Created: A Zoning Inspector designated by the Mayor with concurrence of council shall administer and enforce this Ordinance under the direction of the village administrator. He or she may be provided with the assistance of such other individuals as the administrator and mayor with council concurrence may direct.

Section 501: Duties of Zoning Inspector: For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Ordinance are being violated, he or she shall notify in writing the persons responsible for such violation(s), ordering the action necessary to correct such violation.
2. Order discontinuance of illegal uses of land, buildings, or structures;
3. Order removal of illegal buildings, structures, signs or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done;
5. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of this Ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.
6. The authority to revoke permits.

Section 502: Planning Commission Hereby Created: A Planning Commission for the village is hereby created and exists under the authority of Ohio Revised Code Section 713.01 and shall consist of five members and two alternates made up of the following;

1. Mayor
2. One member of the village council to be elected thereby for the remainder of his term as such member of the village council, and
3. Three citizens of the village.
4. Two alternates-citizens of the Village appointed by the Mayor

Section 503: Proceedings of Planning Commission: The commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes on its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

Section 504: Duties of Planning Commission: For the purpose of this Ordinance the Commission shall have the following duties:

1. Initiate proposed amendments to this Ordinance;

2. Review all proposed amendments to this Ordinance to make recommendations to the village council, as specified in Article 6.

3. Review all planned unit development and make recommendations to the village council as provided in Article 19.

4. Act upon resolutions initiated by village council.

6. Prepare, review and modify the village comprehensive plan.

Section 505: Duties of Alternate Members on Planning Commission: Alternate members will attend each meeting and may make recommendations but will not have voting power if there is a full quorum. If one Board member is absent then the first alternate shall have the power to vote, if two Board members are absent then both alternates shall have the power to vote. If for any reason a Board member vacates their position on the Board, then the Mayor may appoint the first alternate to take the vacated seat and be a full member. The second alternate will then move to first alternate position and a new alternate will be named. All duties will remain the same.

Section 506: Board of Zoning Appeals Created: A Board of Zoning Appeals is hereby created, which shall consist of five (5) members and one (1) alternate to be appointed by the Mayor with concurrence of council each for a term of five (5) years, except that the initial appointments shall be one (1) member for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the village. Members of the Board may be removed from office by the village council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the mayor with concurrence of council for the unexpired term of the member affected. Annually, the board shall elect a chairman, vice-chairman and secretary.

Section 507: Proceedings of the Board of Zoning Appeals: The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 508: Duties of the Board of Zoning Appeals: 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, requirement, 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. A minimum of four (4) members of the board is required for a hearing to be held on the established date. The concurring vote of the majority of the Board shall be necessary to reverse any order, requirement, 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. If a simple majority cannot be obtained the variance request is not granted. For the purpose of this Ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done;
3. Decide upon the exact location of the boundary or boundaries of districts as shown on the official zoning map should there be a dispute as to their actual location;
5. To grant permits for use in industrial districts.

Section 509: Duties of Alternate for Board of Zoning Appeals: Alternate to attend each hearing and may voice in the decision of the Board but will not have voting power if there is a full quorum. If one Board member is absent the alternate shall have the power to vote at that hearing. If for any reason a Board member vacates their position on the Board then the Mayor may appoint the alternate to be a full member of the Board. At that time another alternate will be appointed by the Mayor. All duties shall remain the same.

Section 510: Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeals: It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the village council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise; any 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 to the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 310 of this Ordinance.

Section 511: Procedure and Requirements for Appeals and Variances: Appeals and variances shall conform to the procedure and requirements of Section 510-518, inclusive, of this Ordinance. As specified in Section 508, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 512: Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person or by any officer or bureau of the legislative authority of the village, affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty-days (30) after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the

appeal is being taken and all required fees have been paid. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 513: Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken, certifies to the Board of Zoning Appeals after the notice of appeal is filed, that by reason of facts stated in the inspector's action being appealed, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order by a court of record upon application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

Section 514: Variances: The following factors shall be considered and weighed in determining a variance including but not limited to: (1) whether the property in question will yield a reasonable return or there can be any beneficial use of the property without the variance; (2) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; (3) whether the variance would adversely affect the delivery of governmental services; (4) whether the property owner purchased the property with knowledge of the zoning restrictions; (5) whether the property owner's predicament feasibly can be obviated through some method other than a variance; (6) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Section 515: Application and Standards for Variances: A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which supports conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the standards specified in section 513.
5. Complete listing of names and addresses of all adjoining landowners including those across rights of way. .

Section 516: Supplementary Conditions and Safeguards: 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. In granting any appeal or variance, the Board of zoning

Appeals may prescribe appropriate conditions and safeguards in conformity with the 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 309 of this Ordinance.

Section 517: Notice of Public Hearing in Newspaper: Before holding the hearing required in section 511, notice of such hearing shall be given in one or more newspapers of general circulation of the village at least ten (10) days before the date of said hearing, and the nature of the proposed appeal or variance.

Section 518: Notice to Parties in Interest: Before holding the public hearing required in Section 510, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all adjoining landowners. The notice shall contain the same information as required of notices published in newspapers as specified in Section 516.

Section 519: Action by Board of Zoning Appeals: Within thirty (30) days after the public hearing required per Section 511, the Board of Zoning Appeals shall approve, approve with conditions as specified in Section 515, or deny the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance making possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 508.

Section 520: Conditional Use Permits: Pursuant to Section 514 an application may be submitted to the Board of Zoning Appeals to permit a conditional use within a district not normally permitted. A conditional use is limited only to the operation of a type of business, permitted in the "B-1" district within all residential districts. Upon fulfillment of requirements 517 and 518 the Board of Zoning Appeals at a public hearing may grant a conditional use permit allowing the above type of uses. In granting a conditional use permit, the Board shall consider the following:

1. The type of business activity to be conducted.
2. The impact of such a use on the adjacent property owners and the area as a whole.
3. The proposed hours of operation.
4. The impact of the proposed use on traffic in the area.

If the above conditional use permit is granted, signage for the proposed conditional use shall be in conformance with Section 235, unless a variance is granted during the above proceeding and said permit shall detail the conditions outlined during the hearing and filed by the Zoning Inspector. Any violation of the conditional use permit may cause the conditional use permit to be revoked by the Zoning Inspector.

Section 521: Discontinuance of Conditional Use Permit: If subsequent to receiving a conditional use permit the ownership of the property is changed or the type of business is altered in any way,

the conditional use is discontinued and the new use or ownership must reapply to the Board of Zoning Appeals.

Adopted 10/11/2011, Ordinance 2011-18

ARTICLE 6 – AMENDMENT

Section 600: Procedures for Amendment or District Changes: This Ordinance may be amended utilizing the procedures specified in Sections 602-612, inclusive, of this Ordinance.

Section 601: General: Whenever the public necessity, convenience, general welfare, or good zoning practices require, village council may by ordinance after receipt of recommendation from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classifications of property.

Section 602: Initiation of Zoning Amendments: Amendments to this Ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Planning Commission;
2. By adoption of a resolution by village council;
3. By filing of an application by at least one (1) owner or the lessee of property within the area proposed to be changed or affected by said amendment.

Section 603: Contents of Application: Applications for amendments to the official Zoning Map adopted as part of this Ordinance by Section 700 shall contain at least the following information:

1. Name, address, and phone number of applicant;
2. Present use;
- 3 Present zoning district;

4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
7. A list of all property owners and their mailing addresses who are contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A statement on how the proposed amendment relates to the comprehensive development plan and promotes the public health, safety, convenience, comfort, prosperity or general welfare;
9. A fee as established by village council, according to Section 310

Section 604: Transmittal to Planning Commission: Immediately after the adoption of a resolution by the village council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the commission by the village administrator.

Section 605: Notice to Property Owners by planning commission: Upon receipt of an application to rezone under Section 603 the planning commission shall set a date for a public hearing. Written notice of the hearing shall be mailed by the chairman of the planning commission, by first class mail at least ten (10) days before the day of the public hearing to all owners of property contiguous to, and directly across the street from and within two-hundred feet (200') of such area proposed to be rezoned or redistricted to the address of such owners appearing on the applicant's applications. The failure to deliver the notification, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of public notices published in newspapers as specified in Section 606-A.

Section 606: Notice of Public Hearing in the Newspaper: Notice of the public hearing shall be given by Planning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the village. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 607: Recommendation by Planning Commission: within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the village council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 608: Public Hearing by village council: Upon receipt of the recommendation from the Planning Commission, village council shall schedule a public hearing. Said hearing shall be not more than Forty-five (45) days from the receipt of the recommendation from the planning commission.

Section 609: Notice of Public Hearing in the Newspaper: Notice of the public hearing required in Section 608 shall be given by village council by at least one (1) publication in one (1) or more newspapers of general circulation in the village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 610: Action by Village Council: Within sixty (60) days after the public hearing required by section 608, the village council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. No such ordinance, measure, or regulation which differs from the plan or recommendation submitted by the commission shall take effect unless passed or approved by not less than three-fourths of the membership of the entire legislative authority. No ordinance, measure or regulation that is in accordance with the recommendations, plan or report submitted by the Commission, shall pass unless it receives at a three-fourths vote of the members of the entire council.

Section 611: 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 village 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 take effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the voters have approved the amendment, it shall take immediate effect.

Section 612: Annexation: All territory which may be annexed to the village after the effective date of this ordinance shall be classified as the R-2 Single-Family Residence District, unless otherwise provided in the annexation agreement or until changed in accordance with the procedures established in Article 6.

Section 613: Zoning Districts and Vacated Streets: Whenever any street or other public right-of-way is vacated by an official action of Council, the zoning district adjoining each side of such street or right-of-way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district. Such amendment shall be noted on the official Zoning District Map.

Section 614: Delay in Construction: In the event that the construction of a subdivision and or development in accordance with the approved zone change or PUD request is not begun within two (2) years after the date of approval of said change from village council, the zoning change or PUD Request shall no longer be valid and the zoning classification shall revert back to the

classification it was prior to the approved amendment. Prior to the end of the two (2) year timeframe, village council may grant an extension of one (1) year. Also, no permits shall be issued for construction after the expiration of the two (2) year time period or three (3) years if an extension has been granted.

Adopted 10/11/2011, Ordinance 2011-18

ARTICLE 7 -PROVISIONS FOR OFFICIAL ZONING MAP

Section 700: The following districts are hereby created:

Agricultural, A-1;
Residential, R-1,
Residential, R-2,
Residential, R-3,
Residential, R-4,
Residence, R-5
Residence, R-5C
Business, B-1
Business, B-2
Industrial, I-1
DRO, Downtown Residential Overlay District
NB, Neighborhood Business Overlay District
Mixed Use Overlay District
Natural Preservation District

These districts are shown on the Zoning Map, which is a part of this ordinance and are of such shape and area as has been found to be best suited to carry out the intent of the ordinance. The industrial districts have been established in anticipation of future needs.

Section 701: Official Zoning Map: The districts established in Section 700 of this Ordinance as shown on the Official Zoning Map, together with explanatory matter thereon, are adopted as part of this Ordinance.

Section 702: Identification of the Official Zoning Map: The Official Zoning Map shall be identified by the signature of the mayor attested by the village clerk and bear the seal of the Village.

Section 703: Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, they shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or the right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the village, unless otherwise indicated.

Adopted 10/11/2011, Ordinance 2011-18

ARTICLE 8 – “R-1” RESIDENTIAL DISTRICT

Section 800: The regulations set forth in this Article, are the District Regulations for the "R-1" Residential District.

Section 801: Use Regulations: The following uses shall be permitted in the “R-1” district:

1. Single-family dwellings, with a minimum of a two (2) car attached garage with parallel bays. One living dwelling per parcel
2. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables, under conditions specified herein, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least one hundred feet (100') distance from every lot line. (See Section 1814)
3. Gardening, the raising of vegetables or fruits and keeping of domestic or farm animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes, provided that any heating plant and any structure in which farm animals are kept shall be located not less than one hundred feet (100') from every lot line.
4. Summer houses and living quarters of persons employed on the premises without kitchen facilities and not rented or otherwise used as a separate dwelling.
5. Private swimming pools, exclusively for the use of the residents and guests.
6. Real estate signs and small announcement and professional signs subject to the provisions

of Article 20.

7. Temporary building for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
8. Home Occupation (as defined in Section 237) and permit is obtained.
9. Church, Sunday school and other places of worship.
10. Community Fire house.
11. Hospitals and institutions of an educational, religious, charitable, philanthropic nature provided the site upon which the uses are located shall contain at least five acres and that such buildings shall not occupy over 10 percent of the total area of the site.
12. Publicly owned or operated properties including parks, playgrounds and community centers.
13. Golf Course, except miniature courses and practice driving tees, including such buildings and uses necessary for its operation except those, the chief activity of which is a service customarily carried on as a business provided the site on which the course is located shall contain at least fifty (50) acres.

Section 802: Height Regulations: No building shall exceed forty-five feet (45') in height from the average surrounding grade.

Section 803: Yards: The following are the minimum setback requirements for "R-1":

Section 803.1: Front Yard: There shall be a front yard having a depth of not less than seventy-five feet (75') from every abutting right of way.

Section 803.2: Side Yard: There shall be a side yard on each side of the building; said side yard shall be a minimum of twenty feet (20') between the house and the property line.

Section 803.3: Rear Yard: There shall be a rear yard consisting of a minimum of fifty-feet (50') from the rear property line.

Section 804: Intensity of Use: Every lot or tract of land shall have a minimum width of one hundred fifty feet (150') at the building line and an area of not less than three (3) acres. Each dwelling must have a minimum square footage of not less than two thousand (2000) square feet.

Section 805: Parking spaces required: Every lot or tract of land shall provide a minimum of two off street parking spaces as delineated in Article 19, Section 1902, in addition to any garage spaces provided.

Section 806: Each newly constructed residential structure shall be landscaped with a minimum

of two, three-inch (3”) caliper hardwood trees; eight (8), five (5) gallon evergreen shrubs and seed and straw covering the front, side and rear yard to a distance of at least twenty feet (20’) from the rear of the house.

SUMMARY OF DISTRICT REQUIREMENTS	“R-1”
Minimum Lot Area	3 acres
Minimum Front Yard Setback from abutting right of way	75’
Minimum Side Yard Setback from the side property line	20’
Minimum Rear Yard Setback from the rear property line	50’
Minimum Lot Width at the set back line	150’
Minimum Size of Dwelling Unit (square footage)	2000
Maximum Building Height from grade	45’
Parking Spaces Required exclusive of garage spaces	2
Landscaping Required: Minimum of 2, 3” caliper hardwood trees, 8, 5 gallon evergreens and seed and straw in the front, side and twenty (20’) feet to the rear of the house	

ARTICLE 9 – “R-2” RESIDENTIAL DISTRICT

Section 900: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the "R-2" Residential District.

Section 901: Use Regulations: A building or premises shall be used only for the following purposes in the "R-2" district:

1. Single-family dwellings, with a minimum of a two (2) car attached garage with parallel bays. One living dwelling per parcel.
2. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables, under conditions specified herein, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity or any billboard, sign or poster other than hereinafter authorized. (See Section 1814).
3. Gardening, the raising of vegetables or fruits and keeping of domestic or farm animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes, provided that any heating plant and any structure in which farm animals are kept shall be located not less than one hundred feet (100') from every lot line.
4. Private swimming pools, exclusively for the use of the residents and guests.
5. Real estate signs and small announcement and professional signs subject to the provisions of Article 20.
6. Temporary building for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

7. Home Occupation (as defined in Section 237) and permit is obtained.
8. Church, Sunday school and other places of worship.
9. Community Fire house.
10. Publicly owned or operated properties including parks, playgrounds and community centers.

Section 902: Height Regulations: No building shall exceed forty-five feet (45') in height.

Section 903: Yards: The following are minimum set back requirements for the "R-2" Residential District:

Section 903.1: Front Yard: There shall be a front yard having a depth of not less than fifty feet (50'), provided, however, no alignment setbacks or front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred feet (100') of the proposed structure.

Section 903.2: Side Yard: There shall be a side yard on each side of the building; said side yard shall be a minimum of ten feet (10') from the side property line.

Section 903.3: Rear Yard: There shall be a rear yard consisting of a minimum of forty-feet (40') from the rear property line.

Section 904: Intensity of Use: Every lot or tract of land shall have a minimum width of one hundred feet (100') at the building line and an area of not less than one-half (1/2) acre. Each dwelling must have a minimum square footage of not less than one thousand two hundred (1200) square feet.

Section 905: Parking spaces required: Every lot or tract of land shall provide a minimum of two off street parking spaces as delineated in Article 19, Section 1902 in addition to any garage spaces provided.

Section 906: Each newly constructed residential structure shall be landscaped with a minimum of one, three-inch (3") and one two-inch (2") caliper hardwood trees; eight (8), five (5) gallon evergreen shrubs and seed and straw covering the front, side and rear yard to a distance of at least twenty feet (20') from the rear of the house.

SUMMARY OF DISTRICT REQUIREMENTS	"R-2"
Minimum Lot Area	1/2 acre
Minimum Front Yard Setback from abutting right of way or per Section 903.1	50'

Minimum Side Yard Setback from side property line	10'
Minimum Rear Yard Setback from rear property line	40'
Minimum Lot Width at the set back line	100'
Minimum Size of Dwelling Unit (square footage)	1200
Maximum Building Height from grade	45'
Parking Spaces Required exclusive of garage spaces	2
Landscaping Required: Minimum of one, 3" and one, 2" in caliper hardwood trees, 8, 5 gallon evergreens and seed and straw in the front, side and twenty feet (20') to the rear of the house	

ARTICLE 10 –“R-3” RESIDENTIAL DISTRICT

Section 1000: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the "R-3" Residential District.

Section 1001: Use Regulations: A building or premises in an “R-3” district shall be used only for the following purposes:

1. Single-family dwellings, with a minimum of a two (2) car attached garage with parallel bays. One living dwelling per parcel.
2. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables, under conditions specified herein, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity or any billboard, sign or poster other than hereinafter authorized. (See Section 1814).
3. Gardening, the raising of vegetables or fruits and keeping of domestic animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
4. Private swimming pools, exclusively for the use of the residents and guests.
5. Real estate signs and small announcement and professional signs subject to the provisions of Article 20.
6. Temporary building for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
7. Home Occupation (as defined in Section 237) and permit is obtained.

8. Church, Sunday school and other places of worship.

9. Community Fire house.

10. Publicly owned or operated properties including parks, playgrounds and community centers.

Section 1002: Height Regulations: No building shall exceed Forty-five feet (45') in height.

Section 1003: Yards: The following are the minimum setback requirements for the Residence "R-3" District:

Section 1003.1: Front Yard: There shall be a front yard having a depth of not less than twenty five feet (25'), provided, however, no alignment setbacks or front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred feet (100') of the proposed structure.

Section 1003.2: Side Yard: There shall be a side yard on each side of the building said side yard shall be a minimum of ten feet (10') from the side property line.

Section 1003.3: Rear Yard: There shall be a rear yard consisting of a minimum of forty feet (40') from the rear property line.

Section 1004: Intensity of Use: Every lot or tract of land shall have a minimum width of seventy-five feet (75') at the building line and an area of not less than ten thousand (10,000) square feet. Each dwelling must have a minimum square footage of not less than one thousand one hundred (1100) square feet.

Section 1005: Parking spaces required: Every lot or tract of land shall provide a minimum of two off street parking spaces as delineated in Article 19, Section 1902 in addition to any garage spaces provided.

Section 1006: Each newly constructed residential structure shall be landscaped with a minimum of two, two-inch (2") caliper hardwood trees; six (6), three (3) gallon evergreen shrubs and seed and straw covering the entire lot.

SUMMARY OF DISTRICT REQUIREMENTS	"R-3"
Minimum Lot Area (square footage)	10,000
Minimum Front Yard Setback from abutting right of way or per Section 1003.1	25'
Minimum Side Yard Setback from side property line	10'
Minimum Rear Yard Setback from rear property	40'

line	
Minimum Lot Width at the setback line	75'
Minimum Size of Dwelling Unit (square footage)	1100
Maximum Building Height from grade	45'
Parking Spaces Required exclusive of the garage spaces	2
Landscaping Required: Minimum of 2, 2" caliper hardwood trees, 6, 3-gallon evergreens and seed and straw covering the entire lot.	

ARTICLE 11 – “R-4” RESIDENTIAL DISTRICT

Section 1100: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the "R-4" Residential District.

Section 1101: Use Regulations: A building or premises in the “R-4” district shall be used only for the following purposes:

1. Single-family dwellings, with a minimum of a two (2) car attached garage with parallel bays. One living dwelling per parcel.
2. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables, under conditions specified herein, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity or any billboard, sign or poster other than hereinafter authorized. (See Section 1814).
3. Gardening, the raising of vegetables or fruits and keeping of domestic animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.
4. Private swimming pools, exclusively for the use of the residents and guests.
5. Real estate signs and small announcement and professional signs subject to the provisions of Article 20.
6. Temporary building for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

7. Home Occupation (as defined in Section 237) and permit is obtained.
8. Church, Sunday school and other places of worship.
9. Community Fire house.
10. Publicly owned or operated properties including parks, playgrounds and community centers.

Section 1102: Height Regulations: No building shall exceed Forty-five feet (45') in height.

Section 1103: Yards: The following are the minimum setback requirements for the "R-4" Residential District:

Section 1103.1: Front Yard: There shall be a front yard having a depth of not less than twenty feet (20'), provided, however, no alignment setbacks or front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred feet (100') of the proposed structure.

Section 1103.2: Side Yard: There shall be a side yard on each side of the building; said side yard shall be a minimum of five feet (5') from the side property line.

Section 1103.3: Rear Yard: There shall be a rear yard consisting of a minimum of twenty feet (20') from the rear property line.

Section 1104: Intensity of Use: Every lot or tract of land shall have a minimum width of forty feet (40') at the building line and an area of not less than four thousand eight hundred (4,800) square feet. Each dwelling must have a minimum square footage of not less than one thousand (1000) square feet.

Section 1105: Parking spaces required: Every lot or tract of land shall provide a minimum of two off street parking spaces as delineated in Article 19, Section 1902 in addition to any garage spaces provided.

Section 1106: Each newly constructed residential structure shall be landscaped with a minimum of one, two-inch (2") caliper hardwood tree; eight (8), three (3) gallon evergreen shrubs and seed and straw covering the entire lot.

SUMMARY OF DISTRICT REQUIREMENTS	"R-4"
Minimum Lot Area (square footage)	4,800
Minimum Front Yard Setback from abutting right of way	20'

Minimum Side Yard Setback from side property line	5'
Minimum Rear Yard Setback from rear property line	20'
Minimum Lot Width at the set back line	40'
Minimum Size of Dwelling Unit (square footage)	1000
Maximum Building Height	45'
Parking Spaces Required exclusive of garage space	2
Landscaping Required: Minimum of a 2" in caliper hardwood tree, 8, 3-gallon evergreens and seed and straw covering the entire lot	

ARTICLE 12 – “R-5” MULTIPLE RESIDENCE DISTRICT

Section 1200: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the "R-5" Multiple Residence District.

Section 1201: Use Regulations: A building or premises shall be used only for the following purposes in the "R-5" Multiple Residence District:

1. Multiple family.
2. Churches, schools, colleges, and administrative buildings owned by the village, township, county, state or Federal Government, public buildings for recreational, cultural or service use.
3. Commercial and noncommercial recreational areas limited to low noise forms of recreation, including but not limited to tennis courts, swimming pools, and golf facilities. Commercial buildings, pools and any other structures shall be a minimum of 100 feet from any adjacent residential property boundary. In no event shall any lighting device associated with said use be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon an adjacent premise so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
4. Hospitals, sanitariums, nursing homes, religious and charitable institutions, not including penal or correctional institutions, provided buildings or structures are not located closer than one hundred feet (100') from a R-1, R-2, R-3 and R-4 district and not closer than fifty feet (50') from a multiple dwelling.

Section 1202: Height Regulations: No building shall exceed Forty-five feet (45') in height.

Section 1203: Yards: The following are the minimum setback requirements for the Residence "R-5" District:

Section 1203.1: Front Yard: There shall be a front yard having a depth of not less than twenty feet (20'), provided, however, no alignment setbacks or front yard depth shall be required to exceed the minimum depth of the existing front yard on the lots adjacent on either side, if such lot is within the same block and within one hundred feet (100') of the proposed structure.

Section 1203.2: Side Yard: There shall be a side yard on each side of the building; said side yard shall be a minimum of five feet (5') from the side property line.

Section 1203.3: Rear Yard: There shall be a rear yard consisting of a minimum of twenty feet (20') from the rear property line.

Section 1204: Intensity of Use: Every lot or tract of land on which there is erected a single-family dwelling shall have a minimum width of forty feet (40') at the building line and an area of not less than four thousand eight hundred (4,800) square feet. Each single-family dwelling must have a minimum square footage of not less than one thousand (1000) square feet.

Section 1204.1: Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of forty feet (40') at the building line and an area calculated as the following:

2 units: 5,000 square feet per unit. 4,800 to 12,000 sq. ft.-one living dwelling per parcel-1/4 acre

3 units: 4,500 square feet per unit. 12,001 to 22,000 sq. ft.-two living dwellings per parcel-1/2 acre.

4 units: 4,000 square feet per unit. 22,001 to 43,560 sq. ft.-three living dwellings per parcel-1 acre.

5 units and above: 3,700 square feet per unit. 43,561 to 87,120 sq. ft.-up to six living dwellings per parcel-2 acres.

Section 1204.2: Minimum size of Multiple Family Dwelling: Each unit must have the following total square footage:

Efficiency: 500 square feet

1 Bedroom: 600 square feet

2 Bedroom: 800 square feet

3 Bedroom: 900 square feet

Section 1205: Parking spaces required: Every lot or tract of land shall provide a minimum of two off street parking spaces as delineated in Article 19, Section 1902 per unit in addition to any garage spaces provided.

Section 1206: Each newly constructed residential structure shall be landscaped with a minimum of one, two-inch (2") caliper hardwood tree; eight (8), three (3) gallon evergreen shrubs and seed

and straw covering the entire lot.

SUMMARY OF DISTRICT REQUIREMENTS	“R-5”
Minimum Lot Area Single Family (square footage)	4,800
Minimum Lot Area Multi Family (square footage)	2 units: 5000 per unit 3 units: 4500 per unit 4 units: 4000 per unit 5 units & greater 3700 per unit
Minimum Front Yard Setback from the abutting right of way or per Section 1203.1	20’
Minimum Side Yard Setback from the side property line	5’
Minimum Rear Yard Setback from the rear property line	20’
Minimum Lot Width at the set back line	40’
Minimum Size of Dwelling Unit (square footage)	Single Family: 1000 Multi Family: Efficiency 500 1 Bedroom: 600 2 Bedrooms: 800 3 Bedrooms: 900
Maximum Building Height	45’ or (3 stories)
Parking Spaces Required: Single and Multiple Family exclusive of garage space	2 per unit
Landscaping Required Landscaping Required: Minimum of a 2” in caliper hardwood tree, 8, 3 gallon evergreens and seed and straw covering the entire lot.	

ARTICLE 13 – “R-5C” MULTIPLE RESIDENCE DISTRICT

Section 1300: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the "R-5C" Multiple Residence District.

Section 1301: Use Regulations: A building or premises shall be used only for the following purposes, those permitted in the "R-5" Residential District, and the following:

1. Multiple family.
2. Churches, schools, colleges, administrative buildings owned by the village, township, county, state or Federal Government, public buildings for recreational, cultural or service use.
3. Non-commercial recreation areas, including, but not limited to, country clubs, community or private swimming pools.
4. Hospitals, sanitariums, nursing homes, religious and charitable institutions, not including penal or correctional institutions, provided buildings or structures are not located closer than one hundred feet (100') from an R-1, R-2, R-3 and R-4 district and not closer than fifty feet (50') from an R-5 dwelling.

Section 1302: Height Regulations: No building shall exceed forty-five feet (45') in height.

Section 1303: Yards: The following are the minimum setback requirements for the Residence R-5C District:

Section 1303.1: Front Yard: There shall be a front yard having a depth of not less than ten feet (10'), provided, however, no alignment setbacks or front yard depth shall be required to exceed the minimum depth of the existing front yard on the lots adjacent on either side, if such lot is within the same block and within one hundred feet (100') of the proposed structure.

Section 1303.2: Side Yard: There shall be a side yard on each side of the building said side yard shall be a minimum of five feet (5').

Section 1303.3: Rear Yard: There shall be a rear yard consisting of a minimum of twenty feet (20') from the property line.

Section 1304: Intensity of Use: Every lot or tract of land where there is erected a single-family dwelling shall have a minimum width of forty feet (40') at the building line and an area of not less than four thousand eight hundred (4,800) square feet. Each single-family dwelling must have a minimum square footage of not less than nine hundred (900) square feet.

Section 1304.1: Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of forty feet (40') at the building line and an area calculated as the following:
2 units and above: 2,400 square feet per unit.

Section 1304.2: Minimum size of Multiple Family Dwelling: Each unit must have the following total square footage:
Efficiency: 500 square feet
1 Bedroom: 600 square feet
2 Bedroom: 800 square feet

3 Bedroom: 900 square feet

Section 1305: Parking spaces required: Every lot or tract of land shall provide a minimum of two off street parking spaces as delineated in Article 19, Section 1902 per unit in addition to any garage spaces provided.

Section 1306: Each newly constructed residential structure shall be landscaped with a minimum of eight (8), three (3) gallon evergreen shrubs and seed and straw covering the entire lot.

SUMMARY OF DISTRICT REQUIREMENTS	“R-5-C”
Minimum Lot Area Single Family (square footage)	4,800
Minimum Lot Area Multi Family (square footage)	2,400 per unit
Minimum Front Yard Setback from abutting right of way or per Section 1303.1	10’
Minimum Side Yard Setback from side property line	5’
Minimum Rear Yard Setback from rear property line	20’
Minimum Lot Width at the setback line	40’
Minimum Size of Dwelling Unit (square footage)	Single Family: 900 Multi Family: Efficiency 500 1 Bedroom: 600 2 Bedrooms: 800 3 Bedrooms: 900
Maximum Building Height	45’ or (3 stories)
Parking Spaces Required: Single and Multiple Family exclusive of garage spaces	Per Article 19 & Section 1305
Landscaping Required: Minimum of eight (8), 3-gallon evergreens and seed and straw covering the entire lot.	

ARTICLE 14 – “B-1” BUSINESS DISTRICT

Section 1400: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the "B-1" Business District.

Section 1401: Use Regulations: A building or premises shall be used only for these purposes:

1. Hotels; motels, and Bed and Breakfasts.

2. Restaurants; cafes; soda fountains.
3. Retail stores or shops; banks; beauty parlors; barbershops; mercantile establishments; office or office buildings; funeral homes.
4. Theaters; not including outdoor.
5. Museums; community centers.
6. Grocery and vegetables stores; drug stores; laundry; business or professional offices.
7. Handmade Crafts providing said crafts are sold on the premises.
8. Residential unit(s) in conjunction with a commercial establishment provided said residential unit is not located on the ground/first floor of structure.

Section 1402: Height Regulations: No building shall exceed forty-five feet (45') in height.

Section 1403: Yards: There are no setback requirements for the Business "B-1" District:

Section 1404: Intensity of Use: No maximum intensity of use shall be required in a Business "B-1" district for commercial uses.

Section 1405: Parking spaces required: Every lot or tract of business-zoned land shall provide parking per the requirements of Article 19. Multi family uses in this district shall provide a minimum of two off street parking spaces per unit in addition to any garage spaces provided.

Section 1406: Each new business shall submit a landscaping plan for review and approval or rejection by the zoning administrator.

SUMMARY OF DISTRICT REQUIREMENTS	"B-1"
Minimum Front Yard Setback	0
Minimum Side Yard Setback	0
Minimum Rear Yard Setback	0
Minimum Lot Width at the set back line	0'
Maximum Building Height	45'
Parking Spaces Required	See Article 19 & Section 1405

ARTICLE 15 – "B-2" BUSINESS DISTRICT

Section 1500: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the Business' "B-2" District.

Section 1501: Use Regulations: The following uses and no others shall be permitted:

1. Any use permitted in "B-1" Business District.

2. Service Stations, filling stations and garages provided all parts or any junk automobiles are kept inside a building or screened from view of persons on contiguous property or persons using public right-of-ways.
3. Veterinary hospital or clinic, plumbing and heating, printing shop, lumber yard and building materials, paint shop, upholstery shop, carpenter shop, sheet metal, wholesale business, provided that the primary use be conducted within a completely enclosed building and all equipment completely enclosed with a six foot (6') high privacy fence. Commercial and veterinary kennels must be constructed so that all animals are kept inside buildings.
4. Automobile, boat, truck, trailer and farm implement establishment, for display, hire, sale and major repairs, provided all operations, other than display/sales shall be conducted within a completely enclosed building.
5. Bowling alleys and health clubs, provided that such use is conducted within a completely enclosed building.
6. Self-service laundry and dry-cleaning shops; interior decorating and paper hanging shops.
7. Buildings owned by County, State or Federal Government.
8. Commercial and noncommercial recreation areas, including country clubs and swimming pools. Buildings, pools and any other enclosures shall be one hundred feet (100') from any residential district.
9. Cinematic Theatres, and open-air type pavilion theatres, drive in type theatres are excluded.
10. Multiple family dwellings as defined in R-5 Section 1201 thru 1204.2.
11. Boat Storage provided the following requirements are adhered to: All boats located on said property are operable, all parts and equipment are stored in a separate building. All boat storage shall be on a hard surface of asphalt or concrete. The entire storage area shall include a six (6) foot privacy fence. Additionally a landscaping plan which screens the boat storage from adjoining properties shall be submitted to the zoning administrator for approval.
12. Automobile Parking lots.
13. Self-storage establishments.
14. Child Day Care Center.

Section 1502: Height Regulations: No building shall exceed forty-five feet (45') in height.

Section 1503: Yards: There are no setback requirements for the Business "B-2" District:

Section 1504: Intensity of Use: No maximum intensity of use shall be required in a Business "B-2" district for commercial uses.

Section 1505: Parking spaces required: Every lot or tract of business-zoned land shall provide parking per the requirements of Article 19. Multi family uses in this district shall provide a minimum of two off street parking spaces per unit in addition to any garage spaces provided.

Section 1506: Each new business shall submit a landscaping plan for review and approval or rejection by the zoning administrator.

SUMMARY OF DISTRICT REQUIREMENTS	"B-2"
Minimum Front Yard Setback	0
Minimum Side Yard Setback	0
Minimum Rear Yard Setback	0'
Minimum Lot Width at the set back line	0'
Maximum Building Height	45'
Parking Spaces Required Multiple Family excluding garage spaces	See Article 19 & Section 1505

ARTICLE 16 – "I-1" LIGHT INDUSTRIAL DISTRICT

Section 1600: The regulations set forth in this Article, or set forth elsewhere in this resolution, when referred to in this Article, are the District Regulations in the Light Industrial "I-1" District.

Section 1601: Use Regulations: The following uses and no others shall be permitted:

1. Assembly of small electrical appliances and electronic instruments, accessories and devices, radios and phonographs; including therewith, the manufacture of small parts thereof.
2. Laboratories (experimental), photo or motion picture film or testing.
3. Large scale manufacture of pottery and figurines or other ceramic products, using only previously pulverized clay and kilns fired by electricity or gas.
4. Manufacture, fabrication and maintenance of electric and neon signs, billboards, commercial advertising structures, and very light sheet metal products including heating and ventilating ducts.
5. Printing, lithographing, type composition, ruling and binding establishment.
6. Plastic products manufacture, but not including the processing of raw materials.
7. Storage of any merchandise or material within a completely enclosed building, except for the following: building materials, contractors equipment, explosive, flammable, garbage or other materials subject to offensive odors, offal or dead animals, ice and cold storage, lumber, petroleum by products, in excess of any amount necessary for use on the premises; rags, paper, metal or junk, and solid fuels in excess of heating needs, but not to include terminal warehousing or a transfer depot.
8. Nurseries, greenhouses and general farming, provided that any greenhouse heating plant or any building in which farm animals are kept shall be a distance of not less than one hundred feet (100') from every lot line.
9. Recycling of consumer goods, excluding motor vehicles, when conducted within a completely enclosed building.

Section 1602: Height Regulations: The maximum structure height in the Light Industrial "I" district is forty-five feet (45').

Section 1603: Yards: The following are the minimum setback requirements for the Light Industrial "I" District:

- 1 Front Yard: There shall be a front yard having a depth of not less than twenty-five feet (25').
- 2 Side Yard: There shall be no minimum side yard requirements excepting when a building adjoins a conforming residential lot in which case the side yard shall be fifty feet (50').
- 3 Rear Yard: There shall be no minimum rear yard requirements excepting when a building adjoins a conforming residential lot in which case the rear yard shall be fifty feet (50').

Section 1604: Intensity of Use: No maximum intensity of use shall be required in a Light Industrial "I" District for office type uses, but a lot tract of land shall have an outlet to a dedicated street or road.

Section 1605: Parking spaces required: Every lot or tract of industrial zoned land shall provide parking per the requirements of Article 19.

Section 1606: Each new industrial structure shall submit a landscaping plan for review and approval or rejection by the zoning administrator.

SUMMARY OF DISTRICT REQUIREMENTS	“I-1”
Minimum Front Yard Setback from abutting right of way	25’
Minimum Side Yard Setback from side property line except adjoining residential	0 50’
Minimum Rear Yard Setback from rear property line except adjoining residential	0’ 50’
Minimum Lot Width at set back line	0’
Maximum Building Height	45’
Parking Spaces Required	See Article 19

ARTICLE 17 – RESIDENTIAL “PUD” PLANNED UNIT DEVELOPMENTS

Section 1700: This article establishes requirements and procedures for approval of residential developments to provide a flexible alternative to the strict application of this ordinance.

Section 1701: QUALIFYING PROPERTIES: To qualify for consideration, as a PUD the

property shall meet these criteria:

1. Size and Location: The PUD site shall be a minimum of five contiguous acres and shall be located within an R-2 or R-3 zone. In the alternative, subject to village council approval, contiguous property of any size may be added to an existing PUD provided its design is consistent with existing PUD. The addition of contiguous property to an approved PUD will be processed and reviewed in accordance with the requirements of this article to determine approval.
- 2 Utilities: No PUD shall be permitted except where public water and sanitary sewer facilities are available.
3. Single control. At the time of application and throughout the development period, all land included in the PUD must be under the single control of the applicant or his or her successor, except for any portions of the development which are finished and transferred to private ownership in accordance with the requirements of this article.
4. Permitted Uses.
 - A. All types of residential housing units,
 - B. Accessory buildings incidental to the principal use.
5. Standards and guidelines: The applicant must demonstrate that the preliminary development and final development plans meet the following standards:
 - A. Open space and green areas.
 - (1). The natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character.
 - (2). The design of green areas shall incorporate plant materials to define spaces, provide screening and privacy, define views, serve as focal points, and soften views of buildings, structures and pavement.
 - (3). The PUD shall be designed so proposed green areas adjoin green areas of any bordering development or public park in order to provide a connected greenbelt systems and pedestrian connectivity.
 - B. Grading and drainage shall be performed in accordance with Village of New Richmond Ordinance 2007-23 *Water Management Sediment Control Regulations*.
 - C. Natural resource protection areas.

- (1). The resource protection standards are intended to preserve natural resources and to minimize damage to the environment and the public health, safety, and welfare that result from loss of vegetation, flooding, erosion or inappropriate site development.
 - (2). The applicant shall identify the natural resources present at the subject site and the limitations they pose to development.
 - (3). All resource protection areas identified shall be properly notated and shall be designated as permanent open space and may be made an integral part of the required open space in accordance with the provisions of this article or otherwise be mitigated.
- D. The types of site natural resources that need to be identified and protected and the preferred methods of protection are as follows:
- (1) Flood plains. The 100-year flood plain and areas of wetlands and special flood hazard areas as identified by the Federal Emergency Management Agency, in accordance with all applicable local regulations;
 - (2) Water courses. Includes all natural streams, ponds, ravines and drainage ways. Any alterations of these site resources shall meet the provisions of all regulations, local, state and federal.
 - (3) Woodland areas. Areas or stands of trees, measured canopy to canopy, covering area greater than one acre in which:
 1. Any grove of trees where the majority of the trees consist of mature canopy (twelve-inch (12") and greater tree caliper).
 2. All development shall be planned, designed and constructed so that existing healthy trees are preserved.
 - (4) Steep slopes. Sites where the land surface is inclined from a horizontal plane 20% or greater. Development of steep slopes shall be done with caution, in accordance with generally accepted engineering and surveying practices and excavation and alteration of the ground shall be minimized. The following additional standards shall guide the protection of steep slopes:
 - (a) Steep slope of 20% to 30%.
 - i. A minimum of eighty percent (80%) of such steep slope areas shall remain undeveloped when they are incorporated into the open space system.

ii. If not incorporated into the open space system a minimum of fifty percent (50%) of such steep slope areas shall remain undisturbed.

(b). Steep slopes of greater than 30%.

i. A minimum of ninety percent of such steep slope areas shall remain undeveloped when they are incorporated into the open space system for the PUD project.

ii. If not incorporated into the open space system, a minimum of eighty-five percent (85%) of such steep slope areas shall remain undisturbed.

6. Circulation. The street, access and parking system shall provide for the smooth, safe, convenient and functional movement of vehicles and pedestrians both on and off-site.

A. Circulation shall:

(1) Minimize the conflict between pedestrian and vehicular traffic; and

(2) Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.

B. Vehicular access.

(1) Acceleration, deceleration and/or left turn lanes may be required if the village council finds that they are necessary to preserve safety and/or the traffic-carrying capacity of existing streets.

(2) A traffic impact study shall be required for all PUD developments.

(3) Use of cul-de-sacs shall be limited.

(4) Connectivity of streets shall be encouraged within the site and with adjoining streets and parcels.

(5) Boulevard entrances and traffic islands are not permissible

C. Site distance triangles.

(1) All sites shall be designed so that plants and structures on

the site do not interfere with the safe movement of vehicular traffic, bicycles and pedestrians.

(2) The site distance triangle shall be determined in accordance with the most recent, relevant and applicable standards. The site distance triangle shall vary depending upon the design speed and the width of the street.

D. Pedestrian circulation.

(1) Sidewalks shall be constructed on both sides of all public and private streets.

(2) Public sidewalks may be supplemented with pedestrian paths that traverse common open space.

(3) Sidewalks and/or pedestrian paths shall be constructed and located in order to provide convenient, safe and visible pedestrian paths between parking areas and building entrances. Whenever a pedestrian or bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated and identified.

(4) Whenever a proposed development adjoins a collector street, sidewalks shall be required.

7. Lighting:

- A. All exterior lighting fixtures shall only be of a type and design as approved under the International Dark-sky Association (IDA) certification program and be marked with their "Fixture Seal of Approval".
- B. The comprehensive street lighting plan shall be consistent with the design elements utilized throughout the development.

8. Screening, buffering and landscaping. Screening and buffering areas shall minimize the friction between incompatible land uses and improve the aesthetic and functional quality of the PUD.

- A. Required screening, buffering and landscaping shall be located on the property it is to serve. Elements located on properties adjacent to the PUD do not count toward landscaping requirements.
- B. Screening and buffering areas shall consist of one hundred percent (100%) natural materials.
- C. Plants indigenous to the area shall be given preference. Plants designated, as invasive species shall be forbidden
- D. All screening and buffering shall use native, adaptive and drought tolerant plants appropriate for this USDA hardiness zone.

- E. All landscape designs must take into consideration the buffering or screening provided by existing trees, shrubs and topography of the PUD.
- F. All planting beds must contain a combination of organic and inorganic landscaping materials with living materials comprising at least fifty percent (50%) of the requirement.
- G. Turf areas must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site.
- H. Landscaping must use the species mix shown here to reduce disease susceptibility and the potential demise of a large portion of plant materials at one time. The number of trees maximum as a percentage (%) of any species: 10 – 19 50%, 20 – 39 33%, 40 – 59 25%, 60+ 15%.
- I. Plant size at the time of installation must be no smaller than the following:

Large or shade trees: 2-inch caliper 75%, 3-inch caliper 25%
 Small or ornamental trees: 1-½ inch caliper 75%, 2-½ inch caliper 25%
 Evergreen trees: 6 feet tall 75%, 8 feet tall 25%
 Shrubs: 5 gallon
 Vines or ground covers: 1 gallon

- 9. Design standards. The planning commission and village council shall determine whether the following design elements have been incorporated in to the preliminary and final development plan:

- A The use of unique street design and landscaping to provide for traffic calming,
- B. A sufficient number of housing types, styles and models with varied setbacks and building elevations have been offered to avoid a monotonous streetscape or identical housing types, styles and models on adjoining lots.
- C. The development offers a variety of lot sizes,
- D. The development offers a variety of construction materials including, but not limited to, brick, stone or wood siding.
- E. Trees and foundation plantings for all front yards outside the public right-of-way.
- E. Street trees shall comply with the Village of New Richmond Tree Ordinance and shall be provided throughout the development.

- 10. Perimeter requirements. If topographical or other barriers do not provide privacy for existing uses adjacent to the PUD, structures and parking areas located on the perimeter of the PUD shall be set back by a minimum of one hundred feet (100').

- 11. Common open space/recreation area.

- A. Common open space shall be set aside for active and/or passive recreation.

Central neighborhood greens and/or smaller pocket parks are encouraged. Active recreation shall include such activities as golf courses, swimming pools, tennis courts, playgrounds, and ball fields. Passive recreation areas may include picnic areas, sitting areas, walking paths, gazebos or similar uses. At least 15% of the designated open space must be set aside for passive/active recreation facilities:

- B. Such open space areas shall be physically situated so as to be accessible and available to all residents of the PUD:
 - C. Common open space areas shall constitute autonomous open space and be exclusive of all set backs, rights of way, streets, structures, single family lots, parking areas, sidewalks, and landscaped areas incidental to the vehicular circulation system.
 - D. Independent trails and bridle paths of sufficient width and design may be included in the open space calculation.
 - E. Required common open space shall not consist of isolated or fragmented pieces of land, which serve no useful purpose or which may present maintenance difficulties as determined by the village council.
 - F. Ownership of common open space shall be transferred by the developer to a legally established homeowners association, or if accepted, the village.
- 12. Utilities. All utilities shall be located underground and any accompanying appurtenances to these systems shall be screened from view of the public street by some vegetative screening appropriate for the site.
 - 13. Fences, walls. The location, height and type of fences and walls shall be per Article 18 of this Ordinance.
 - 14. Off-street parking. Off-street parking, and loading, shall be provided in accordance with Article 19 of this Ordinance.
 - 15. Signs. The number, size, and location of signs for a PUD plan will be in accordance with Article 20 of this Ordinance.
 - 16. Other requirements. Height, minimum distance between buildings, and length of structures shall be as approved in the preliminary development plan, provided the following minimum standards are observed:
 - A. Height. The height of any residential structure within a PUD district shall not exceed forty-five feet (45’):
 - B. Minimum distance between buildings. There shall be a minimum distance of ten feet maintained between residential structures; and

- C. Length of structures. There shall be no continuous structure of townhouses, attached dwellings or apartments, containing more than three hundred feet (300’).

Section 1702: APPLICATION AND REVIEW PROCEDURES.

1. Initiation:

- A. Only the owner of the property or his agent may file an application for PUD approval.
- B. An application for approval of a PUD may be combined with a zone change of the underlying district.
- C. A PUD may be established by action of the village council and only after the council’s consideration of a recommendation from the planning commission in accordance with the requirements and procedures of this article.

2. Procedure:

- A. The application for a PUD commenced by a property owner shall be processed in a three-part procedure, which requires the owner to:
 - (1) Attend a pre-application conference,
 - (2) Submit a formal application, the required review fee in accordance with the fee schedule, and a preliminary development plan; and
 - (3) Submit a final development plan and subdivision plat as required.
- B. The planning commission and village council shall act upon the application as prescribed by the following provisions of this article.

Section 1703: PRE-APPLICATION CONFERENCE.

- 1. Prior to submitting an application for development plan approval, an applicant for a PUD shall meet with the zoning administrator, to present the proposed development.
- 2. The pre-application conference shall facilitate the filing of a complete application and no representation made by village representatives during such conference or at any other time shall be binding upon the village with respect to the application subsequently submitted.
- 3. The pre-application conference presentation shall include information and material to explain the proposed development.

Section 1704: SUBMITTAL OF FORMAL APPLICATION AND PRELIMINARY DEVELOPMENT PLAN FOR INITIAL REVIEW.

1. The applicant shall file the application for the PUD with the zoning administrator. A narrative summary of the development objectives shall be prepared and filed with the application documenting the facts and studies supporting the proposed development. Ten copies of the application and preliminary development plan shall be filed with the application.
2. The zoning administrator and such other village officials as are needed shall review the PUD application and accompanying documents for completeness using the procedures, standards and guidelines set forth in this section. This review shall be completed within thirty-days (30).
3. To be considered complete, the application and the preliminary development plan shall include the written and graphic submittals specified below unless waived per section 1706.
 - A. A completed application form:
 - B. The required preliminary development plan review fees in accordance with the community development fee schedule;
 - C. For site plans less than 25 acres, the preliminary development plan shall be drawn to a scale not smaller than one inch equals 100 feet, to be considered complete. For site plans larger than 25 acres, an appropriate scale shall be used. All preliminary development plans shall be dated and shall include the following information as required by this article:
 - (1) All property lines, shape and dimensions of the property to be developed showing directional bearings and distances, adjacent streets, and location with reference to identifiable street intersections. A list of the names and addresses of the owners of all property located within the subject site, and within 200 feet in all directions of the subject site, together with corresponding parcel numbers;
 - (2) Name of proposed development, legal description of property, acreage, name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the plan;
 - (3) Vicinity map locating the subject property in the village. Both vicinity map and preliminary development plan shall be oriented with parallel north arrows. North arrow shall be oriented to the top of the page;
 - (4) The identification of natural features to be retained;

- (5) The present zoning of the subject property and all adjacent properties;
- (6) All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed, continued, enlarged, relocated, abandoned or to be abandoned;
- (7) Existing topography, and approximate delineation of any topographical changes shown by contour with two (2) foot intervals,
- (8) The location of every existing and proposed building with number of floors, gross floor area, and number of dwelling units per building;
- (9) The proposed types of units, density, and setback of each residential unit;
- (10) Any modifications, changes and additions to existing building(s);
- (11) The amount of area proposed for common open space and recreational use, the location and arrangement of recreational facilities, a statement of ownership of such facilities and the means for maintaining all common open space and recreational use areas,
- (12) The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations,
- (13) Location and dimensions of all driving aisles, off-street parking and loading/unloading spaces including number of spaces and angle of stalls;
- (14) Location of proposed pedestrian walkways, identifying dimensions;
- (15) Location of proposed streets, identifying dimensions of pavement, rights-of-way, grades, utilities, and other public facility improvements;
- (16) Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating pipe sizes. Indication shall also be given regarding the provision of electric, telephone service, and cable service,
- (17) Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachments and earth fill within the area, with 100-year water surface elevations and proposed finished floor elevations noted;
- (18) Identification of the soil types and subsurface geology of the subject property, indicating anticipated problems and proposed methods of handling said problems,
- (19) Existing and proposed location(s) of outdoor lighting, signs, screen

plantings, fences, and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage courses, wetlands, and wildlife habitats, must be included, and every effort made to preserve, maintain, and enhance same;

- (20) Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used;
- (21) A schedule of proposed development, including the staging and phasing of development;
- (22) Elevations of all facades of buildings and structures, at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate:
 - (i) Heights of buildings and structures;
 - (ii) Roofs and overhangs; and
 - (iii) Special design features and restrictions.

5. If the zoning administrator finds the application and preliminary development plan complete, the zoning administrator shall forward the application and preliminary development plan to the planning commission for its review under Section 1809. If the zoning administrator finds the application and preliminary development plan incomplete, the zoning administrator shall reject the application and preliminary development plan and return same to the applicant identifying deficiencies.

Section 1705: WAIVER OF ITEMS BY ZONING ADMINISTRATOR.

In determining whether to permit revision of the preliminary development plan after approval, the zoning administrator shall proceed as follows: For minor modifications, which are defined as follows: A ten percent (10%) change in existing buildings, floor area, heights, setbacks, and any other change under Section 1704, 3, C (2), (3), (16) & (17), the zoning administrator may permit these changes upon determination that the change does not adversely impact upon the adjacent property owners. For major modifications, which are any changes in use or in Section 1704, 3, C (1), (4-8), (11-15), and (18-24), the applicant must submit a new preliminary development plan, which will be reviewed in accordance with the procedures of this ordinance.

Section 1706: REVIEW OF PRELIMINARY DEVELOPMENT PLAN BY PLANNING COMMISSION.

1. After completion of Section 1704 the zoning administrator shall transmit the preliminary development plan to the planning commission for its review and recommendations.

- A. Within 30 days after receipt of the zoning administrator's transmittal of the application and the preliminary development plan, the planning commission shall set a time and place to conduct a public hearing.
- B. The zoning administrator will publish a notice of public hearing, which shall be advertised in at least one newspaper of general circulation within the village at least 15 days before the date of such hearing.
- D. At least twenty (20) days prior to the public hearing the zoning administrator shall notify by first class mail all abutting property owners to the proposed PUD site and any owners within two-hundred feet (200') of the boundary lines of the PUD in all directions of the site.
- E. Failure to deliver written notices as provided in this section shall not invalidate any future proceedings. The written notice shall contain the same information as required to be published in division 1, C of this section.
- F. Within 30 days of the final public hearing, the Planning Commission shall vote to recommend to village council the approval of the PUD application and the preliminary development plan, the rejection of the PUD application and the preliminary development plan, or the approval of the PUD application and the preliminary development plan with conditions/modifications.
- G. In deciding whether to approve, reject, or approve with conditions/modifications, the planning commission shall consider these criteria:
 - (1) Is the preliminary development plan consistent with the intent and purposes of this ordinance?
 - (2) Is the preliminary development plan beneficial or adverse to the adjacent properties and to the neighborhood in which it is proposed?
 - (3) Are the present or planned utilities, roadways, and other public services adequate?
 - (4) Does the preliminary development plan serve the area, preserve topographic, historical, environmental or other unique features, and/or meet special requirements set forth in the development objectives; and
 - (5) Does the preliminary development plan satisfy all the specific conditions set forth previously in this section or are exceptions to such requirements warranted in order to promote the goals and objectives of this ordinance?
- H. The recommendations of the planning commission shall be in writing and signed by

the chairman.

Section 1707: REVIEW OF PRELIMINARY DEVELOPMENT PLAN BY VILLAGE COUNCIL

1. The written recommendation of the planning commission shall be forwarded to the village council.
2. Within fifteen (15) days from the receipt of the written recommendations from the planning commission, village council shall schedule a public hearing to consider the written recommendation. The Clerk shall publish notice of the date, time, and location of the public hearing at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the village. If the written recommendations pertain to an application which seeks to obtain PUD classification for ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the village clerk, by first class mail, at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list. The failure of delivery of such notice shall not invalidate any ordinance, measure, or regulation enacted by village council pertaining to the application. Upon publication and prior to the public hearing, the text or copy of the text of the recommendations of the planning commission, together with the original application and the preliminary development plan, and all other documentation considered by, or provided to, the planning commission shall be on file, for public examination, in the village administrative offices.
3. No later than fifteen (15) days after conducting the public hearing, village council shall pass an ordinance approving, rejecting, or modifying the written recommendation of the planning commission. No ordinance, which rejects or modifies the written recommendation of the planning commission, shall take effect unless passed or approved by not less than three-fourths of the membership of village council authorized to vote. No ordinance, which approves the recommendations of the planning commission, shall pass or take effect without the concurrence of a majority of the membership of village council authorized to vote.
4. After approval of the PUD application and the preliminary development plan by village council, the official zoning map shall be modified and appropriately notated for the subject property by adding the prefix "PUD" next to the underlying zoning district designation, and by adding the date of approval of such change and the number of the ordinance granting such approval.
5. The ordinance of village council approving, denying, or modifying the recommendation of the planning commission is the final legislative action of council on the PUD application.

Section 1708: SUBMITTAL OF FINAL DEVELOPMENT PLAN.

1. Unless extended by village council, within 12 months following the approval of the PUD application, the preliminary development plan and the establishment of the PUD, the applicant shall submit to the zoning administrator all required items to obtain final construction authorization. Failure of the applicant to submit the final development plan within 12 months shall nullify the approval and shall cause the zoning administrator to remove the PUD overlay designation from the zoning map.
2. For developments, which are to be built in phases, a final development plan for each phase shall be submitted, reviewed and approved by the planning commission under this article.
3. The applicant shall submit the following items to the zoning administrator:
 - A. The application and review fee; and
 - B. A performance bond or other guarantee or security satisfactory to village council guaranteeing completion of all public improvements include in the PUD.
 - C. Nine copies of a detailed final development plan as outlined below.
4. The detailed final development plan shall be consistent with the contents of the approved preliminary development plan, be prepared by a professional urban planner, engineer, architect, or landscape architect, be submitted at a scale not smaller than one inch equals fifty feet (50'), and shall include the following items:
 - A. A site plan of the development showing survey of the tract, lot lines, building outlines, off-street parking areas and spaces, pedestrian walkways, and vehicular circulation:
 - B. Preliminary building plans, representative floor plans and exterior elevations:
 - C. Landscaping plans showing quantity, size, and varieties of landscaping proposed:
 - D. Specific engineering plans showing site grading, street plans and improvements, drainage and utility improvements and extensions, and treatment of the general topography and common open space;
 - E. Information detailing the proposed types of units, density, area, and setbacks for each residential area and the type, location, and acreage of common open space;
 - F. Timing of amenities;
 - G. All necessary legal documentation relating to the incorporation of a Homeowners Association for the purpose of maintaining the specified common open space and

recreational use areas;

- H. Copies of any restrictive covenants that are to be recorded; and
- I. Any other supporting documentation deemed appropriate by the applicant or the planning commission and all approvals obtained from other government agencies, required for the final development plan.

Section 1709: REVIEW AND APPROVAL OF FINAL DEVELOPMENT PLAN.

1. The zoning administrator shall transmit copies of the final development plan and accompanying documents to the following entities:
 - A. The village engineer,
 - B. The fire department,
 - C. Planning commission members
 - D. New Richmond school district
 - E. Zoning office file
2. Within thirty-days (30) of submittal, the zoning administrator shall collect reports from the village engineer, fire department and New Richmond school district, and prepare copies of the reports for the planning commission.
3. Within thirty-days (30) of receipt of all pertinent reports, including a traffic impact study if requested, the planning commission shall review and either approve or disapprove the final development plan. The planning commission shall note any specific conditions or exceptions upon which it premised its approval.
4. Criteria for approval by the planning commission. In order to approve the final development plan, the planning commission shall find that the final development plan meets the following:
 - A. The plan is consistent with the contents of the approved preliminary development plan;
 - B. The final development can be initiated within two years of the date of approval;
 - C. The uses proposed will not be detrimental to present and potential surrounding uses, and will have a beneficial effect which could not be achieved under standard district regulations;:
 - D. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not overload the street network outside the development:
 - E. Any exception from standard district requirements is warranted by the design and

other amenities incorporated in the plan:

- F. The area surrounding the development can be planned and zoned in coordination and compatibility with proposed development:
- G. The existing and proposed utility services are adequate for the densities and uses proposed. The planning commission may require written proof of capacity availability from the appropriate public agency.

Section 1710: DECISION OF PLANNING COMMISSION: If the planning commission finds that the final development plan meets the criteria of “A” through “G” of Section 1709, the planning commission shall approve the final development plan noting any specific conditions or exceptions upon which it premised its approval. If the planning commission finds that the final development plan does not meet the criteria of “A” through “G” of Section 1709, the planning commission shall disapprove the final development plan noting the reasons. All decisions of the planning commission under Section 1709 can be appealed to the Common Pleas Court under ORC Chapters 2505 and 2506.

Section 1711: EFFECTS OF FINAL DEVELOPMENT PLAN APPROVAL.

Once approved, the final development plan shall be kept on record in the zoning department, together with all recommendations, ordinances, applications, plats, plans, and other information regarding the development. The ordinance prepared by the village council approving the preliminary development plan and the approved final development plan by the planning commission, serve as the official record of the permitted uses, development, and activities for the development. Any use, development, or activities on the development which is not consistent with, or which is contrary to, the final development plan shall be considered a violation of this chapter and subject to the compliance procedures and penalties specified herein and in Section 1714.

The approval or denial of the final development plan by the planning commission is an administrative action. As such, the applicant or any person who can demonstrate irreparable harm by the decision of the planning commission may appeal the decision in accordance with ORC Chapters 2505 and 2506.

Section 1712: CONSTRUCTION AND EXPIRATION

No construction shall begin until the planning commission has approved the final development plan. If substantial construction has not begun within a period of 12 months from the date of approval of the final development plan and substantial construction of an approved phase is not completed within five years of approval, said plan shall be deemed null and void. The zoning administrator may extend the construction period if:

1. The owner demonstrates that due to circumstances beyond the owner’s control, the construction was delayed because of acts of God; inability to obtain financing or acts of government which prevent the timely commencement of the development; and

2. The approved final development plan remains unchanged.

For purposes of this section, SUBSTANTIAL CONSTRUCTION shall mean installation of roadways, including curbs and utilities.

Section 1713: MODIFICATIONS.

The final development plan shall conform to the preliminary development plan. No changes, erasures, modifications or revisions shall be made to any approved plan after approval has been given unless said changes, erasures, modifications or revisions are first submitted to and approved by the zoning administrator. In determining whether to permit revision of the preliminary development plan after approval, the zoning administrator shall proceed as follows: For minor modifications, which are defined as follows: A ten (10) percent change in existing buildings, floor area, heights, setbacks, and any other change under Section 1707, 3, C (2), (3), (16) & (17), the zoning administrator may permit these changes upon determination that the change does not adversely impact upon the adjacent property owners. For major modifications, which are any changes in use or in Section 1707, 3, C (1), (4-8), (11-15), and (18-24), the applicant must submit a new preliminary development plan, which will be reviewed in accordance with the procedures in Chapter 17 of this ordinance.

Section 1714: COMPLIANCE AND ENFORCEMENT.

It shall be incumbent upon the zoning administrator or his or her duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved final development plan. In the event that the zoning administrator finds that construction is not in accordance with the approved final development plan and record plat(s) he shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring the development into compliance with the approved final development plan shall be at the developer's, builder's, or owner's expense.

ARTICLE 18 - SUPPLEMENTARY DISTRICT REGULATIONS

Section 1800: General: The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas which are common to more than one zoning district.

Section 1801: Conversion of dwellings to more units: A residence may only be converted to an increased number of dwelling units when the following are adhered to:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district:
2. The lot area per family equals the lot area requirements for new structures in that district:
3. The floor area per dwelling unit is not reduced to less than that required for new construction in the district:

Section 1802: Private Swimming Pools: Private swimming pools, either in-ground or above ground installations, with a diameter eight feet (8') or greater and sixteen inches (16") or greater in height or with a filtration system, shall be allowed in any commercial or residential district, as an accessory use if the private swimming pool complies with the following conditions and requirements:

1. The private swimming pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located:
2. Be situated in the rear yard only:
3. It shall be set back a minimum of five feet (5') from any property line:
4. The private swimming pool, or the entire property on which it is located, shall be walled or fenced. Said fence or wall shall not be less than four feet (4') in height, and a minimum of four feet (4') from the edge of the pool, except above ground pools with fencing which meets the provisions of subparagraph 5 below.
5. Fencing for an above ground pool may be located on the outer pool walls. The combined height of pool walls and fence shall be a minimum of six feet (6') above grade. All pool access points are to be provided with a lockable gate and removable or retractable ladder to prohibit access to the pool when not in use.
6. The fence or wall shall prevent access to the private swimming pool by any person(s) not authorized by the owner and prohibit the passing of a four-inch (4") sphere through any fence opening.

Section 1803: Private swimming pools, with a diameter less than eight feet (8') and/or less than sixteen inches (16") in height, without a filtration system are not covered by this ordinance.

Section 1804: Temporary Buildings: Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may be permitted in any district during the period of construction. Such temporary facilities shall be removed upon completion of the

construction work.

Section 1805: Donation Drop-off Receptacles:

Definition: Donation drop-off receptacle: a container or structure located outside of an enclosed building, designed or used for the holding of charitable or for-profit donated items, with the collection of the donated items made at a later time. Donation drop-off receptacles may also be known as drop-off boxes, charity bins, clothing bins or donation bins.

1. Permitted locations: Donation drop-off receptacles are considered subject to conditional use review in the B-1, B-2 and I-1 districts. Conditional use approval applies for a maximum of two (2) years, after which the donation drop-off receptacle must be removed or the conditional use approval renewed.
2. Conditions: Only one donation drop-off receptacle may be placed on a property. Donation drop-off receptacles cannot obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, areas in front of the primary building on the site, drive aisles, required parking spaces, fire lanes, loading zones or other location that may cause hazardous conditions, be a threat to the public safety or create a condition detrimental to surrounding land uses or developments.
3. Donation drop-off receptacles may have a capacity of up to six (6) cubic yards and a maximum height of 6.5 feet.
4. Donation drop-off receptacles must be painted or coated. Bright primary or contrasting colors are prohibited.
5. Donation drop-off receptacles must be clearly marked to identify the specific items and materials requested for donation, the name of the operator or owners of the donation container, a telephone number where the owner, operator or agent of the owner or operator may be reached at any time and a notice stating that nothing may be left outside of the box.
6. Donated items must be collected and stored in the donation drop-off receptacle. Donated items cannot be left outside of receptacles. Donations that are not contained within the donation drop-off receptacle are considered a zoning violation and public nuisance, with the donations and the receptacle subject to removal by the village at the owner's expense.

Section 1806: Parking and/or Storage of Recreational Vehicles, Boats and Personal Watercraft:

The parking and/or storage of recreational vehicles, boats and personal watercraft shall be subject to the following regulations:

- A. Parked or stored recreational vehicles, boats and personal water craft shall not be connected to electricity, water, gas, or sanitary sewer facilities unless electricity or water is required for battery charging or other maintenance requirements. At no time shall this equipment be used for living or housekeeping purposes.
- B. If the recreational vehicles, boats and personal watercraft is parked or stored outside of a garage, it shall be parked or stored in the rear and side yard only no less than ten feet (10') from all property lines.
- C. Notwithstanding the provisions of subsection B above, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period not to exceed forty-eight (48) hours.

Section 1807: Required Trash Areas: All commercial, industrial, and multifamily residential uses shall provide trash and/or garbage collection areas and such areas shall be enclosed and the enclosure at least four feet (4') in height, if such area is not within an enclosed building or structure. Provision for adequate access to and from such areas for collection of trash and/or garbage as determined by the zoning inspector shall be required.

Section 1808: Supplemental Yard and Height Regulations: In addition to all yard regulations specified in the particular district regulations and in other sections of this Ordinance, the provisions of Section 1907 thru 1914 inclusive shall be used for interpretation and clarification.

Section 1809: Setback Requirements for Corner Buildings: On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right of way lines as required for the front yard in the district in which such structures are located except as defined in Section 1907.2.

Section 1810: Special Corner Lot Setback Requirements: When a residential structure is constructed on a corner lot within the "R-5C" district, said structure may have a 50% reduction of the required setback for the non-primary front yard.

Section 1811: Special Side Yard Setback Requirements: When multiple family structures are constructed so that a common wall lies along a designated property line to allow units to be individually deeded, said side yard setback between the unit or units shall be zero feet (0'). See figure 6.

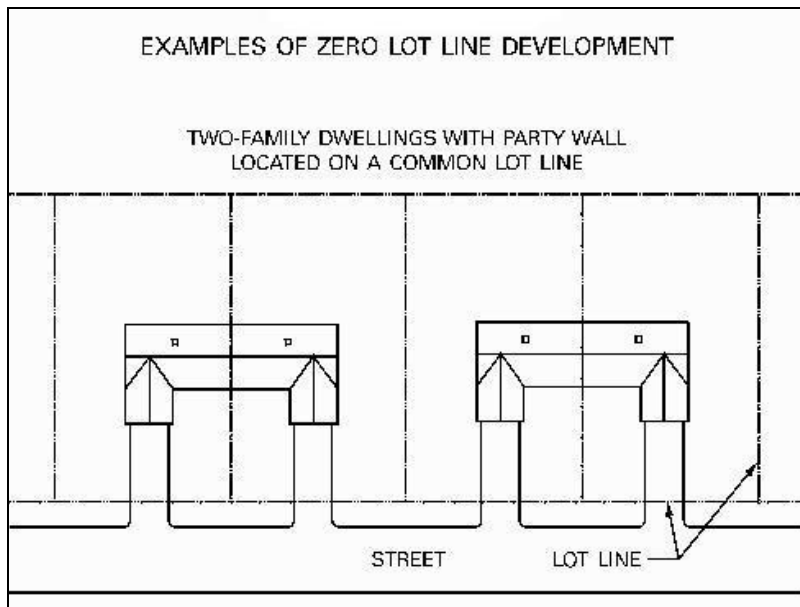


Figure 6: Zero Lot Line Development

Section 1812: Special Setback Provisions Applicable to Business, Office and Industrial Zones: Within the front and side yard setbacks adjacent to public rights-of-way, there shall be no storage or display of any materials, equipment, inventory, merchandise, wares, vending machines or donation collection bins, except for temporary display of merchandise immediately in front of retail establishments in the B1 district during business hours. Outside displays, storage areas, vending machines or donation collection bins shall not occupy public or private sidewalks, drive aisles and landscape or parking areas, unless designated as an outside vending and storage area on a site development plan approved by the planning commission. As used in this section the term “vending machines” includes self-service mechanical dispensers such as soft drink machines, candy machines, cigarette machines, or anything else of value (including mechanical amusement rides) and freestanding containers or racks from which customers pick-up merchandise to be purchased inside the buildings, but excludes motor fuel dispensing pumps.

Section 1813: Visibility at Intersections: On a corner lot in any district, nothing shall be erected placed, planted or allowed to grow in such manner as to impede vision between a height of two and a half (21/2’) and ten feet (10’) above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty feet (50’) from the point of intersection.

Section 1814: Accessory Structures: Accessory buildings and/or uses that are not a part of the principal structure shall:

- 1) Be in the rear yard only.
- 2) Be set-back from the rear and side yard property lines as follows:

ZONING	SIDE	REAR	ZONING	SIDE	REAR

DIST.	YAR D	YAR D	DIST.	YARD	YARD
R-1	10	5	R-5M	5	5
R-2	10	5	B-1	5	5
R-3	10	5	B-2	5	5
R-4	5	5	O	5	5
R-5	5	5	I	5	5
R-5C	5	5			

- 3) Not exceed two (2).
- 4) Shall not occupy more than one third (1/3) of the rear yard
- 5) For computing the percentage of occupancy of a rear yard, as required in subsection (4) hereof, an accessory building connected to the principal building by a breezeway, shall have the ground area of such breezeway considered as part of the accessory building and shall be included in the computation.
- 6) Not exceed eighteen feet (18') in height and shall not exceed the height of the primary structure.
- 7) Not be used as a dwelling unit

Section 1815: Satellite Dishes: Satellite dishes may be installed on a property as required in section 1809. Satellite dishes may be installed on a roof provided that the following requirements are adhered to:

1. A site analysis, prepared by a satellite dish installation company, be submitted indicating that a rear yard location would result in less than one hundred percent (100%) reception.
2. A roof mounted satellite dish shall:
 - a) If located on a building having a "hip", "mansard", "gable", or "gambrel" roof be situated on the rear slope of the roof, and not exceed five feet (5') in height above the roof's crest;
 - b) If located on a building having a "flat" roof, not exceed four feet (4') in height above the roof,
 - c) Not overhang the roof upon which it is situated into any yard except the rear yard.

Section 1816: Yard Requirements for Multifamily Dwellings: Multifamily dwellings shall be considered as one (1) building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1817: Fencing: The construction of fences shall be permitted with the following conditions and requirements:

1. Fences constructed in the front yard shall be a minimum of forty percent (40%) open, not exceed four feet (4') in height and maintained in good condition.

2. Fences constructed in the rear or side yard shall be a maximum of six feet (6') in height and maintained in good condition and where private swimming pools are present shall comply with the regulations in Section 1802, (4), (5) and (6).

3. Fences shall not be constructed within the public right of way.

Section 1818: Architectural Projections: Architectural features such as canopies, cornices, eaves and other similar features may not project more than four feet (4') into a required set back. Bay windows, balconies or chimneys may project into a front; side or rear yard not more than three feet (3').

Section 1819: Exceptions to Height Regulations: The height limitations contained within these regulations do not apply to spires, belfries, cupolas, residential use antennas, water tanks, ventilators, chimneys, or other appurtenances usually placed above the roof level and not intended for human occupancy.

Section 1820: Special Provisions for Commercial and Industrial Uses: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that a use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions are established by the performance requirements in Sections 1821-1828 inclusive.

Section 1821: Fire Hazards: Any activity involving the use or, storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such devices as are normally used in the handling of such material. Such hazards shall be kept removed from adjacent activities to a safe distance, compatible with the potential danger involved as determined by the fire chief.

Section 1822: Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point, or electrical disturbance affecting the operation of any equipment at any point other than that of the creator of such disturbance.

Section 1823: Noise: no activity shall result in noise, which exceeds a decibel level of sixty-five (65db) when measured at the property line.

Section 1824: Vibration: No activity shall result in vibrations discernible without instruments on any adjoining lot or property.

Section 1825: Air Pollution: No activity shall result in air pollution.

Section 1826: Glare: No activity shall result in direct or reflected glare, which is visible from any property outside of the district or from any street.

Section 1827: Erosion: No activity shall result in erosion, by either wind or water, which will carry substances to neighboring properties. (See Ordinance #2007-23 WMSC)

Section 1828: Water Pollution: No activity shall result in water pollution.

Section 1829: Enforcement Provisions: The zoning inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing or in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Section 1830: Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., the Manufacturing Chemists Association, Inc., the United States Bureau of Mines, the Ohio Environmental Protection Agency or other nationally recognized authority or agency.

Section 1831: Unsightly or Unsanitary storage: No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open within any zones when the same may be construed to be a menace to public health and safety by the appropriate health department or to have a depressing influence upon property values in the neighborhood in the opinion of the zoning inspector.

Section 1832: Portable Storage Unit: One portable storage unit shall be permitted in any zoning district provided that the unit is not located within the public right of way and will not be on site for more than seven (7) days.

Section 1833: Lot Frontage and area: All lots shall front on a public street. The area of each lot shall be as required in the district in which the lot may be located, except, that whenever sanitary sewer facilities are not available, lots shall have not less than 75 feet of width at the building line and 20,000 square feet in area regardless of the district in which it is located.

Section 1834: Panhandle Lots: In determining the setbacks for panhandle or flag type lots the measurements shall not include the panhandle portion of the lot. See figure 7.

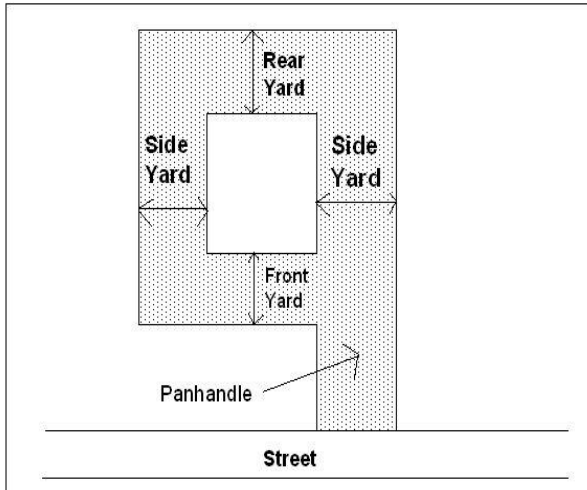


Figure 7: Panhandle Lots

Section 1835: Filling stations, Parking Lots, Garages: Entrances and exits to gasoline filling stations, public garages and parking lots shall not be located closer than one-hundred feet (100') to any school, public playground, church, hospital, public library, or institution for children. On corner lots, entrances and exits shall not be closer to the corner than fifty feet (50'). Curb openings shall not exceed forty feet (40') at the curb line.

Section 1836: Special Garage Requirements MUOD District: Residential structures built in full compliance with the zoning and floodplain requirements within the MUOD districts shall be built with a minimum of a one (1) car garage per unit.

ARTICLE 19 - OFF-STREET PARKING AND LOADING FACILITIES

Section 1900: General Requirements: No building or structure shall be erected, substantially altered, or its use changed unless permanent off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance.

Section 1901: The Village of New Richmond Landmark District is exempt from these parking regulations.

Section 1902: Parking Space Dimensions: A parking space shall have a minimum rectangular dimensions of not less than nine (9) feet in width and nineteen feet (19') in length for ninety (90) degree parking, nine feet (9') in width and twenty three feet (23') in length for parallel parking, ten feet (10') in width and nineteen feet (19') in length for sixty degree parking, and, twelve feet (12') in width and nineteen feet (19') in length for forty-five (45) degree parking. These dimensions shall be exclusive of driveways, aisles, and circulation areas. The number of required off-street parking space is established through Section 1914 of this Ordinance.

Section 1903: Loading Space Requirements and Dimensions: A loading space shall have minimum dimensions of not less than twelve feet (12') in width, fifty feet (50') in length, exclusive of driveways, aisles, and other circulation areas, and a height clearance of not less than fifteen feet (15'). An off-street loading space shall be provided and maintained on the same lot for any separate occupancy requiring delivery of goods and having a gross floor area of up to five thousand (5,000) square feet. One additional loading space shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof.

Section 1904: Paving: All parking areas shall be required to have a paved surface consisting of either concrete, asphalt or tar and chip surface materials.

Section 1905: Drainage: All parking and loading spaces shall be provided with proper drainage of surface water to prevent ponding and/or the drainage of such surface water onto adjacent properties and/or walkways.

Section 1906: Maintenance: The owner of a property used for parking and/or loading shall maintain such area in good condition without holes and free of all, trash, and debris.

Section 1907: Lighting: Every parking area intended for use during non-daylight hours shall be illuminated. Lights used to illuminate a parking lot shall be arranged to reflect the light away from adjoining properties. All exterior light fixtures shall be of a type and design approved under the International Dark-Sky Association (IDA) certification program and marked with their "Fixture Seal of Approval".

Section 1908: Location of Parking Spaces: The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use, which they are intended to serve:

2. Parking spaces for commercial, industrial or institutional uses shall not be located more than three hundred feet (300') from the principal use.

3. Parking spaces for apartments, dormitories, or similar residential uses shall not be located more than one hundred fifty feet (150') from the principal use.

Section 1909: Screening and/or Landscaping: Whenever a parking area is located on or adjacent to a residential district it shall be screened on all sides which adjoin or face residential property. Such screening shall consist of a solid masonry wall or solid fence not less than four feet (4') in height and not more than six feet (6') in height, or a tight screen of hardy evergreen shrubbery or natural or existing screening not less than four feet (4') in height may be used. All screening and plantings shall be maintained in good condition. The space between such fence, wall or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

Section 1910: Disabled Vehicles: The parking of a disabled vehicle within any district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. This requirement does not apply to currently licensed antique or collector vehicles.

Section 1911: Joint Use: Two or more nonresidential uses may jointly provide and use parking spaces, when the two uses in combination have the total spaces required for both uses by the zoning administrator.

Section 1912: Wheel Blocks: Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line, into the right of way or a sidewalk.

Section 1913: Access: Every parking area shall be designed so that vehicles leaving or entering the parking area from or into a public or private street shall be traveling forward. Access driveways for parking or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible in accordance with applicable site distance triangles.

Section 1914: Striping: All parking areas shall have each parking space divided by a stripe at least four inches (4") wide delineating the sides of the space.

Section 1915: Parking Space Requirements: Each applicant is required to provide a plan depicting an adequate number of parking spaces for the proposed use or expansion of uses.

1. As part of the parking plan, the applicant shall provide a written analysis of parking requirements based upon the following information:

- A. Building square footage for each specific use to be served by off street parking.
- B. Hours of operation
- C. Estimated number of patrons/customers at peak hours of operation

- D. Maximum number of employees at any time
- E. Availability of joint parking areas
- F. Building occupancy loads
- G. Any additional information as requested by the zoning administrator.

Section 1916: The zoning administrator has the authority to reject a plan if he deems that an inadequate amount of parking has been provided based upon § 1915, 1, A-G. The zoning administrator shall provide the reasons for the rejection to the applicant in writing.

Section 1917: The applicant may appeal the decision of the zoning administrator to the Board of Zoning Appeals the appeal must be filed within twenty (20) days of the rejection by the zoning administrator. An appeal would be heard in accordance with Article 5 of this ordinance.

Section 1918: Handicapped Parking Spaces: The number and dimension of parking spaces serving handicapped persons shall conform to the requirements of the Ohio Basic Building Code.

Section 1919: Tractor-trailer and construction equipment parking and/or their outdoor storage, except for temporary parking for the delivery of goods and/or services or as required for the operation of a conforming business within a “B-2” zoning district, shall only be permitted in an industrial zone.

ARTICLE 20– SIGNS

Section 2000: Intent: The purpose of this article is to regulate signs.

Section 2001: Governmental Signs Excluded: For the purpose of this Ordinance "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

Section 2002: General Requirements for all Signs and Districts: The following regulations shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public thoroughfare, highway, sidewalk, adjacent premises or to create a message or project an image. All external lighting devices must be directed downward. No illumination shall cause glare or reflection that may constitute a traffic hazard or nuisance.

2. No sign shall employ any parts or elements, which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time or temperature.

3. All wiring, fittings, and material used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.

4. No wall sign shall be erected or maintained which projects from the facade of a building more than nine inches (9"). The lowest edge of any wall sign shall be at least ten feet (10') above a sidewalk or other walkway. Support items for the sign shall not interfere with the flow of pedestrian traffic.

5. No sign projecting at any angle from the facade of a building shall be erected or maintained which projects more than the width of the sidewalk or other walkway. The lowest edge of the sign shall be at least 10 feet (10') above the sidewalk or other walkway. Support items for the sign shall not interfere with the flow of pedestrian traffic.

6. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the building facade.

7. No portable or temporary sign shall be placed on the facade of any building.

8. No permanent sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.

9. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.

10. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

11. Electronic Message Center/Electronic Variable Message Center Signs or portions of signs:

- a. EMC/EVM signs or that portion of a sign shall not be lit/on between the hours of 11:00PM and 6:00AM local time
- b. The message shall be static and shall not flash, scroll, blink or fluctuate.
- c. Animation is not permitted.
- d. A message must remain consistent for 10 seconds.
- e. A message shall only dissolve or fade.
- f. From dawn to dusk the illumination can be no greater than 5,000 lumens. At other times the illumination shall be no greater than 500 lumens.
- g. The sign must be equipped with an automatic dimming device.
- h. If the sign malfunctions it must freeze or go blank so it does not create flashing or movement causing a diversion to travelers

12. Prohibited signs: Off premise, billboard and any sign placed on a motor vehicle, truck or trailer and parked or located for the primary purpose of displaying the sign. Any lighter than air or inflatable sign situated on, attached or tethered on the premises.

Section 2003: Measurement of Surface Area: The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. In the case of pole signs or other signs consisting of two equal sides, the surface area shall be computed from one side only. Frames and structural members not being advertising matter shall not be included in computation of surface area.

Section 2004: Setback Determination: In determining the setback distance of all freestanding signs in all districts; the distance required is to be measured from the right-of-way to the closest edge of the sign.

Section 2005: Maintenance of Signs:

1. All signs shall be properly maintained.

- A. Exposed surfaces shall be clean and painted if paint is required
- B. Defective parts shall be replaced.
- C. The zoning inspector shall have the right to order the repair or removal of any sign that is defective, damaged or substantially deteriorated.

2. Should any sign be or become unsafe or be in danger of falling, the owner thereof or other person maintaining same, shall upon receipt of written notice from the zoning inspector, proceed at once to correct the unsafe condition, and/or remove the sign in question.

Section 2006: Abandoned Signs:

1. Any sign that advertised a business or product that has not existed for ninety days (90) shall be deemed abandoned.

2. Such a sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such a sign may be found, within thirty days (30) after written notification to the owner from zoning inspector.

3. Upon failure to comply with such notice within the time frame specified in such order, the village administrator is hereby authorized to cause removal of such sign, and the owner of the property, building or structure on which such sign is erected, or to which such a sign is attached thereto shall pay any expense incidental.

4. All signs shall be in conformance with Section 2003.1 regarding the maintenance of all signs.

Section 2007: Removal of Unlawful signs in the Public Right-of-Way: The village administrator may remove or cause the removal of any unlawful sign in the right-of-way

Section 2008: Non-Conforming Signs: The lawful use of any sign as existing and lawful at the time of enactment of this resolution or amendment thereof may be continued although such sign does not conform with the provisions of this resolution or amendment.

1. Whenever a sign becomes non-conforming through an amendment of this resolution or maps, the use of such sign may be continued as long as it is kept in good repair and maintained in safe condition.

2. It shall be the responsibility of the Village of New Richmond Zoning Department to register and keep records of all non-conforming signs.

3. A non-conforming sign shall immediately lose its non-conforming designation if, the sign is relocated; the sign is replaced; the sign is advertising an establishment which has discontinued its operation for a period of ninety (90) days; the sign is structurally altered or enlarged; or the sign is damaged to an extent of greater than sixty percent (60%) of the estimated replacement value exclusive of its supporting structure hardware.

4. Whenever a sign loses its non-conforming designation through Section 2204 subsection #3 the sign including the base and all support items must be removed.

Section 2009: Signs Permitted in the "R-1", "R-2", "R-3", "R-4", "R-5" & "R-5C" districts:

1. Real Estate Signs: Advertising signs permitted provided that the following requirements are

adhered to: Such sign shall relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right-of-way; not exceed twelve (12) square feet in surface area for any one side be removed as soon as the premises are leased, hired, or sold. Permit not required.

2. Bulletin Board Signs: Notification signs shall be permitted provided that the following requirements are adhered to: Such sign shall relate solely to a public, charitable, or religious institutional use of the premises; not exceed twelve (12) square feet in surface area for any one side, and may not be erected less than ten feet (10') from the established right-of-way.

3. Temporary Construction Signs: A sign incidental to construction shall be permitted provided that the following requirements are adhered to: Such signs shall not be situated in any street right-of-way (in any direction); not exceed fifty (50) square feet, not be illuminated, be removed upon completion of construction work, and not be placed in a manner which disrupts visibility of traffic. Additional signs may be requested or required by the village to direct construction traffic. No permit required.

4. Home Occupation signs.

5. Neighborhood Identification Sign:

- A. A neighborhood identification sign(s) must be located at the entrance to a neighborhood and fronting on a dedicated street.
- B. A maximum of two (2) single-face signs shall be permitted at each neighborhood entrance.
- C. Sign(s) shall have a maximum area of twenty-five (25) square feet.
- D. Sign(s) shall have a maximum height of six feet (6').
- E. Sign(s) shall be mounted onto a brick, stone, or keystone wall, wood, or wrought iron fence, or earthen mound and the entire area shall be landscaped.
- F. Sign(s) may not be located within any designated street right of way.
- G. A zoning permit shall be required before a neighborhood identification sign may be constructed. Plans for all signs including location, fences, walls or earth mounds and landscaping shall be submitted for approval.

Section 2010: Signs in the “B-1” and “B-2” Business and the “I-1” Industrial Districts.

1. Wall Signs: be attached to a facade facing a street frontage; not exceed beyond the boundaries of the facade upon which it is attached, and not project more than eighteen inches (18”) from the wall of the building upon which it is mounted. Not to exceed fifty square feet (50) in surface area. No more than three (3) signs may be displayed on a building frontage. The total combined area of all wall signs displayed shall not exceed the maximum sign area permitted by this Ordinance. In the case of multi tenant units, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage.

2. Ground (Freestanding) Signs: Such signs shall not exceed the number of one (1) per lot not exceed eight feet (8') in height; not be situated less than ten feet (10') from any street right-of-way (in any direction). Not exceed fifty square feet (50) in surface area for any one side.

3. Pole Signs: Such signs shall: be permitted at a premises as an alternative to only one (1) per lot not exceed thirty feet (30') in height; have no sign face less than ten feet (10') from any street right-of-way (in any direction) Not exceed one hundred (100) square feet in surface area for any one side.

4. Real Estate Signs: permitted provided that the following requirements are adhered to. Such sign shall relate solely to the lease, hire, or sale of the building or premises; not be situated in any street right-of-way; not exceed twelve (12) square feet in surface area for any one side; be removed as soon as the premises are leased, hired, or sold..

5. Temporary Construction Signs: A sign incidental to construction shall be permitted provided that the following requirements are adhered to: Such signs shall not be situated in any street right-of-way (in any direction); not exceed fifty (50) square feet, not be illuminated, be removed upon completion of construction work, and not be placed in a manner which disrupts visibility of traffic. Additional signs may be requested or required by the village to direct construction traffic.

6. Direction signs: Directional signs may be mounted on a free standing pole, or other such support, provided that the following requirements are adhered to. Such signs shall: not exceed two (2) for each parcel; not exceed four (4) feet in height; be placed not less than ten feet (10') from any street line, if illuminated, back lit, internally lit, or indirectly lit (the light source of which is not visible from adjacent property or any dedicated street right-of-way); not exceed ten (10) square feet in surface area for any one side.

7. Home occupation signs.

8. Window signs not to exceed fifty percent (50%) of the window surface.

9. Canopy/Awning Signs: which are to be a part of a projecting canopy or awning are permitted provided that the following requirements are adhered to: Said canopy/awning does not extend into a dedicated street. The lowest point of a canopy/awning shall be at least eight feet (8') above a sidewalk or other walkway. All support items for said canopy/awning sign shall not interfere with the normal flow of pedestrian traffic along a sidewalk or other walkway. The gross surface area of an awning, canopy or marquee sign does not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy or marquee to which sign is to be affixed.

10. Temporary Signs: Temporary signs, such as banners, pennants, flags, streamers or other display devices, which are of a temporary nature and which advertise or call attention to grand openings, special sales or other temporary business promotions may be installed only upon approval from the zoning inspector. Such temporary signs may be displayed for no more than thirty (30) days, shall be setback out of the street right-of-way and not cause any hindrance of traffic visibility or violate any standards necessary to accomplish the intent of this article. Temporary signs (such as A-Frame signs) to be placed along a sidewalk in front of a building during hours of operation and removed daily during non-operational hours, shall be permitted provided the following requirements are adhered to; said sign shall not be more than ten (10) square feet per side, not block normal flows of pedestrian traffic, limited to one (1) per business,

and contain no power source, light source or movement of any kind.

11. Marquee Signs: when mounted as a freestanding pole sign, may include a marquee provided that the following requirements are adhered to. Such signs shall: follow the requirements established and described in Section 2002 of this section.

ARTICLE 21 - CELLULAR OR WIRELESS COMMUNICATION SYSTEMS

Section 2100: Purpose: The purpose of this article is to regulate cellular or wireless communication systems.

Section 2101: Definitions

- 1 "Personal Wireless Services" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.
- 2 "Cellular Communication Services" means personal communications accessed by means of cellular equipment and services.
- 3 "Cellular or Wireless Communications Antenna" shall mean any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and commercial satellite dishes, and omni- directional antennas such as whips and other equipment utilized to serve personal communication services.
- 4 "Cellular or Wireless Communications Site" shall mean a tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.
- 5 "Cellular or Wireless Communications Support Structure" shall mean any building or structure, including guy wire anchors, accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.
- 6 "Cellular or Wireless Communications Tower" shall mean any freestanding structure used to support a cellular or wireless communications antenna.
- 7 "Cellular or Wireless Communications Tower, Height of" shall mean the height from the base of the structure, at grade, to its top; including any antenna located thereon. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.
- 8 "Micro antennas" shall mean any cellular or wireless communication antennas that consist solely of the antenna and which do not have any supporting structures other than brackets. Micro antennas shall be equal to or less than five (5) feet in height and with an area of not more than five hundred eighty (580) square inches.
- 9 "Users" shall mean any individual or company that desires to place a communication tower or antenna within the village. Such users may include cellular or wireless Communications Companies and any police, fire, ambulance or other emergency

departments.

Section 2102: Application Procedure

1. Any company or individual intending to apply for the placement or operation of a cellular or wireless communications antenna, tower or site within the village or co-locate such facilities shall first schedule a pre-application conference with the village administrator or his assignee. At this conference, the prospective applicant must present to the village administrator any proposed locations for the equipment or site. This information shall identify the area within which the tower may be located, the maximum height of the proposed tower and identify any possible users that may co-locate at the site.
2. Upon completion of the pre-application conference the application shall be filed with the office of the village administrator. If the application is in compliance with the requirements of this Section and in such form as approved by the village administrator the application shall be forwarded to the planning commission within thirty days (30) for their consideration and approval, modification or rejection. If the application does not conform to the requirements of this Section, the village administrator shall notify the applicant and no further consideration of the application will occur until it is in compliance with the terms of this chapter.
3. Notice to Property Owners by planning commission: Upon receipt of an application the planning commission shall set a date for a public hearing. Written notice of the hearing shall be mailed by the chairman of the planning commission, by first class mail at least ten (10) days before the day of the public hearing to all owners of property contiguous to, and directly across the street from and within two-hundred feet (200') of the parcel proposed for the erection of a cellular or wireless communication tower. The addresses of such owners as appearing on the applicant's application shall be sufficient for notification. The failure to deliver the notification, as provided in this section, shall not invalidate any review of the application. The notice shall contain the same information as required of public notices published in newspapers as specified in herein.

Section 2103. The application fee for a cellular or wireless communication system, tower, antenna, or site shall be \$5000.00 for each proposed location and \$2,500.00 for each new user proposing to co-locate.

Section 2104: Standards of Approval: The following standards shall apply to all cellular or wireless communications antennas and towers:

1. The cellular or wireless communications company shall be required to demonstrate that the antenna or tower must be placed where it is proposed to function satisfactorily in the company's grid system. This demonstration shall include a drawing showing the boundaries of the proposed location. This area shall be considered the allowable zone.

2. If a communications company proposes to build a new cellular or wireless communications tower it is required to demonstrate that it has contacted the owners of nearby tall structures within the allowable zone, and asked for permission to install the cellular communications antenna on those structures, and was denied for non-economic reasons. "Tall structures" shall include structures over thirty-five feet (35') in height, antenna support structures, other cellular or wireless communication companies, or other communication towers, capable of supporting the required cellular or wireless equipment.
3. The village may deny the application to construct a new cellular or wireless communications tower if the applicant has not made a good faith effort to mount the antenna on existing structures.

Section 2105. Recommendation by Planning Commission: within sixty days (60) from the receipt of the application, the planning commission shall transmit its recommendation to the village council. The planning commission may recommend that the application be approved, modified or rejected.

Section 2106. Applicants desirous of co-locating their facilities on an existing approved site the application process shall be concluded with the planning commission review and its decision.

Section 2107. Public Hearing by village council: Upon receipt of the recommendation from the planning commission, village council shall schedule a public hearing. Said hearing shall be not more than thirty days (30) from the receipt of the recommendation from the planning commission.

1. Notice of Public Hearing in the Newspaper: Notice of the public hearing required herein shall be given by village council by at least one (1) publication in one (1) or more newspapers of general circulation in the village. Said notice shall be published at least thirty days (30) before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 2108. Action by village council: Within thirty days (30) after the public hearing required herein, the village council shall approve, deny or modify the application for the cellular or wireless communication tower recommendation of the planning commission.

Section 2109. The village may hire any consultant and/or expert necessary to assist the village in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for re-certification.

Section 2110. An applicant shall deposit with the village funds sufficient to reimburse the village for all reasonable costs of consultant and expert evaluation and consultation to the village in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The placement of the \$8,500.00 with the village shall precede the pre-application meeting. The village will maintain a separate

escrow account for all such funds. The village's consultants/experts shall invoice the village for their services in reviewing the application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than \$5,000.00, the Applicant shall immediately, upon notification by the village, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the village before any further action or consideration is taken on the application. In the event that the amount held in escrow by the village is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

Section 2111: Use Regulations: The following use regulations shall apply to cellular or wireless communication antennas and towers:

- 1 A cellular or wireless communications site may be permitted in I-1 Industrial zoning districts subject to the requirements set forth herein.
- 2 Cellular or wireless communications sites in an I-1 zoning district shall not be located any closer to any residential zoning district than as follows:
 - A. Cellular or wireless communication towers less than 100 feet in height shall be located no closer than 100 feet to any residential zoning district.
 - B. For any cellular or wireless communication tower exceeding 100 feet in height, the tower may not be located closer to any residential zoning district than a distance equal to 100 feet plus 1 foot for each foot of height that the tower exceeds 100 feet.
- 3 If a cellular or wireless communications company can demonstrate that there are no suitable sites under industry or engineering standards for its cellular or wireless communications site within the I-1 Industrial zoning districts, the company may apply for a permit to place the tower or antenna in a residential district. To apply for such a permit, the communications company must submit an application, a preliminary site plan, and a rendering of the proposed tower to the village administrator or a designated representative. A permit to place a tower or antenna within a residential district shall only be granted if the proposed site meets each of the following conditions:
 - A. The lot size of the proposed site is no less than three acres; and
 - B. The proposed tower will have a minimum set back of 200 feet from the base of the tower or any guy wire anchors to the property line. However, if one of the property lines of the proposed site abuts a I-1 Industrial district, the minimal setback from the property line which abuts the I-1 Industrial district shall be determined in accordance with Subsection (f)(2) of this Section; and
 - C. The proposed site is on a lot, which is currently used for an institutional

purpose such as a school, church, playfield, park, golf course or other similar use.

- 4 A cellular or wireless communications antenna may be mounted to an existing structure, such as another communications tower (whether for cellular or wireless purposes or not), smoke stack, water tower or other structures in any I -1 industrial zoning district or in a residential district if a permit has been granted as provided in Subsection (3) (c). Cellular or wireless communication antennas may be placed on the top of buildings that are no less than thirty-five feet (35') in height.
- 5 Micro antennas not exceeding five feet (5') in height may be placed on any buildings in a B-2 zoning district or on certain lots in a residential district, which meet the conditions in paragraph 3 above.
- 6 All other uses accessory to the cellular or wireless communications antenna and towers including business offices, maintenance depots, materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

Section 2112: Antenna/Tower/Site Regulations: The following regulations shall apply to cellular or wireless communication antenna, towers and their locations:

1. Antenna/Tower Height

The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily and to accommodate the collocation requirements as set out in Subsection (t), (6). No antenna that is taller than the minimum height shall be approved. Cellular or wireless communication towers shall be exempt from the maximum height requirements contained in Section 802 of this Code. Cellular towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.

2. Setbacks from the Base of the Tower

If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and any property line which abuts a zoning district other than a residential district shall be no closer than the greater of the following:

- A. Forty percent (40%) of the tower height;
- B. The minimum setback in the underlying zoning district; or
- C. Fifty feet (50').

3. Cellular or wireless Communications Tower Safety

All cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufacturers. Furthermore, the applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. However, if FCC Regulations or applicable Building Codes regulates a safety issue, and the operation or construction is in compliance with such regulations, then the requirement for safety shall have been met.

Subsequent to the installation of a cellular or wireless communications tower, if it is determined by the village council, after a public hearing, that the operation of a cellular or wireless communications tower is inherently dangerous or is a demonstrable health hazard, the cellular or wireless shall be declared a nuisance and all operation shall cease. The tower or antenna shall also be removed as provided under Subsection (h) of this Section.

4. Fencing

A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height and shall be erected to prevent access to non-authorized personnel.

5. Landscaping

Landscaping shall be provided to screen as much of the support structure and ground level features as is possible. In addition, existing vegetation on and around the site shall be preserved.

6. Limiting the Number of Cellular or Wireless Communications Towers

In order to reduce the number of antenna support structures needed in the village the proposed cellular or wireless communications tower shall be required to accommodate other uses, including other cellular or wireless communications companies, and communications equipment for the local police, fire, and ambulance departments.

Each tower must be designed to carry as many carriers as structurally feasible for its proposed height. Design standards detailing the structural analysis and capability for carriers, shall be submitted with the application for review by the Planning Commission.

Section 2113: For the purposes of encouraging co-location of cellular or wireless antenna and other uses, cellular or wireless communication towers shall be designed, engineered, and constructed as follows:

1. Towers less than seventy-five feet (75') tall shall be designed, engineered and constructed to support antennas installed by one or more cellular or wireless

communication service providers;

2. Towers more than seventy-five feet (75') in heights but less than one hundred fifty feet (150') shall be designed, engineered and constructed to support antennas installed by two or more wireless communication service providers; and

3. Towers one hundred fifty feet (150') in height or taller shall be designed, engineered and constructed to support antennas installed by three or more cellular or wireless communication service providers.

As used in Paragraphs 1, 2, and 3, above, the term "users" shall include the antennas of police, fire and ambulance departments. In addition, an applicant must demonstrate that the area acquired by lease or otherwise acquired for the use and construction of the cellular tower and accessory structures is sufficient in size to accommodate any additional structures that may be required if additional users are added to the tower.

Section 2114: Licensing

The communications company must demonstrate to the village that the Federal Communications Commission (FCC) licenses it. The owner of the tower must also annually provide the village on January 1 of each year, a list of all users of the tower and provide the village with a copy of each user's license with the FCC.

Section 2115: Required Parking

All parking specifications and requirements shall be consistent with the parking requirements as established in this Ordinance.

Section 2116: Appearance

Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular or wireless communication tower or antenna shall contain any signage.

Section 2117: Site Plan Required

A full site plan shall be required for all proposed cellular or wireless communications sites, except antenna to be placed on existing structures, at a scale of 1 inch to 100 feet (1" = 100'), indicating, as a minimum, the following:

1. The total area of the site.
2. The existing zoning of the property in question and of all adjacent properties.

3. All public and private right-of-way and easement lines located on or adjacent to the property which are to be continued, created, relocated or abandoned.
4. Existing topography with a maximum of five-foot (5') contours intervals.
5. The proposed finished grade shown by contours not exceeding five-foot (5') intervals.
6. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings.
7. The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.
8. All existing and proposed sidewalks and open areas on the site.
9. The location of all proposed fences, screening and walls
10. The location of all existing and proposed streets
11. All existing and proposed utilities including types and grades.
12. The schedule of any phasing of the project.
13. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular communications tower on all adjacent residential zoning districts.
14. Any other information as may be required to determine the conformance with this Ordinance

Section 2118: Maintenance

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any owner of a cellular or wireless communications tower shall notify the village administrator of its intent in writing within thirty (30) days of its cessation of business, its discontinuance of service, or transfer of ownership.

Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more is hereby determined to be a nuisance. A tower declared to be a nuisance must be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been

abandoned, become obsolete, is unused or has ceased the daily activities or operations which had occurred.

Whenever, upon inspection it shall appear that a cellular or wireless communications tower has been abandoned or its use discontinued, the village administrator or a designated representative shall notify, either by personal delivery or by certified mail, the owner of the property on which the tower is located that the tower must be taken down and removed. The village administrator or a designated representative, in addition to any other citations, notices, penalties or remedies provided by law or ordinance, is authorized to proceed in a manner consistent with and pursuant to R.C. §715.26 and 715.261 to maintain the public health, safety and welfare and to recover costs as appropriate.

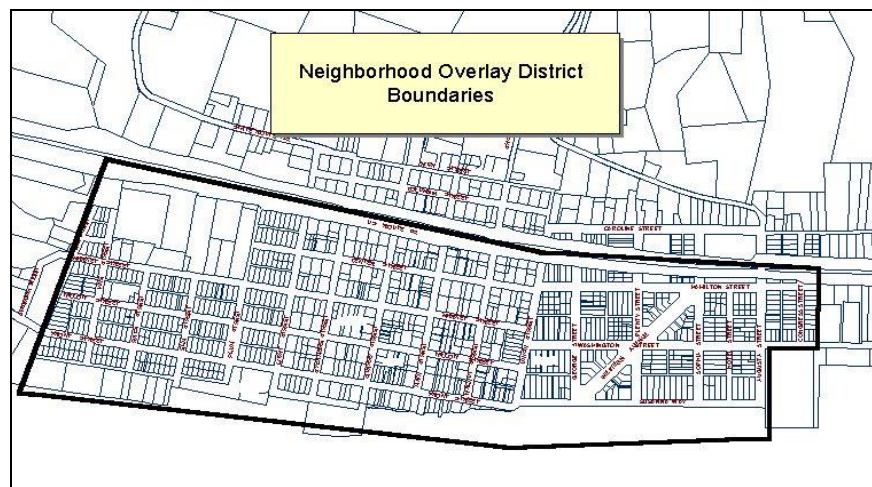
Section 2119: Miscellaneous

- 1 No cellular or wireless communications tower shall be permitted on any lot on which any non-conforming building or structure is located nor on which any non-conforming use or activity is occurring without first obtaining a variance. .
- 2 No cellular or wireless communications tower shall be constructed, replaced, or altered without first obtaining the applicable building permit.

ARTICLE 22 – “NB” NEIGHBORHOOD BUSINESS OVERLAY DISTRICT

Section 2200: PURPOSE: The purpose of the Neighborhood Business Overlay District (NB) is to encourage the clustering of small individual retail and personal service establishments to promote convenience in serving the daily staple needs of the surrounding residential areas.

Section 2201. LOCATION: The Overlay District is comprised as follows: the Neighborhood Business Overlay District is an overlay zoning district representing a significant portion of the core area of the village and the underlying district standards and requirements shall apply in relation to allowable uses within the overlay boundaries. These boundaries are signified and so noted through the village’s Zoning District Map. All other provisions of this Ordinance and the Floodplain Regulations shall remain in effect. The Overlay District shall apply to the existing, primary structures only located on each parcel.



Section 2202: PERMITTED USES:

- 1) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods (including the buying or processing of goods for resale) including:
 - a) Grocery, candy, nut and confectionery stores
 - b) Bakery
 - c) Furniture and appliance repair
 - d) Farm produce stands
 - e) Specialty stores selling or renting goods including but not limited to the following: art supplies, bicycles, books, cards, fabrics, flowers, gifts, hobbies, jewelry, musical instruments, news, optical goods, photographic supplies, records, radios, and television sales and repairs, sewing machines, sporting goods, stationery, works of arts.
 - f) Antiques shops, art galleries, and craft shops
 - g) Coffeehouse, tearoom and ice cream parlor
- 2) Personal services. Personal services generally involving the care of the person or his/her

personal effects.

- 3) Business and professional offices. Business offices carrying on no retail and having no stock of goods for sale to customers and professional offices engaged in providing tangible and intangible services to the public, involving both individuals and their possessions including:
 - a) Insurance agents, brokers and managers
 - b) Real Estate brokers, agents and managers
 - c) Combination real estate, insurance, loan or law offices
 - d) Offices of Physicians and surgeons
 - e) Offices of dentists and dental surgeons
 - f) Offices of Osteopathic Physicians
 - g) Offices of chiropractors
 - h) Legal Services
 - i) Accounting and bookkeeping services
- 4) Children's nurseries and day care centers
- 5) One dwelling unit per business establishment within the same structure

Section 2203: CONVERSION OF RESIDENCE TO NONRESIDENTIAL USE:

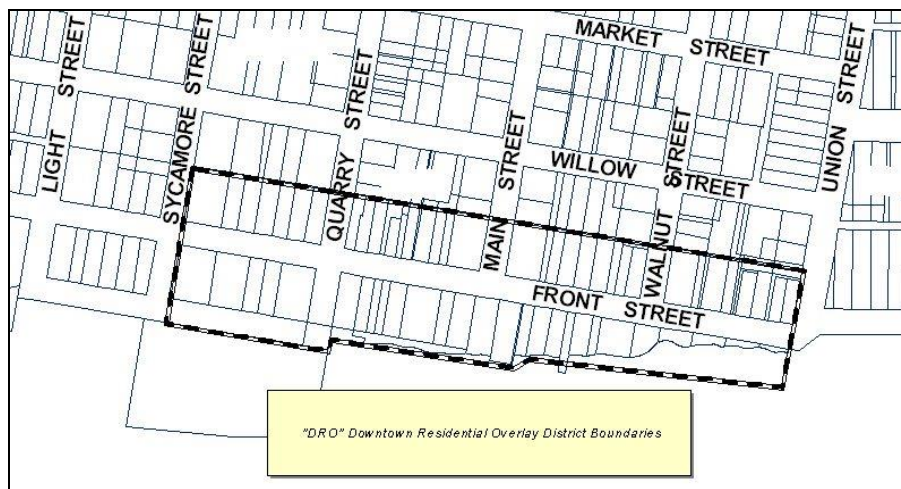
A residence may be converted to accommodate a permitted nonresidential use in a NB District provided that the following provisions are met:

- 1) The yard and exterior of the residence shall retain their residential appearance and shall be kept up in neat and sound condition.
- 2) Only one (1) wall sign shall be permitted on said premises not exceeding four (4) square feet in area, and advertising only the name of the owner, trade name, products sold, or the business or activity conducted on the premises. Said sign shall not be artificially lit, and otherwise meet all provisions of Article 20 of this Ordinance.
- 3) Determination by the Zoning Inspector that such use shall not constitute a nuisance because of sidewalk or street traffic, noise or physical activity; and that such use shall not adversely affect the use and development of adjoining properties.

ARTICLE 23 – “DRO” DOWNTOWN RESIDENTIAL OVERLAY DISTRICT

Section 2300: Purpose and Intent: The purpose of the “DRO” Downtown Residential Overlay District is to promote the development of multiple family construction within the Front Street Business district on vacant parcels while preserving existing structures to be utilized for commercial activities in conformance with the B-1 regulations. It is the further intent of the “DRO” Downtown Residential Overlay District to encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic.

Section 2301: Location: The “DRO” Downtown Residential Overlay district is located along the four (4) -block areas of Front Street bounded by Union Street and Sycamore Street. The “DRO” Downtown Residential Overlay District corresponds with the location of the village’s Main Street Business District. The exact location of the “DRO” Downtown Residential District is shown on the overlay map.



Section 2302: Definitions: For the purposes of this chapter, the following definitions shall apply:

1. Vacant Parcel: A vacant parcel is defined as a parcel within the designated “DRO” Downtown Residential Overlay District, which at the time of adoption of said ordinance does not contain a structure or a parcel that becomes vacant through a natural calamity or accidental cause such as a fire.
2. Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something having a fixed location on the ground. For the purposes of this section the definition of structure does not include mobile/manufactured homes.

Section 2303: Permitted Use: On vacant parcels within the B-1 Residential Overlay District, structures in conformance with the requirements of the “R-5C” multiple family district may be constructed. Such structures shall comply with all regulations including floodplain regulations, landmark ordinance and design standards.

Section 2304: Prohibited Uses and Structures:

Junk/recycling yards, billboards and movable or portable signs are prohibited in the “DRO” Downtown Residential Overlay District. All uses permitted in B-2 and I-1 districts and single-family residences.

Section 2305: Relationship to Underlying Districts and Regulations:

1. The “DRO” Downtown Residential Overlay District shall overlay all underlying districts so that any parcel of land lying in the “DRO” Downtown Residential Overlay District shall also lie in the B-1 zoning district, as classified by this Ordinance.
2. All regulations of the underlying B-1 zoning district shall apply for construction, renovation or modification of any use consistent with those permitted within the B-1 district. No structure or use within the B-1 district shall be converted or modified to any use not permitted within the B-1 district.

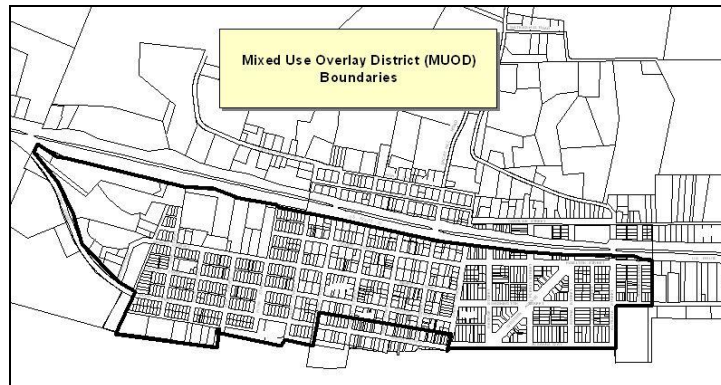
ARTICLE 24 – “MUO” Mixed Use Overlay District

Section 2401: Purpose:

The purpose of the Mixed Use Overlay District (MUO) is to provide a mechanism to accommodate development, reuse and redevelopment in specified locations that may not otherwise be permitted by this Ordinance. The MUO is designed to allow for residential development within the floodplain in a manner consistent with existing structures on parcels not otherwise permitting such construction.

Section 2402: Location of Mixed Use Overlay District:

The location of the Mixed Use Overlay is limited to the boundaries shown below and is generally described as the floodplain portions of the village, bounded by U.S. 52 and the Ohio River. The MUO does not include the Front Street Business District defined as Front Street between Union and Sycamore Streets.



Section 2403: Relation to Base Districts:

The Mixed Use Overlay shall be shown as an overlay to the underlying districts by the designation of MUO (Mixed Use Overlay) on the zoning map. The MUO may overlay several base districts, however, the uses permitted in each base district are maintained, except as otherwise provided herein.

Section 2404: Permitted Uses:

Uses permitted in the underlying “base” zone.
All uses permitted in the “R-5C” district regulation
All uses permitted in the Neighborhood Business Overlay

Section 2405: Conditional Uses Requiring Board Approval:

Conversion of an existing structure within a “B-1” or “B-2” base district to a single or multi family residential unit(s) shall require approval from the New Richmond Board of Zoning Appeals. Said conditional approval is outlined per sections 510-518 of this Ordinance.

Section 2406: Accessory Uses and Structures:

Accessory uses or buildings are permitted as defined within section 1814 of these regulations.

Section 2407: Minimum Lot Area, Width, Coverage and Height:

New single and multi family residential units shall meet all requirements as defined within the “R-5C” district regulations in terms of lot area, width, coverage and height. Nothing provided within these regulations shall allow for the construction of a single or multiple family residential unit on a parcel not meeting the required lot size as defined within the R-5C regulations.

Section 2408: Minimum Setbacks:

New single and multi family construction shall meet all requirements as defined within the “R-5C” district regulations. Said regulations include primary and non-primary yards as defined in Section 290.

ARTICLE 25 – “Conditions on the Issuance of Permits for Sidewalk Café Seating”

*Village Ordinance 2005-37
Amended via Ordinance 2010-44*

Section 2500: All permits for Sidewalk Café’ Seating shall be limited to zoning districts “B-1” Business and “B-2” Business only shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by the Sidewalk Café’ seating, including any design requirements hereafter enacted, from the building frontage to the curb.
2. The permittee shall restrict the Sidewalk Café’ Seating to the approved location and ensure compliance with all village, health and safety laws.
3. When any Sidewalk Café Seating authorized hereunder is found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the village, or any existing or proposed village design plans, such placement shall, upon written demand of the village administrator or his or her designee, be removed or relocated in such a way as to eliminate the conflict; and said removal or relocation shall be at the sole expense of the permittee. Should the permittee fail to comply with said written demand within seven days the village may cause such relocation or placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Ordinance.
4. The village may permanently terminate the use of the sidewalk café at anytime if it is determined that the specific use has become a nuisance or is not in the best interest of the village.
5. A permit for Sidewalk Café’ Seating, or a copy thereof, shall be posted in plain view within the food service establishment for which the permit has been issued.
6. Liability insurance naming the Village of New Richmond as an unrestricted additional insured on the sidewalk café owner’s insurance policy for the licensed sidewalk café site will be required, including insurance to cover liquor liability.
7. Sidewalk Café seating shall not:
 - a. Interfere with access of public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way; or
 - b. Block or obstruct the view of necessary authorized traffic devices.
8. Sidewalk cafés shall stop all service no later than midnight with the area vacated no later than 12:30 AM except for the owner and employees for purposes of cleaning up.
9. Three or more noise complaints filed against the owner of a sidewalk café during a license period and verified by the New Richmond Police Department shall constitute

sufficient grounds to revoke the sidewalk café permit.

10. Sidewalk cafes to be located within the village's Landmark District shall be reviewed by the Landmark District and receive a certificate of appropriateness (COA).
11. The village shall have the right to prohibit the temporary operation of a sidewalk café because of an anticipated or actual problem or conflicts in the use of the business. Some problems may arise from, but are not limited to, festivals and similar events, parades, or repairs to the street, sidewalk or utilities within the public right of way. To the extent possible, the café owner will be given prior written notice of any disruption, which may affect the operation of the sidewalk café.
12. Noise emitted from the sidewalk café and measured at any border of the real property on which the café is located shall not exceed 85 db from 7 a.m. to 9 p.m. and 75 db from 9 p.m. until closing.
13. Any damage to sidewalks incurred as a result of the placement, operation or removal of a sidewalk café shall be the responsibility of the permittee.
14. Sidewalk café shall maintain a minimum clear walking space along the public sidewalk of five (5) feet.
15. Permits for sidewalks cafes are valid for one year. During any non-operational period exceeding thirty days the sidewalk must be clear of all barriers (if applicable) and holes the sidewalk secured to assure safety for pedestrian traffic.

Section 2501: Businesses operating with Liquor Licenses and serving liquor: In addition to the regulations listed above must enforce the following:

1. The permittee shall restrict the Sidewalk Café seating to the approved location and ensure compliance with all village, health, safety and public consumption of alcohol laws.
2. Sidewalk café shall be well defined, properly secured and delineated by some type of physical structure approved by the Ohio Department of Commerce Division of Liquor Control

ADOPTED: September 27, 2005

AMENDED: Via Ordinance 2010-44

ARTICLE 26 – WIND ENERGY CONVERSION SYSTEMS (WECS)

Section 2600: Definitions:

Commercial WECS: A WECS designed or operated to provide energy principally to consumers located off the premises or dedicated to a PUD and does not meet the requirements established for a residential WECS.

Residential WECS -- A WECS designed or operated to provide energy principally to the residence and accessory structures located on the lot, or on contiguous lots held in common ownership, which must be combined by either executing a covenant with the Village of New Richmond or by means of a subdivision plan approved by the New Richmond Planning Commission. A WECS designed or operated to provide more than 50% of its rated energy production for off-site consumption shall not be considered residential except in cases where such power is consumed by residences of adjacent property or within 1,000 feet, whichever is greater.

Wind Energy Conversion Systems (WECS) -- Mechanisms, including all appurtenances thereto, designed or operated for the purpose of converting wind energy to electrical or mechanical power.

Windmill -- A mill operated by the wind's rotation of large, oblique sails or vanes radiating from a shaft, used as a source of power.

Section 2601: Residential Wind energy conversion systems (WECS).

1. Permitted in the following districts: R-1, R-2, R-3, R-4, R-5 & R-5C, after application and approval by village council.
2. Maximum number of towers per lot or on contiguous lots held in common ownership: one.
3. Maximum size. Maximum size is restricted to units whose sweep area is 750 square feet or less. (Approximately 30-31 feet in diameter or less for conventional propeller WECS.)
4. Maximum tower height: Maximum tower height: 60 feet measured from the mean grade surrounding the support pad(s) to the wind generator unit as measured along the vertical axis of the tower, except that tower height may exceed 60 feet by special permit. Measurement is to the centerline of conventional propeller generators or to the base of the rotary vane for vertical turbine type generators. Total overall height is not to exceed 80 feet.
5. Minimum tower setback distance from nearest property line: a distance measured from the mean grade surrounding the support pad(s) to the tip of a blade in vertical position measured along the vertical axis of the tower plus five feet (5').

6. Minimum distance from guy wire to property line: 15 feet.
7. Blade color: white or light gray.
8. Tower access. The tower shall be made inaccessible to unauthorized personnel.
9. Ground Clearance. The minimum distance between the ground and any part of the rotor blade system shall be 15 feet
10. Braking System. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation at wind speeds greater than 40 miles per hour.
11. Power Lines. All power transmission lines from the tower to any building or other structure shall be located underground.
12. Antennas. No television, radio or other communication antennas may be affixed or otherwise made part of such wind energy conversion system.
13. Lighting. Lighting of the WECS tower for aircraft and helicopter will conform to FAA standards for style, wattage and color

Section 2602: Commercial WECS.

1. Permitted in the following districts by special permit with major site plan review: B-1, B-2 and I-1 and dedicated to a PUD.
2. Maximum number of towers per lot: limited by special permit.
3. Maximum size. Maximum size is restricted to units whose sweep area is 750 square feet or less. (Approximately 30-31 feet in diameter or less for conventional propeller WECS.)
4. Maximum tower height: Maximum tower height: 60 feet measured from the mean grade surrounding the support pad(s) to the wind generator unit as measured along the vertical axis of the tower, except that tower height may exceed 60 feet by special permit. Measurement is to the centerline of conventional propeller generators or to the base of the rotary vane for vertical turbine type generators. Total overall height is not to exceed 80 feet.
5. Minimum tower setback distance from nearest property line: a distance measured from the mean grade surrounding the support pad(s) to the tip of the blade in a vertical position measured along the vertical axis of the tower plus five (5) feet.
6. Minimum distance from guy wire to property line: 15 feet.

7. Blade color: white or light gray.
8. Tower access. The tower shall be made inaccessible to unauthorized personnel.
9. Public interest and public benefit: The granting of a special permit for a commercial WECS shall be conditional upon a finding by the special permit granting authority (planning commission) that the proposal is in the public interest and provides substantial benefit to the community, the burden of proof which shall rest with the applicant.
 - A. Location. Before it may approve the installation of a commercial WECS, the planning commission, as the special permit granting authority, shall make a finding of fact that the location of the facilities does not substantially adversely affect the surrounding area.
10. Ground Clearance. The minimum distance between the ground and any part of the rotor blade system shall be 15 feet
11. Braking System. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation at wind speeds greater than 40 miles per hour.
12. Power Lines. All power transmission lines from the tower to any building or other structure shall be located underground.
13. Antennas. No television, radio or other communication antennas may be affixed or otherwise made part of such wind energy conversion system.
14. Lighting. Lighting of the WECS tower for aircraft and helicopter will conform to FAA standards for style, wattage and color

Section 2603: Special permit granting authority. The planning commission shall be the special permit granting authority for those installations where a special permit is required.

Section 2604: Submission requirements. The application for a permit for WECS shall be accompanied by the following documents:

1. A plot plan prepared and stamped by a registered land surveyor indicating the location of the proposed WECS, existing and proposed structures, aboveground utility lines and any other significant features or appurtenances.
2. Structural drawings prepared and stamped by a registered professional engineer of the wing tower, including pad design and guy wire design, if applicable.
3. Drawings and specifications prepared and stamped by a registered professional engineer of the generator, hub and blades, electrical support facilities, including transformers, cables and control devices.

4. Drawings indicating method of making tower inaccessible to unauthorized personnel.
5. A notarized certificate or statement that the proposed WECS will not interfere with aircraft or helicopter traffic. If there is a possibility of interference as per plot plan and height then the proper provisions per FAA regulations must be presented.

Section 2605: Abandonment. The zoning inspector may cause the owner to remove WECS, including all appurtenances thereto, if the facility fails to generate power for one year or more.

Section 2606: Noise control: Prior to the issuance of a zoning permit, the WECS manufacturer shall provide sufficient data and documentation to establish that the WECS will not produce noise levels in excess of those stipulated in the following table:

<u>Ambient Reading Without WECS/Windmill (decibels)</u>	<u>Maximum Permitted Reading with WECS/Windmill Operating</u>
45	55.4
50	56.2
55	61
60	61.2
65	65.4

1. Decibel level readings shall be measured at the closest property line to the WECS.
2. After the WECS has been approved and installed, sound measurement shall be performed to determine ambient and operating decibel levels. The sound level shall be measured on a sound level meter using the A-weighting network.
3. When a complaint is received from an abutter, an agent selected by the planning commission will perform ambient and maximum decibel measurements and submit the findings to the planning commission for review and evaluation. The planning commission will establish the fees for any testing. The complainant shall pay all fees unless permissible decibel readings have been exceeded, in which case the WECS owner shall pay all fees.
4. If maximum readings are exceeded, the installation shall be considered a public nuisance. The violation shall be corrected within 90 days from the date of notification, and if the noise violation cannot be remedied, the WECS shall be removed or relocated.

Section 2607: Electromagnetic interference.

1. Prior to the issuance of a zoning permit, the manufacturer shall provide sufficient data and documentation to establish that the installation will not cause electromagnetic interference to any abutter.
2. The WECS installation shall comply with Federal Communications Commission

Regulations.

3. When a complaint is received from an abutter, an agent selected by the planning commission will perform an investigation and submit the findings to the planning commission for review and evaluation. The planning commission will establish the fees for any testing. The complainant shall pay all fees unless the planning commission determines that electromagnetic interference to any abutter exists, in which case the WECS owner shall pay all fees.

4. If electromagnetic interference is caused by the installation of a WECS, the installation shall be deemed a public nuisance. The violation shall be corrected within 90 days from the date of notification. If the electromagnetic interference cannot be remedied, the WECS shall be removed or relocated.

Section 2608: Maintenance. Every two years the owner shall submit a structural report to the zoning inspector attesting to the structural integrity of the wind generator, tower and/or support system.

ARTICLE 27 – SOLAR ENERGY SYSTEMS (SES)

Section 2700: Purpose: It is the purpose of this section to regulate "Solar Energy Systems" (SES) to: Accommodate the need for SES and facilities while regulating their location and impact upon neighboring properties in the village and seek to protect the rights of those abutting properties; minimize adverse visual and other effects of SES and support structures through proper location and design.

Section 2701: Definition: Solar Energy Systems (SES) -- Mechanisms, including photovoltaic panels, roofing materials or film and all appurtenances thereto, designed or operated for the purpose of converting solar energy to electrical or mechanical power.

Section 2702: Solar energy equipment is permitted in accordance with the following requirements:

1. Solar panels, roofing materials or solar film is allowed on the roof of any principal or accessory permitted structures.
2. Rooftop SES shall be installed on the plane of the roof (flush mounted) and shall not extend above the ridgeline of the roof. In no case shall the solar panels extend greater than eighteen inches from the roof surface.
3. For rooftop SES, all exposed conduits, plumbing lines and related hardware and equipment shall be painted to closely match the roofing materials.
4. Ground mounted or wall mounted SES panels no greater than fifty-five square feet (55 sq. ft.) in area are permitted in any residential zoning district.
5. Ground mounted and wall mounted SES are permitted in B-1, B-2 and I-1 zoning districts. They must be located at least 200 feet from any residential use or zoning district.
6. A ground mounted SES shall be subordinate in size to the principal structure it serves shall not exceed eight feet (8') in height and is subject to the setbacks as defined for the district in which it is permitted.
7. Ground mounted SES may not be located in or extend into the front yard.
8. To the extent an SES cannot be practically or easily screened, the design of any SES shall, to the extent reasonably possible, use materials, colors and textures that will blend the SES into the natural setting and existing environment.
9. SES shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the SES. In no case shall any identification be visible from a property line.
10. SES shall be placed so that concentrated solar radiation or glare is not directed on to other

properties or roadways. The owner and/or occupant of the property on which the SES are located shall be responsible for correcting any violation of this subsection.

11. Solar panels used exclusively for traffic control signals or devices are exempted from this section except subsection 10 above, which shall apply.

ARTICLE 28 NATURAL PRESERVATION DISTRICT

Section 2800: PURPOSE: The purpose of the Natural Preservation District (NPD) is to protect natural or semi-natural environments, reduce flood damage, improve water and air quality, discourage development and allow for the reforestation and return of native plants in select areas of the village.

Section 2801: LOCATION. The NPD shall generally include those mitigated property areas of the village, publicly held riparian parcels or any privately held parcels in the riparian, floodway or flood zone areas within the village that are requested for such inclusion by their owners. Privately held properties so designated shall be held as NPD properties in perpetuity.

Section 2802: PERMITTED USES:

- 5) Community Gardens
- 6) Walking trails and non-motorized biking over designated trails
- 7) Primitive camping areas.
- 8) Limited natural surface parking areas to service any of the above uses.

Section 2803: The NPD as applied to mitigated property shall remain in effect until such time as FEMA or other governmental authority having jurisdiction removes the restrictions related to mitigated property development or usage. At such time as mitigated property restrictions might permit some form of development or usage the NPD property shall be rezoned to the classification of the zoning district in which the property is situated.

VILLAGE OF NEW RICHMOND - SCHEDULE OF ZONING DISTRICT REGULATIONS									
		MAXIMUM HEIGHT		FRONT	SIDE	REAR	MIN. WIDTH	MIN. AREA	MIN. SIZE
<u>ZONE</u>	<u>PRINCIPAL USES</u>	<u>FEET</u>	<u>STORIES</u>	<u>YARD</u>	<u>YARD</u>	<u>YARD</u>	<u>OF LOT</u>	<u>OF LOT</u>	<u>OF DWELLING</u>
R-1	Single Family Dwellings, Home Occupation, Churches, Hospitals, Golf Courses, & Public Buildings	45	3	75	20	50	150	3 acres	1200 Square Feet
R-2	Same as R-1	45	3	50	10	40	100	1/2 acre	1200 Square Feet
R-3	Same as R-1	45	3	25	10	40	75	10,000 sq. ft.	1100 Square Feet
R-4	Same as R-1	45	3	20	5	20	40	4800 Sq. Ft.	1000 Square Feet
R-5	Multiple Family Dwellings & Uses permitted in R-1	45	3	20	5	20	40	SF 4800 sq. ft. 2 Units 5000 Sq. Ft. 3 Units 4500 Sq. Ft. 4 Units 4000 Sq. Ft. 5 Units & Greater 3700 Sq. Ft.	Efficiency 500 Sq. Ft. 1 Bedroom 600 Sq. Ft. 2 Bedrooms 800 Sq. Ft. 3 Bedrooms 900 Sq. Ft.
R-5C	Multiple Dwellings & All uses permitted in R-1	45	3	10	5	20	40	Multi- Family: 2400 sq. ft. per unit Single Family 4800 sq. ft.	Efficiency 500 Sq. Ft. 1 Bedroom 600 Sq. Ft. 2 Bedrooms 800 Sq. Ft. 3 Bedrooms 900 Sq. Ft.
B-1	Business Uses: Banks, Retail Stores, Offices, etc.	None	None	20	None	40	None	None	None

B-2	Business Uses: Automotive Sales, Dry Cleaning, Service Stations, Plumbing, Storage Areas, Multiple Dwellings & All uses permitted in B-1	None	None	10	None	25		None	None
I	Light Industrial Uses	None	None	25	None	40	None	None	None
P.U.D.	Planned Unit Development	Precise Development Plans are Required. Contact Community Development Office 513-553-4146					none	none	None
D.R.O.	Downtown Residential Overlay	See Zoning Ordinance For Permitted Uses							
N.B.O.	Neighborhood Business Overlay	See Zoning Ordinance For Permitted Uses							
M.U.O. D.	Mixed Use Overlay District	See Zoning Ordinance For Permitted Uses							
N.P.D.	Natural Preservation District	See Zoning Ordinance For Permitted Uses							